

WSR 22-21-031

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed October 6, 2022, 7:58 p.m., effective November 6, 2022]

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

Purpose: Changes to WAC 204-21-130, 204-21-230, and 204-36-050 are needed to coincide with legislative changes to RCW 46.37.184 that permit rear-facing blue lights on fire department vehicles, which will become effective June 9, 2022. A change is also needed in WAC 204-36-050 to make it consistent with the authority in WAC 204-21-130 and 204-21-230, which permit blue lights on law enforcement vehicles. Additional minor, nonsubstantive changes are necessary to clean up the existing language and eliminate confusion.

Citation of Rules Affected by this Order: Amending WAC 204-21-130, 204-21-230, and 204-36-050.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.320, and 46.37.194.

Adopted under notice filed as WSR 22-17-037 on August 10, 2022.

Changes Other than Editing from Proposed to Adopted Version: A nonsubstantive change was made between the proposed and adopted rule versions:

WAC 204-21-130(3): In the table, "Fire Department Vehicles (RCW 46.37.184)" under "**Lighting Required**" replaced "rear facing blue lamps" to "[1] red lamp."

WAC 204-21-130(3): In the table, "Fire Department Vehicles (RCW 46.37.184)" under "**Other Lighting Allowed**" replaced "flashing red, amber, or white lamp" to "Rear facing blue lamps" and "Flashing amber or white lamps."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 28, 2022.

John R. Batiste
Chief

OTS-3885.2

AMENDATORY SECTION (Amending WSR 08-19-104, filed 9/17/08, effective 10/18/08)

WAC 204-21-130 Emergency lamps. (1) All emergency lamps must meet the criteria established in RCW 46.37.320. In descending order of preference, these are:

(a) Conformance to Federal Motor Vehicle Safety Standards, or ~~((τ))~~; if none ~~((τ))~~

(b) Conformance to current standards and specifications of the Society of Automotive Engineers, or ~~((τ))~~; if none ~~((τ))~~

(c) Certified for compliance by any recognized organization or agency such as, but not limited to, the American National Standards Institute, the Society of Automotive Engineers, or the American Association of Motor Vehicle Administrators.

(2) Headlamp flashing systems may be used for authorized emergency vehicles owned and operated by law enforcement agencies, licensed ambulance companies, and fire departments. Headlamp flashing systems must:

(a) Have a circuit that alternately flashes only the high beams from the headlamps at a rate of ~~((sixty to one hundred twenty))~~ 60 to 120 flashes per minute per side.

(b) Be so designated that any failure to flash the lamps will not result in failure of the headlamp system to operate normally.

(c) Incorporate an override feature which must stop the flashing and provide full illumination from both high beam headlamps when the dimmer switch is in the high-beam mode.

(d) Have an indicator lamp included in the circuit to give a visible and unmistakable indication to the driver that the system is turned on.

(3) The following table outlines the color of emergency lamps to be used for each type of ~~((emergency))~~ vehicle.

Vehicle Type	Lighting Required	Other Lighting Allowed
Authorized Emergency Vehicles (except <u>Law Enforcement and Fire Department Vehicles</u>)	1 red lamp	Flashing amber or white lamps
Law Enforcement Vehicles	1 blue lamp	Flashing red, amber, or white lamps
Fire Department Vehicles (RCW <u>46.37.184</u>)	<u>1 red lamp</u>	<u>Rear facing blue lamp</u> Flashing amber or white lamps
Volunteer Firefighter Vehicles and Firefighter Private Vehicles (RCW <u>46.37.185</u>)		If approved by the chief of their respective service, green lamps may be installed on the vehicle provided that the requirements outlined in subsection (4) of this section are met.

Vehicle Type	Lighting Required	Other Lighting Allowed
Public utilities vehicles, other construction and maintenance vehicles, pilot cars, tow trucks, animal control vehicles, hazardous materials response team vehicles, search and rescue team vehicles, and rural newspaper carrier vehicles, and vehicles towing a load that exceeds legal dimensions.		One or more flashing amber lamps provided that the requirements of subsection (5) of this section are met.

(4) Green (~~(lights)~~) lamps for volunteer firefighter and fire-fighter private vehicles must:

(a) Meet the requirements of SAE J595 except that the color of the lamp must be green as the color described in SAE J578.

(b) Be visible for a distance of (~~(two hundred)~~) 200 feet under normal atmospheric conditions.

(c) Not have a maximum light projected in any one direction exceeding (~~(three hundred)~~) 300 candle power.

(d) Be mounted no less than (~~(twenty-four)~~) 24 inches above the level surface upon which the vehicle stands, or may be placed on the forward portion of the top above the windshield.

(e) Be mounted anywhere from the center of the vehicle to the left side thereof.

(f) Be used only for the purpose of identification and the operator of a vehicle so equipped must not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

(5) Amber lamps must:

(a) Be mounted and be of sufficient intensity so as to be clearly visible to approaching traffic for at least (~~(five hundred)~~) 500 feet in normal sunlight.

(b) Be mounted as outlined in WAC 204-21-020 and as follows:

(i) Must be mounted so that the entire projected area of the lens is visible from all eye heights of drivers of other vehicles at angles within (~~(forty-five)~~) 45 degrees left to (~~(forty-five)~~) 45 degrees right of the front of the vehicle. If the light within these required angles is blocked by the vehicle or any substantial object on it, an additional (~~(warning)~~) amber lamp must be displayed within the obstructed angle.

(ii) May be mounted at any height.

(c) Only be used on the vehicles described in subsection (3) of this section, when such vehicles are actually involved in construction, maintenance, or operations which require that warning be given to ensure the protection of the motoring public or the work crew.

(~~(Warning)~~) Lamps must not be illuminated while traveling to or from the site of operations. For the purposes of tow truck operations, the site of operations must be only that place where vehicles are attached to or detached from the tow truck. Lamps on pilot cars must be illuminated only while the vehicle is actually providing escort service.

Lamps on rural newspaper delivery vehicles must only be illuminated when the vehicle is traveling on the delivery route. Lamps on oversize units may be illuminated when traveling on public roadways. The operator of these vehicles (~~must~~) are not (~~be~~) entitled to any (~~of the~~) other privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

(6) Three hundred sixty degree (~~emergency~~) warning lamps must meet SAE Standard J845.

(7) Nothing in this section relieves the operator of any vehicle from displaying any other light or warning device required by statute or regulation.

[Statutory Authority: RCW 46.37.005 and 46.37.320. WSR 08-19-104, § 204-21-130, filed 9/17/08, effective 10/18/08.]

AMENDATORY SECTION (Amending WSR 15-16-124, filed 8/5/15, effective 9/5/15)

WAC 204-21-230 Lighting equipment prohibited. (1) The addition of a lamp, reflective device or other motor vehicle equipment must not impair the effectiveness of lighting equipment required by 49 C.F.R. Part 571.108, as it exists on February 22, 2022, or chapter 46.37 RCW.

(a) If a vehicle is in motion on a public roadway, the vehicle must not:

(i) Display aftermarket neon lighting devices.

(ii) Combine any type of letter, number, sign, symbol or combination thereof with an eye level brake light meeting the standards of 49 C.F.R. Part 571.108 (FMVSS 108). No function other than red reflex reflectors will be combined in eye level brake lights.

(iii) Have a lighted or electrically/mechanically powered sign or message board enabling change or movement of any displayed message to be displayed or affixed to the vehicle. Except:

(A) Vehicles that are used in conjunction with officially sanctioned or sponsored motor vehicle traffic control or movement may display lighted or electrically powered signs to assist in the efficient control of traffic movement on public roadways. The signs must be designed, worded, and located to limit misinterpretation and confusion by the motoring public.

(B) Electric signs may be unitized to identify taxicabs and the destinations of mass transportation vehicles. These signs must not contain any commercial or personal message and must be designed, worded, and located so that it is clearly differentiated from other required motor vehicle lights.

(b) If a vehicle is not in motion and parked on private property, the vehicle may use aftermarket lighting except as outlined under RCW 46.37.180.

(c) This section is not intended to prohibit a scrolling sign provided that the scrolling sign must:

(i) Be powered by an external source or in a manner which does not cause the required equipment on the vehicle to be out of compliance with 49 C.F.R. Part 571, chapter 46.37 RCW or Title 204 WAC.

(ii) Not be lit.

(iii) Not have continual motion.

(2) Pursuant to Title 49 C.F.R. Part 571.108, the addition of an aftermarket style ornament or other feature such as tinted plastic

glass covers, a grille or slotted covers must not be placed in front of the headlamp lens, or in front of any other lighting devices installed on motor vehicles which impair the effectiveness of lighting equipment required under 49 C.F.R. Part 571.108 (FMVSS 108) or chapter 46.37 RCW. Except:

(a) Clear aftermarket headlamp covers.

(b) Headlamp wipers may be used in front of the lens provided that the headlamp system is designed to conform to all applicable photometric requirements in 49 C.F.R. Part 571.108 (FMVSS 108) with the wiper stopped in any position in front of the lens.

(c) A bike rack may be installed on the front of a municipal transit vehicle (as defined under RCW 46.04.355) provided that even with the bike rack installed, loaded or unloaded with bicycles, the headlight system still conforms with all applicable photometric requirements in 49 C.F.R. Part 571.108 (FMVSS 108).

(3) Red emergency lights are prohibited on any vehicle other than an authorized emergency vehicle, a law enforcement vehicle, an emergency tow truck as defined in WAC 204-21-020(8), school buses, and private carrier buses.

(4) Blue lights are prohibited on any vehicle other than a law enforcement vehicle as defined in WAC 204-21-020 and a fire department vehicle as authorized in RCW 46.37.184.

(5) Flashing white lights are prohibited on any vehicle other than authorized emergency vehicles, law enforcement vehicles, school buses, and emergency tow trucks as defined in WAC 204-21-020.

[Statutory Authority: RCW 46.37.005 and 46.37.320. WSR 15-16-124, § 204-21-230, filed 8/5/15, effective 9/5/15; WSR 08-19-104, § 204-21-230, filed 9/17/08, effective 10/18/08.]

OTS-3886.1

AMENDATORY SECTION (Amending WSR 14-24-116, filed 12/3/14, effective 1/3/15)

WAC 204-36-050 Equipment requirements. (1) Authorized emergency vehicles must be:

(a) Conventional passenger cars, vans, pickups, or similar vehicles;

(b) Conventionally painted; and

(c) Legally equipped in conformance with RCW 46.37.190(1) with at least one lamp capable of displaying a red light visible from at least (~~five hundred~~) 500 feet in normal sunlight and a siren capable of giving an audible signal. Such equipment must not be installed prior to obtaining approval of the application and issuance of a temporary certificate of approval for the vehicle(s) by the patrol. To be considered approved equipment for use under the provisions of this section, all devices must meet the criteria established in RCW 46.37.320. In descending order of preference, these are:

(i) Conformance to current standards and specifications of the Society of Automotive Engineers, or; if none

(ii) Certified for compliance by any recognized organization or agency such as, but not limited to, the American National Standards

Institute, the Society of Automotive Engineers, or the American Association of Motor Vehicle Administrators.

(2) Authorized emergency vehicles must not:

(a) Be equipped with blue lamps except as provided in RCW 46.37.184 and WAC 204-21-230(4).

(b) Display commercial signs, posters, or pictures.

(c) Carry or attach to the outside of the vehicle equipment, not related to the emergency nature of the vehicle.

(d) Display or use any name that includes the word "police" or "law enforcement" or other word which portrays the individual or business as a public law enforcement agency.

(3) Authorized emergency vehicles may, in addition to the required equipment, have:

(a) An amber or white lamp on their vehicle as outlined under WAC 204-21-130;

(b) Signal preemptive device as outlined in RCW 46.37.670;

(c) Flashing or strobing headlamps;

provided that such equipment is listed on the application and approved by each primary jurisdiction and the patrol.

[Statutory Authority: RCW 46.37.194. WSR 14-24-116, § 204-36-050, filed 12/3/14, effective 1/3/15. Statutory Authority: RCW 46.37.194 and 46.37.005. WSR 09-09-091, § 204-36-050, filed 4/16/09, effective 5/17/09. Statutory Authority: RCW 46.37.194. WSR 90-07-034, § 204-36-050, filed 3/15/90, effective 4/15/90; WSR 88-15-052 (Order 88-08-ESR), § 204-36-050, filed 7/18/88; Order 7301, § 204-36-050, filed 2/5/73.]

WSR 22-21-032

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed October 6, 2022, 8:00 p.m., effective November 6, 2022]

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

Purpose: To correct an administrative oversight in WAC 448-16-060(2) regarding the method for determining agreement between duplicate breath samples obtained during an evidential breath test.

WAC 448-16-060, in its current form, provides a method of determining agreement between duplicate breath samples by rounding the mean of the four results to the fourth decimal place. However, the evidential instrument, known as the Draeger Alcotest 9510, truncates to the fourth decimal place. This rule change is necessary to align the WAC language and the method employed by the Draeger Alcotest 9510.

Citation of Rules Affected by this Order: Amending WAC 448-16-060.

Statutory Authority for Adoption: RCW 46.61.506.

Adopted under notice filed as WSR 22-17-156 on August 24, 2022.

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

Number of Sections Adopted at the 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: October 3, 2022.

John R. Batiste
Chief

OTS-3911.1

AMENDATORY SECTION (Amending WSR 10-24-066, filed 11/30/10, effective 12/31/10)

WAC 448-16-060 Determining agreement of duplicate breath samples. Pursuant to RCW 46.61.506 the following method is approved for determining whether two breath samples agree to within plus or minus (~~ten~~) 10 percent of their mean.

(1) The breath test results will be reported, truncated to three decimal places.

(2) For the DataMaster instruments, the mean of the two breath test results will be calculated and rounded to four decimal places. For the Drager instrument, the mean of all four results will be calculated and (~~rounded~~) truncated to four decimal places.

(3) The lower acceptable limit will be determined by multiplying the above mean by 0.9, and truncating to three decimal places.

(4) The upper acceptable limit will be determined by multiplying the mean by 1.1 and truncating to three decimal places.

(5) If the individual results fall within and inclusive of the upper and lower acceptable limits, the two breath samples are valid.

[Statutory Authority: RCW 46.61.506. WSR 10-24-066, § 448-16-060, filed 11/30/10, effective 12/31/10; WSR 04-19-144, § 448-16-060, filed 9/22/04, effective 10/23/04.]

WSR 22-21-037
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 7, 2022, 1:56 p.m., effective November 7, 2022]

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

Purpose: The department is amending WAC 388-310-0350 WorkFirst—Other exemptions from mandatory participation, to clarify the department's ability to determine whether a TANF recipient is able to participate in WorkFirst activities during a declared state of emergency.

Citation of Rules Affected by this Order: Amending WAC 388-310-0350.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.010.

Adopted under notice filed as WSR 22-09-075 on April 19, 2022.

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 the 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: October 7, 2022.

Katherine I. Vasquez
Rules Coordinator

SHS-4917.2

AMENDATORY SECTION (Amending WSR 21-12-004, filed 5/19/21, effective 7/1/21)

WAC 388-310-0350 WorkFirst—Other exemptions from mandatory participation. (1) **When am I exempt from mandatory participation?**

Except as provided in subsection (4) of this section, you are exempt from mandatory participation if you are:

(a) A caretaker relative as defined by WAC 388-454-0010, included in the assistance unit and:

(i) You are (~~fifty-five~~) 55 years of age or older and caring for a child and you are not the child's parent; and

(ii) Your age is verified by any reliable documentation (such as a birth certificate or a driver's license).

(b) An adult with a severe and chronic disability as defined below:

(i) You have been assessed by a DSHS SSI facilitator as likely to be approved for SSI or other benefits and are required to apply for

SSI or another type of federal disability benefit (such as railroad retirement or Social Security disability) in your individual responsibility plan. Your SSI application status may be verified through the SSI facilitator and/or state data exchange; or

(ii) Your disability is a severe and chronic mental, physical, emotional, or cognitive impairment that prevents you from participating in work activities for more than (~~ten~~) 10 hours a week and is expected to last at least (~~twelve~~) 12 months. Your disability and ability to participate must be verified by documentation from the division of developmental disabilities (DDD), division of vocational rehabilitation (DVR), home and community services division (HCS), division of mental health (MHD), behavioral health organization (BHO), and/or regional service area (RSA), or evidence from one of the medical or mental health professionals listed in subsection (2) of this section.

(c) Required in the home to care for a child with special needs when:

(i) The child has a special medical, developmental, mental, or behavioral condition; and

(ii) The child is determined by a public health nurse, school professional, one of the medical or mental health professionals listed in subsection (2) of this section, HCS, MHD, BHO, and/or an RSA to require specialized care or treatment that prevents you from participating in work activities for more than (~~ten~~) 10 hours per week.

(d) Required to be in the home to care for another adult with disabilities when:

(i) The adult with disabilities cannot be left alone for significant periods of time; and

(ii) No adult other than yourself is available and able to provide the care; and

(iii) The adult with the disability is related to you; and

(iv) You are unable to participate in work activities for more than (~~ten~~) 10 hours per week because you are required to be in the home to provide care; and

(v) The disability and your need to care for your disabled adult relative is verified by documentation from DDD, DVR, HCS, MHD, BHO and/or an RSA, or evidence from one of the medical or mental health professionals listed in subsection (2) of this section.

(e) (~~Unable~~) Determined by the department to be unable to participate in WorkFirst activities due to a declared state of emergency.

(2) What types of medical or mental health professionals can provide medical evidence when I have a disability?

We accept medical evidence from the following sources when considering disability:

(a) For a physical impairment:

(i) A physician, which includes:

(A) Medical doctor (M.D.); and

(B) Doctor of osteopathy (D.O.);

(ii) An advanced registered nurse practitioner (ARNP) for physical impairments;

(iii) A physician's assistant (P.A.);

(iv) A doctor of optometry (O.D.) for visual acuity impairments;

or

(v) Doctor of podiatry (D.P.) for foot disorders;

(b) For a mental impairment:

(i) A psychiatrist;

(ii) A psychologist;

- (iii) An ARNP certified in psychiatric nursing;
- (iv) A mental health professional provided the person's training and qualifications at a minimum include a master's degree; or
- (v) A physician who is currently treating you for a mental impairment.

(c) We do not accept medical evidence from the medical professionals listed in subsections (2)(a) and (b), unless they are licensed in Washington state or the state where the examination was performed.

(3) Who reviews and approves an exemption from participation?

(a) If it appears that you may qualify for an exemption or you ask for an exemption, your case manager or social worker will review the information and we may use the case staffing process to determine whether the exemption will be approved. Case staffing is a process to bring together a team of multidisciplinary experts including relevant professionals and the client to identify participant issues, review case history and information, and recommend solutions.

(b) If additional medical or other documentation is needed to determine if you are exempt, your IRP will allow between (~~thirty~~) 30 days and up to (~~ninety~~) 90 if approved to gather the necessary documentation.

(c) Information needed to verify your exemption should meet the standards for verification described in WAC 388-490-0005. If you need help gathering information to verify your exemption, you can ask us for help. If you have been identified as needing NSA services, under chapter 388-472 WAC, your accommodation plan should include information on how we will assist you with getting the verification needed.

(d) After a case staffing, we will send you a notice that tells you whether your exemption was approved, how to request a fair hearing if you disagree with the decision, and any changes to your IRP that were made as a result of the case staffing.

(4) If I am an adult who is exempt due to my severe and chronic disability, can I still be required to participate in the WorkFirst program?

When you are exempt due to your severe and chronic disability, you may be required to do one or both of the following:

(a) Pursue SSI or another type of federal disability benefit; (~~and/or~~)

(b) Participate in available treatment that is recommended by your treating medical or mental health provider or by a chemical dependency professional.

(5) Can I participate in WorkFirst while I am exempt?

(a) You may choose to fully participate in WorkFirst while you are exempt.

(b) Your WorkFirst case manager may refer you to other service providers who may help you improve your skills and move into employment.

(c) If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty.

(6) Does an exemption from participation affect my (~~sixty~~) 60-month time limit for receiving TANF/SFA benefits?

Even if exempt from participation, each month you receive a TANF/SFA grant counts toward your (~~sixty~~) 60-month limit as described in WAC 388-484-0005.

(7) How long will my exemption last?

Unless you are an older caretaker relative, your exemption will be reviewed at least every (~~twelve~~) 12 months to make sure that you

still meet the criteria for an exemption. Your exemption will continue as long as you continue to meet the criteria for an exemption.

(8) **What happens when I am no longer exempt?**

If you are no longer exempt, then:

(a) You will become a mandatory participant under WAC 388-310-0400; and

(b) If you have received ((sixty)) 60 or more months of TANF/SFA, your case will be reviewed for an extension. (See WAC 388-484-0006 for a description of TANF/SFA time limit extensions.)

(9) For time-limited extensions, see WAC 388-484-0006.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.010 and C.F.R. 20 § 416.2095 through § 416.2099. WSR 21-12-004, § 388-310-0350, filed 5/19/21, effective 7/1/21. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.010. WSR 15-24-056, § 388-310-0350, filed 11/24/15, effective 1/1/16. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapters 74.08A and 74.12 RCW. WSR 10-24-013, § 388-310-0350, filed 11/18/10, effective 12/19/10. Statutory Authority: RCW 74.04.050, 74.08.090, and 74.08A.340. WSR 09-16-079, § 388-310-0350, filed 7/31/09, effective 9/1/09; WSR 03-24-057, § 388-310-0350, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. WSR 02-12-068, § 388-310-0350, filed 5/31/02, effective 6/1/02.]

WSR 22-21-042
PERMANENT RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2022-06—Filed October 10, 2022, 1:53 p.m., effective November 10, 2022]

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

Purpose: To amend existing rules in order to establish unique general filing instructions for the submission of provider agreements and health care benefit manager contracts by carriers.

Citation of Rules Affected by this Order: Amending WAC 284-44A-010, 284-44A-040, 284-44A-050, 284-46A-010, 284-46A-040, 284-46A-050, 284-58-025, and 284-58-030.

Statutory Authority for Adoption: RCW 48.02.060, 48.19.035, 48.43.730, 48.43.731, 48.44.050, 48.46.200, and 48.200.900.

Adopted under notice filed as WSR 22-17-133 on August 23, 2022.

A final cost-benefit analysis is available by contacting Shari Maier, P.O. Box 40255, Olympia, WA 98504-0255, phone 360-725-7173, fax 360-586-3109, email Shari.Maier@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.

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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 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: October 10, 2022.

Mike Kreidler
Insurance Commissioner

OTS-4030.1

AMENDATORY SECTION (Amending WSR 16-14-106, filed 7/6/16, effective 8/6/16)

WAC 284-44A-010 Definitions that apply to this chapter. The definitions in this section apply throughout this chapter.

(1) "Complete filing" means a package of information containing forms, supporting information, documents and exhibits submitted to the commissioner electronically using the system for electronic rate and form filing (SERFF).

(2) "Date filed" means the date a complete filing has been received and accepted by the commissioner.

(3) "Filer" means:

(a) A person, organization or other entity that files forms or rates with the commissioner for an HCSC; or

(b) A person employed by the HCSC to file under this chapter.

- (4) "Form" means a:
- (a) "Contract" as defined in WAC 284-43-6020; and includes:
 - (i) Applications;
 - (ii) Certificates of coverage;
 - (iii) Disclosure forms;
 - (iv) Enrollment forms;
 - (v) Policy forms, including riders;
 - (vi) Termination notice forms;
 - (vii) Short form filing summary, as outlined in the SERFF filing instructions; and
 - (viii) All other forms that are part of the contract.
 - (b) "Contract form" as defined in WAC 284-43-6020;
 - (c) Network enrollment forms described in WAC 284-170-280(3);
 - (d) Participating provider agreements as required by RCW ~~((48.44.070))~~ 48.43.730 and WAC ~~284-170-480~~; and
 - (e) Medicare supplement forms required to be filed under chapter 48.66 RCW.
- (5) "Health care benefit manager contract" or "HCBM contract" means a contract that includes the services under RCW 48.200.020(4) and any amendments made to such contracts.
- (6) "Health care service contractor" or "HCSC" means the same as in RCW 48.44.010.
- ~~((6))~~ (7) "NAIC" means the National Association of Insurance Commissioners.
- ~~((7))~~ (8) "Objection letter" means correspondence created in SERFF and sent by the commissioner to the filer that:
- (a) Requests clarification, documentation or other information;
 - (b) Explains errors or omissions in the filing; or
 - (c) Disapproves a form under RCW 48.44.020 or ~~((48.44.070))~~ 48.43.730.
- ~~((8))~~ (9) "Rate" or "rates" means all classification manuals, rate manuals, rating schedules, class rates, and rating rules that must be filed under RCW 48.44.040 or 48.66.035.
- ~~((9))~~ (10) "Rate schedule" means the same as in WAC 284-43-6020.
- ~~((10))~~ (11) "SERFF" means the system for electronic rate and form filing. SERFF is a proprietary NAIC computer-based application that allows insurers and other entities to create and submit rate, rule and form filings electronically to the commissioner.
- ~~((11))~~ (12) "Type of insurance" or "TOI" means a specific type of health care coverage listed in the *Uniform Life, Accident and Health, Annuity and Credit Coding Matrix* published by the NAIC and available at www.naic.org.

[Statutory Authority: RCW 48.02.060. WSR 16-14-106 (Matter No. R 2016-11), § 284-44A-010, filed 7/6/16, effective 8/6/16. Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. WSR 10-01-118 (Matter No. R 2009-04), § 284-44A-010, filed 12/17/09, effective 1/17/10.]

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

WAC 284-44A-040 Filing instructions that are incorporated into this chapter. SERFF is a dynamic application that the NAIC will revise and enhance over time. To be consistent with NAIC filing stand-

ards and provide timely instructions to filers, the commissioner will incorporate documents posted on the SERFF website into this chapter. By reference, the commissioner incorporates these documents into this chapter:

- (1) The *SERFF Industry Manual* available within the SERFF application; and
- (2) State specific rate and form filing instructions posted on the commissioner's website (www.insurance.wa.gov), including the:
 - (a) *Washington State SERFF Life and Disability Form Filing General Instructions*;
 - (b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions*;
 - (c) *Washington State SERFF Health and Disability Form Filing General Instructions*; (~~and~~)
 - (d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions"); and
 - (e) *Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions*.

[Statutory Authority: RCW 48.02.060, 48.18.030, 48.19.035, 48.20.025, 48.20.550, 48.38.075, 48.43.730, 48.43.733, 48.44.050, and 48.46.030. WSR 20-01-048 (Matter No. R 2019-06), § 284-44A-040, filed 12/9/19, effective 1/9/20. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, and 48.110.150. WSR 12-01-103 (Matter No. R 2011-24), § 284-44A-040, filed 12/21/11, effective 1/21/12. Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. WSR 10-01-118 (Matter No. R 2009-04), § 284-44A-040, filed 12/17/09, effective 1/17/10.]

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

- WAC 284-44A-050 General form and rate filing rules.** (1) Each form or rate filing must be submitted to the commissioner electronically using SERFF.
- (a) Every form filed in SERFF must:
 - (i) Be attached to the form schedule; and
 - (ii) Have a unique identifying number and a way to distinguish it from other versions of the same form.
 - (b) Filers must send all written correspondence related to a form or rate filing in SERFF.
 - (2) All filed forms must be legible for both the commissioner's review and retention as a public record. Filers must submit new or revised forms to the commissioner for review in final form displayed in (~~ten-point~~) 10-point or larger type.
 - (3) Filers must submit complete filings that comply with the *SERFF Industry Manual* available within the SERFF application and state specific instructions applicable to the particular filing, as revised from time to time and posted on the commissioner's website (www.insurance.wa.gov) including the:
 - (a) *Washington State SERFF Life and Disability Form Filing General Instructions*;
 - (b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions*;
 - (c) *Washington State SERFF Health and Disability Form Filing General Instructions*; (~~and~~)

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions"); and
 (e) *Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions*.

(4) Filers must submit separate filings for each type of insurance.

[Statutory Authority: RCW 48.02.060, 48.18.030, 48.19.035, 48.20.025, 48.20.550, 48.38.075, 48.43.730, 48.43.733, 48.44.050, and 48.46.030. WSR 20-01-048 (Matter No. R 2019-06), § 284-44A-050, filed 12/9/19, effective 1/9/20. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, and 48.110.150. WSR 12-01-103 (Matter No. R 2011-24), § 284-44A-050, filed 12/21/11, effective 1/21/12. Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. WSR 10-01-118 (Matter No. R 2009-04), § 284-44A-050, filed 12/17/09, effective 1/17/10.]

OTS-4031.1

AMENDATORY SECTION (Amending WSR 16-14-106, filed 7/6/16, effective 8/6/16)

WAC 284-46A-010 Definitions that apply to this chapter. The definitions in this section apply throughout this chapter.

(1) "Complete filing" means a package of information containing forms, supporting information, documents and exhibits submitted to the commissioner electronically using the system for electronic rate and form filing (SERFF).

(2) "Date filed" means the date a complete filing has been received and accepted by the commissioner.

(3) "Filer" means:

(a) A person, organization or other entity that files forms or rates with the commissioner for an HMO; or

(b) A person employed by the HMO to file under this chapter.

(4) "Form" means a:

(a) "Contract" as defined in WAC 284-43-6020; and includes:

(i) Applications;

(ii) Certificates of coverage;

(iii) Disclosure forms;

(iv) Enrollment forms;

(v) Policy forms, including riders;

(vi) Termination notice forms;

(vii) Short form filing summary, as outlined in the SERFF filing instructions; and

(viii) All other forms that are part of the contract.

(b) "Contract form" as defined in WAC 284-43-6020;

(c) Network enrollment forms described in WAC 284-170-280(3);

(d) Prepayment agreements described in RCW 48.46.060;

(e) Participating provider agreements as required by RCW

(~~48.46.243~~) 48.43.730 and WAC 284-170-480; and

(f) Medicare supplement forms required to be filed under chapter 48.66 RCW.

(5) "Health care benefit manager contract" or "HCBM contract" means a contract that includes the services under RCW 48.200.020(4) and any amendments made to such contracts.

(6) "Health maintenance organization" or "HMO" means the same as in RCW 48.46.020.

~~((6))~~ (7) "NAIC" means the National Association of Insurance Commissioners.

~~((7))~~ (8) "Objection letter" means correspondence created in SERFF and sent by the commissioner to the filer that:

- (a) Requests clarification, documentation or other information;
- (b) Explains errors or omissions in the filing; or
- (c) Disapproves a form under RCW 48.46.060 or ~~((48.46.243))~~

48.43.730.

~~((8))~~ (9) "Rate" or "rates" means all classification manuals, rate manuals, rating schedules, class rates, and rating rules that must be filed under RCW 48.46.060 or 48.66.035.

~~((9))~~ (10) "Rate schedule" means the same as in WAC 284-43-6020.

~~((10))~~ (11) "SERFF" means the system for electronic rate and form filing. SERFF is a proprietary NAIC computer-based application that allows insurers and other entities to create and submit rate, rule and form filings electronically to the commissioner.

~~((11))~~ (12) "Type of insurance" or "TOI" means a specific type of health care coverage listed in the *Uniform Life, Accident and Health, Annuity and Credit Coding Matrix* published by the NAIC and available at www.naic.org.

[Statutory Authority: RCW 48.02.060. WSR 16-14-106 (Matter No. R 2016-11), § 284-46A-010, filed 7/6/16, effective 8/6/16. Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. WSR 10-01-118 (Matter No. R 2009-04), § 284-46A-010, filed 12/17/09, effective 1/17/10.]

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

WAC 284-46A-040 Filing instructions that are incorporated into this chapter. SERFF is a dynamic application that the NAIC will revise and enhance over time. To be consistent with NAIC filing standards and provide timely instructions to filers, the commissioner will incorporate documents posted on the SERFF website into this chapter. By reference, the commissioner incorporates these documents into this chapter:

(1) The *SERFF Industry Manual* available within the SERFF application; and

(2) State specific rate and form filing instructions posted on the commissioner's website (www.insurance.wa.gov), including the:

(a) *Washington State SERFF Life and Disability Form Filing General Instructions*;

(b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions*;

(c) *Washington State SERFF Health and Disability Form Filing General Instructions*; ~~((and))~~

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions"); and

(e) Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions.

[Statutory Authority: RCW 48.02.060, 48.18.030, 48.19.035, 48.20.025, 48.20.550, 48.38.075, 48.43.730, 48.43.733, 48.44.050, and 48.46.030. WSR 20-01-048 (Matter No. R 2019-06), § 284-46A-040, filed 12/9/19, effective 1/9/20. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, and 48.110.150. WSR 12-01-103 (Matter No. R 2011-24), § 284-46A-040, filed 12/21/11, effective 1/21/12. Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. WSR 10-01-118 (Matter No. R 2009-04), § 284-46A-040, filed 12/17/09, effective 1/17/10.]

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

WAC 284-46A-050 General form and rate filing rules. (1) Each form or rate filing must be submitted to the commissioner electronically using SERFF.

(a) Every form filed in SERFF must:

(i) Be attached to the form schedule; and

(ii) Have a unique identifying number and a way to distinguish it from other versions of the same form.

(b) Filers must send all written correspondence related to a form or rate filing in SERFF.

(2) All filed forms must be legible for both the commissioner's review and retention as a public record. Filers must submit new or revised forms to the commissioner for review in final form displayed in ten-point or larger type.

(3) Filers must submit complete filings that comply with the *SERFF Industry Manual* available within the SERFF application and state specific instructions applicable to the particular filing as revised from time to time and posted on the commissioner's website (www.insurance.wa.gov), including the:

(a) *Washington State SERFF Life and Disability Form Filing General Instructions*;

(b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions*;

(c) *Washington State SERFF Health and Disability Form Filing General Instructions*; ~~((and))~~

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions"); and

(e) Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions.

(4) Filers must submit separate filings for each type of insurance.

[Statutory Authority: RCW 48.02.060, 48.18.030, 48.19.035, 48.20.025, 48.20.550, 48.38.075, 48.43.730, 48.43.733, 48.44.050, and 48.46.030. WSR 20-01-048 (Matter No. R 2019-06), § 284-46A-050, filed 12/9/19, effective 1/9/20. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, and 48.110.150. WSR 12-01-103 (Matter No. R 2011-24), § 284-46A-050, filed 12/21/11, effective 1/21/12. Statutory Authority: RCW 48.02.060, 48.44.050, and 48.46.200. WSR 10-01-118 (Matter No. R 2009-04), § 284-46A-050, filed 12/17/09, effective 1/17/10.]

OTS-4032.1

AMENDATORY SECTION (Amending WSR 20-01-048, filed 12/9/19, effective 1/9/20)

WAC 284-58-025 Filing instructions that are incorporated into this chapter. SERFF is a dynamic application that the NAIC will revise and enhance over time. To be consistent with NAIC filing standards and provide timely instructions to filers, the commissioner will incorporate documents posted on the SERFF website into this chapter. By reference, the commissioner incorporates these documents into this chapter:

- (1) The *SERFF Industry Manual* available within the SERFF application; and
- (2) State specific rate and form filing instructions posted on the commissioner's website (www.insurance.wa.gov), including the:
 - (a) *Washington State SERFF Life and Disability Form Filing General Instructions*;
 - (b) *Washington State Life, Health and Disability Rate Filing General Instructions*;
 - (c) *Washington State SERFF Health and Disability Form Filing General Instructions*; (~~and~~)
 - (d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions"); and
 - (e) *Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions*.

[Statutory Authority: RCW 48.02.060, 48.18.030, 48.19.035, 48.20.025, 48.20.550, 48.38.075, 48.43.730, 48.43.733, 48.44.050, and 48.46.030. WSR 20-01-048 (Matter No. R 2019-06), § 284-58-025, filed 12/9/19, effective 1/9/20. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, and 48.110.150. WSR 12-01-103 (Matter No. R 2011-24), § 284-58-025, filed 12/21/11, effective 1/21/12. Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-025, filed 10/15/08, effective 2/1/09.]

AMENDATORY SECTION (Amending WSR 21-03-008, filed 1/7/21, effective 2/7/21)

WAC 284-58-030 General form and rate filing rules. (1) Each credit, life or disability insurance form or rate filing must be submitted to the commissioner electronically using SERFF.

- (a) Every form filed in SERFF must be attached to the form schedule.
- (b) Filers must send all written correspondence related to a form or rate filing in SERFF.
- (2) All filed forms must be legible for both the commissioner's review and retention as a public record. Filers must submit new or revised forms to the commissioner for review in final form displayed in ten-point or larger type.
- (3) Filers must submit complete filings that comply with the *SERFF Industry Manual* available within the SERFF application and state specific filing instructions applicable to the particular filing, as

revised from time to time and posted on the commissioner's website (www.insurance.wa.gov), including the:

(a) *Washington State SERFF Life and Disability Form Filing General Instructions;*

(b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions;*

(c) *Washington State SERFF Health and Disability Form Filing General Instructions; ((and))*

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions (also called "plan management instructions"); and*

(e) *Washington State SERFF Carrier Provider Agreement and HCBM Contract Filing General Instructions.*

(4) Filers must submit separate filings for each type of insurance. This section does not apply to:

(a) Credit insurance filings made under RCW 48.34.040; or

(b) Group insurance where different types of insurance are incorporated into a single certificate.

(5) All stand-alone prescription drug plans which exclusively supplement a medicare Part D employer group waiver plan and modification of a contract form or rate must be filed before the contract form is offered for sale to the public and before the rate schedule is used.

[Statutory Authority: RCW 48.02.060, 48.18.030, 48.19.035, 48.20.025, 48.20.550, 48.38.075, 48.43.730, 48.43.733, 48.44.050, and 48.46.030. WSR 21-03-008, § 284-58-030, filed 1/7/21, effective 2/7/21; WSR 20-01-048 (Matter No. R 2019-06), § 284-58-030, filed 12/9/19, effective 1/9/20. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, and 48.110.150. WSR 12-01-103 (Matter No. R 2011-24), § 284-58-030, filed 12/21/11, effective 1/21/12. Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-030, filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.18.100, 48.19.040, 48.19.050, 48.19.070, 48.20.012, 48.21.045(2), 48.29.140, 48.43.055, 48.44.023(2), 48.44.040, 48.44.070, 48.46.030, 48.46.060, 48.46.066(2), 48.46.243, 48.96.025, 48.102.020. WSR 96-11-004 (Matter No. R 96-1), § 284-58-030, filed 5/2/96, effective 6/2/96. Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-030, filed 11/5/82.]

WSR 22-21-043

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed October 11, 2022, 8:30 a.m., effective January 1, 2023]

Effective Date of Rule: January 1, 2023.

Purpose: The agency is amending WAC 182-517-0100 Federal medicare savings programs, to remove resource limits as an eligibility requirement.

Citation of Rules Affected by this Order: Amending WAC 182-517-0100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: ESSB 5693, section 211(79), chapter 297, Laws of 2022.

Adopted under notice filed as WSR 22-17-091 on August 18, 2022.

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 the 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: October 11, 2022.

Wendy Barcus
Rules Coordinator

OTS-3978.2

AMENDATORY SECTION (Amending WSR 19-12-085, filed 6/4/19, effective 7/15/19)

WAC 182-517-0100 Federal medicare savings programs. (1) Available programs. The medicaid agency offers eligible clients the following medicare savings programs (MSPs):

- (a) The qualified medicare beneficiary (QMB) program;
- (b) The specified low-income medicare beneficiary (SLMB) program;
- (c) The qualified individual (QI-1) program; and
- (d) The qualified disabled and working individuals (QDWI) program.

(2) Eligibility requirements.

(a) To be eligible for an MSP, a client must:

- (i) Be entitled to medicare Part A; and
- (ii) Meet the general eligibility requirements under WAC 182-503-0505.

(b) To be eligible for QDWI, a client must be under age (~~sixty-five~~) 65.

(c) Income (~~and resource~~) limits.

(i) Income limits for all MSPs are found at <https://www.hca.wa.gov/health-care-services-and-supports/program-administration/program-standard-income-and-resources>.

(ii) If a client's countable income is less than or equal to ~~((one hundred))~~ 100 percent of the federal poverty level (FPL), the client is income eligible for the QMB program.

(iii) If a client's countable income is over ~~((one hundred))~~ 100 percent of the FPL, but does not exceed ~~((one hundred twenty))~~ 120 percent of the FPL, the client is income eligible for the SLMB program.

(iv) If a client's countable income is over ~~((one hundred twenty))~~ 120 percent of the FPL, but does not exceed ~~((one hundred thirty-five))~~ 135 percent of the FPL, the client is income eligible for the QI-1 program.

(v) If a client's countable income is over ~~((one hundred thirty-five))~~ 135 percent of the FPL, but does not exceed ~~((two hundred))~~ 200 percent of the FPL, the client is income eligible for the QDWI program if the client is employed and meets disability requirements described in WAC 182-512-0050.

~~((vi) Resource limits.~~

~~(A) The resource limit for the QMB, SLMB, and QI-1 programs are found at <https://www.hca.wa.gov/health-care-services-and-supports/program-standard-income-and-resources>.~~

~~(B) The resource limit for the QDWI program is \$4,000 for a single person and \$6,000 for a married couple.)~~

(d) The federal MSPs do not require a resource test.

(3) MSP income eligibility determinations.

(a) The agency has two methods for determining if a client is eligible for an MSP:

(i) The agency first determines if the client is eligible based on SSI-rated methodologies under chapter 182-512 WAC. Under this method, the agency calculates the household's net countable income and compares the result to the one-person standard. However, if the spouse's income is deemed to the client, or if both spouses are applying, the household's net countable income is compared to the two-person standard.

(ii) If the client is not eligible under the methodology described in (a)(i) of this subsection, the agency compares the same countable income, as determined under (a)(i) of this subsection, to the appropriate FPL standard based on family size. The number of individuals that count for family size include:

(A) The client;

(B) The client's spouse who lives with the client;

(C) The client's dependents who live with the client;

(D) The spouse's dependents who live with the spouse, if the spouse lives with the client; and

(E) Any unborn children of the client, or of the spouse if the spouse lives with the client.

(b) Under both eligibility determinations, the agency follows the rules for SSI-related people under chapter 182-512 WAC for determining:

(i) Countable income ~~((and resources))~~;

(ii) Availability of income ~~((and resources))~~;

(iii) Allowable income deductions and exclusions; and

(iv) Deemed income from and allocated income to a nonapplying spouse and dependents.

(c) The agency uses the eligibility determination that provides the client with the highest level of coverage.

(i) If the MSP applicant is eligible for QMB coverage under (a)(i) of this subsection, the agency approves the coverage.

(ii) If the MSP applicant is not eligible for QMB coverage, the agency determines if the applicant is eligible under (a)(ii) of this subsection.

(iii) If neither eligibility determination results in QMB coverage, the agency uses the same process to determine if the client is eligible under any other MSP.

(d) When calculating income under this section:

(i) The agency subtracts client participation from a long-term care client's countable income under WAC 182-513-1380, 182-515-1509, or 182-515-1514.

(ii) The agency counts the annual Social Security cost-of-living increase beginning April 1st each year.

(4) Covered costs.

(a) The QMB program pays:

(i) Medicare Part A and Part B premiums using the start date in WAC 182-504-0025; and

(ii) Medicare coinsurance, copayments, and deductibles for Part A, Part B, and Part C, subject to the limitations in WAC 182-502-0110.

(b) If the client is eligible for both SLMB and another medicaid program:

(i) The SLMB program pays the Part B premiums using the start date in WAC 182-504-0025; and

(ii) The medicaid program pays medicare coinsurance, copayments, and deductibles for Part A, Part B, and Part C subject to the limitations in WAC 182-502-0110.

(c) If the client is only eligible for SLMB, the SLMB program covers medicare Part B premiums using the start date in WAC 182-504-0025.

(d) The QI-1 program pays medicare Part B premiums using the start date in WAC 182-504-0025 until the agency's federal funding allotment is spent. The agency resumes QI-1 benefit payments the beginning of the next calendar year.

(e) The QDWI program covers medicare Part A premiums using the start date in WAC 182-504-0025.

(5) MSP eligibility. Medicaid eligibility may affect MSP eligibility:

(a) QMB and SLMB clients may receive medicaid and still be eligible to receive QMB or SLMB benefits.

(b) QI-1 and QDWI clients who begin receiving medicaid are no longer eligible for QI-1 or QDWI benefits, but may be eligible for the state-funded medicare buy-in program under WAC 182-517-0300.

(6) Right to request administrative hearing. A person who disagrees with agency action under this section may request an administrative hearing under chapter 182-526 WAC.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 19-12-085, § 182-517-0100, filed 6/4/19, effective 7/15/19; WSR 16-13-157, § 182-517-0100, filed 6/22/16, effective 7/23/16. WSR 11-23-091, recodified as § 182-517-0100, filed 11/17/11, effective 11/21/11. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500 and 42 U.S.C. 9902(2). WSR 06-16-026, § 388-478-0085, filed 7/24/06, effective 8/24/06; WSR 05-17-157, § 388-478-0085, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090,

74.09.500, 42 U.S.C. 9902(2). WSR 04-17-076, § 388-478-0085, filed 8/13/04, effective 9/13/04. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.057, 74.09.530, and Section 673(2) (42 U.S.C. 9902(2)). WSR 01-18-056, § 388-478-0085, filed 8/30/01, effective 9/30/01; WSR 00-17-085, § 388-478-0085, filed 8/14/00, effective 9/14/00; WSR 99-19-005, § 388-478-0085, filed 9/3/99, effective 10/4/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-478-0085, filed 7/31/98, effective 9/1/98. Formerly WAC 388-517-1715, 388-517-1730, 388-517-1750 and 388-517-1770.]

WSR 22-21-058
PERMANENT RULES
LIQUOR AND CANNABIS
BOARD

[Filed October 12, 2022, 11:46 a.m., effective November 12, 2022]

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

Purpose: Chapter 314-55 WAC. The Washington state liquor and cannabis board (board) has adopted amendments to modernize existing rule, and establish a new rule section in response to recommendations of the social equity in cannabis task force, and requirements of RCW 69.50.335. The proposed rule amendments also implement 2SHB 1210, chapter 16, Laws of 2022, effective June 9, 2022, that changes the word "marijuana" to "cannabis" throughout Washington state law.

Citation of Rules Affected by this Order: New WAC 314-55-570; and amending WAC 314-55-015, 314-55-020, 314-55-040, 314-55-045, 314-55-050, 314-55-055, 314-55-070, 314-55-079, 314-55-082, 314-55-110, 314-55-120, 314-55-125, and 314-55-137.

Statutory Authority for Adoption: RCW 69.50.335, 69.50.336, 69.50.342.

Other Authority: RCW 69.50.335, 69.50.336; 2SHB 1210, chapter 16, Laws of 2022.

Adopted under notice filed as WSR 22-16-119 on August 3, 2022.

Describe any changes other than editing from proposed to adopted version: WAC 314-55-045(2), removed inadvertent reference to true party of interest violation when reference should have been to violation history.

WAC 314-55-079 (1)(a), changed word "marijuana" to "cannabis" in first line.

WAC 314-55-079(2), changed "www.lcb.wa.gov" to "lcb.wa.gov."

WAC 314-55-079 (2)(b), changed "www.lcb.wa.gov" to "lcb.wa.gov."

WAC 314-55-110 (4)(a), changed word "marijuana" to "cannabis."

WAC 314-55-570 (3)(c)(viii), corrected typographical error in scoring rubric under Eligibility Requirement 1a, regarding length of time in a disproportionately impacted area (DIA). Five years to 10 years in a DIA was changed from 10 points to 20 points; 10+ years was changed from 20 points to 40 points.

Added word "Maximum" between "Total" and "Points" at the end of the scoring rubric.

WAC 314-55-570(6), added further clarification as new subsection (c) about when the board will withdraw a social equity application, and renumbered section.

A final cost-benefit analysis is available by contacting Katherine Hoffman, 1025 Union Avenue S.E., Olympia, WA 98501, phone 360-664-1622, fax 360-664-3208, email rules@lcb.wa.gov, website www.lcb.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 13, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 13, 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 13, Repealed 0.
Date Adopted: October 12, 2022.

David Postman
Chair

OTS-3706.2

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

WAC 314-55-015 General information about ((marijuana)) cannabis licenses. (1) To be issued and maintain a license to produce, process, or sell cannabis at retail, a person or entity applying for a cannabis license must meet ((certain)) all of the qualifications ((under this chapter to receive a marijuana license, which are continuing qualifications required to maintain the license)) described in this chapter.

(2) All applicants, licensees, and employees working in each licensed establishment must be at least ~~((twenty-one))~~ 21 years of age. No one under ~~((twenty-one))~~ 21 years of age ~~((is allowed to))~~ may enter or remain on a ~~((marijuana))~~ cannabis licensed premises except as provided in RCW 69.50.357.

(3) ~~((Minors restricted signs must be posted at all marijuana))~~ Mandatory signs must be conspicuously posted at all cannabis licensed premises consistent with the requirements in WAC 314-55-086.

(4) ~~((A marijuana license applicant may not exercise any of the privileges of a marijuana license until the WSLCB approves the license application.))~~ The privileges of a board issued cannabis license may be used only after the board issues official written approval.

(5) The ~~((WSLCB))~~ board will not approve ~~((any marijuana license for a location where law enforcement access, without notice or cause, is limited. This includes a personal residence.~~

~~((6) The WSLCB will not approve any marijuana license for a location on federal lands.~~

~~((7) The WSLCB will not approve any marijuana license))~~ an application for a cannabis license under any of the following circumstances:

(a) The proposed cannabis location would limit law enforcement access without notice or cause, including a personal residence;

(b) The proposed cannabis business would be located on federal lands;

(c) The proposed cannabis business would be located within the exterior boundaries of the reservation of a federally recognized tribe without the express written consent of the tribe consistent with WAC 314-55-020(4). ~~((If a tribe receives written notice from the WSLCB of a license application or change request under RCW 69.50.331 and the tribe does not respond to the WSLCB within thirty days of the date of that notice, the WSLCB will assume the tribe does not consent to the location of the applicant or licensee and the applicant or licensee must find a different location.~~

~~(8)) (d) The ((WSLCB will not approve any marijuana retailer license for a location)) application for a cannabis retail license is located within another business ((with the exception of the)) unless that other business is a research license ((consistent with)) as described in WAC 314-55-073. More than one license may be located in the same building if each licensee has their own area separated by full walls with their own entrance, or if the same business entity holds a producer license and a processor license at the same location under a single license number. Product may not be commingled.~~

~~((9) Every marijuana licensee)) (6) The board may impose special conditions to an approval for a cannabis license. Special conditions include, but are not limited to, involvement of any former licensee in the operations of the licensed business, their former employees, or any person not qualifying for a cannabis license.~~

~~(7) All cannabis licensees must conspicuously post and keep posted its license, or licenses, and any additional correspondence ((containing)) issued by the board describing special conditions ((and restrictions imposed by the WSLCB in a conspicuous place on the premises)).~~

~~((10) In approving a marijuana license, the WSLCB reserves the right to impose special conditions as to the involvement in the operations of the licensed business of any former licensees, their former employees, or any person who does not qualify for a marijuana license.~~

~~(11) A marijuana producer, processor or retailer licensed by the WSLCB must conduct)) (8) A cannabis licensee must use sanitary practices in the production, processing, storage, and sale of ((marijuana-infused products using sanitary practices)) all cannabis products.~~

~~((12) Marijuana)) (9) Cannabis licensees may not allow the consumption of ((marijuana or marijuana-infused)) cannabis or cannabis-infused products on or within the licensed premises.~~

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-015, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-015, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-015, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-015, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 21-02-096, filed 1/6/21, effective 2/6/21)

WAC 314-55-020 ((Marijuana)) Cannabis license qualifications and application process—Licensing change requests. Each ((marijuana)) cannabis license application is unique and ((investigated)) evaluated individually. The ((WSLCB)) board may inquire and request documents regarding all matters in connection with the ((marijuana)) cannabis license application. ((The application requirements for a marijuana license include, but are not limited to, the following:))

(1) ((Consistent with RCW 69.50.331 (7) and (10)), the WSLCB shall send a notice to cities and counties, tribal governments, and port authorities regarding the marijuana license application within said jurisdiction. The local authority, tribal government, or port authority

has twenty days to respond with a recommendation to approve the application or an objection to the applicant, location, or both.

~~(2) Consistent with RCW 69.50.331 (8) (f), the WSLCB shall send a notice to tribal governments when an applicant or licensee is proposed to be located within the exterior boundaries of the reservation of a federally recognized Indian tribe. The tribal government will have twenty days to respond with an approval to the application. If written approval is not received within thirty days, the WSLCB will assume the tribe does not consent to the applicant's location and the applicant must find a new location.~~

~~(3) Applicants for a new marijuana producer, processor, retailer, transportation, or research license and those who apply to change their location must display a sign provided by the WSLCB on the outside of the premises to be licensed notifying the public that the premises are subject to an application for a marijuana license. Posting notices must occur within seven days of submitting the location confirmation form for new licenses or the change of location application for existing licensees. The WSLCB may check for compliance with this requirement at its discretion. The sign must:~~

~~(a) Not be altered. The licensee must post the sign sent by the WSLCB without changing, adding, or subtracting from the text;~~

~~(b) Be conspicuously displayed on, or immediately adjacent to, the premises subject to the application and in the location that is most likely to be seen by the public;~~

~~(c) Be of a size sufficient to ensure that it will be readily seen by the public, at a minimum these signs must be eight and one-half by eleven inches;~~

~~(d) Be posted within seven business days of the date the notice is sent to the applicant by the WSLCB; and~~

~~(e) The notice must be posted for fourteen consecutive days.~~

~~(4) All marijuana license applicants must meet the qualifications required by the WSLCB before they will be granted a license.~~

~~(5) The WSLCB will verify that the proposed business meets the minimum requirements for the type of marijuana license requested.~~

~~(6) Consistent with RCW 69.50.331 (8) (e), the WSLCB will issue a certificate of compliance if the proposed business premises meets the minimum distance requirements as of the date the application was received by the WSLCB. If the physical location changes during the application process, the certificate of compliance will be issued for the date that the premises change was received by the WSLCB. Applicants who were granted licenses prior to adoption of this rule are allowed to operate the business at the location notwithstanding a later occurring, otherwise disqualifying minimum distance factor.~~

~~(7) The WSLCB will conduct an investigation of the applicants' criminal history and administrative violation history, per WAC 314-55-040 and 314-55-045.~~

~~(a) The criminal history background check will consist of completion of a personal/criminal history form provided by the WSLCB and submission of fingerprints to a vendor approved by the WSLCB. The applicant will be responsible for paying all fees required by the vendor for fingerprinting. These fingerprints will be submitted to the Washington state patrol and the Federal Bureau of Investigation for comparison to their criminal records. The applicant will be responsible for paying all fees required by the Washington state patrol and the Federal Bureau of Investigation.~~

~~(b) Financiers will also be subject to criminal history investigations equivalent to that of the license applicant. Financiers will~~

also be responsible for paying all fees required for the criminal history check.

~~(8) The WSLCB will conduct a financial investigation in order to verify the source of funds used for the acquisition and startup of the business, the applicants' right to the real and personal property, and to verify the true party(ies) of interest.~~

~~(9) The WSLCB may require a demonstration by the applicant that they are familiar with marijuana laws and rules.~~

~~(10) The WSLCB may conduct an inspection of the proposed or currently licensed business location, to determine if the applicant has complied with all the requirements of the license or change to the license or premises requested.~~

~~(11) Under RCW 69.50.331 (1)(c), all applicants applying for a marijuana license must have resided in the state of Washington for at least six months prior to application for a marijuana license. All business entities including, but not limited to, partnerships, employee cooperatives, associations, nonprofit corporations, corporations and limited liability companies, applying for a marijuana license must be formed in Washington. All members, governors, or agents of business entities must also meet the six month residency requirement. Managers or agents who manage a licensee's place of business must also meet the six month residency requirement.~~

~~(12)(a) As part of the application process, each applicant must submit an operating plan outlining required elements for the location as provided in this chapter pertaining to the license type being sought. The operating plan must be submitted using an operating plan format supplied by the WSLCB. This operating plan must also include a floor plan or site plan drawn to scale which illustrates the entire operation being proposed.~~

~~(b) After obtaining a license, the license holder must notify the WSLCB in advance of any change in their operating plan. Prior approval is required before the change may be implemented.~~

~~(13) The WSLCB may place licensing change applications made by a licensee on hold if the change application is reasonably related to an ongoing investigation.~~

~~(a) The WSLCB may withdraw licensing change applications pending the results of an adjudicative proceeding regarding a violation of chapter 314-55 WAC. Depending on the outcome of the adjudicative proceeding, the licensee may reapply for the withdrawn licensing change application(s).~~

~~(b) Examples of licensing change applications that may be affected under this subsection include:~~

~~(i) Application for additional funding;~~

~~(ii) Application for added medical marijuana endorsement;~~

~~(iii) Assumption of a license;~~

~~(iv) Change in governing people, percentage owned, or stock/unit ownership;~~

~~(v) Change of location;~~

~~(vi) Expanding plant canopy to maximum allotted;~~

~~(vii) Request to alter marijuana site or operating plan;~~

~~(viii) Request to add a processor license; and~~

~~(ix) Splitting a producer and processor license.~~

~~(14)(a) To aid the WSLCB in monitoring the industry as it develops, the WSLCB requests that all applicants and licensees seeking renewal provide the following information:~~

~~(b) **Employees compensation and benefits data.**~~

~~(i) Will the applicant/licensee provide a living wage (at least one hundred fifty percent of the state minimum wage) to eighty-five percent or more of its hourly employees?~~

~~(ii) Will the applicant/licensee provide health insurance to at least eighty-five percent of its hourly employees?~~

~~(iii) Will the applicant/licensee provide a defined benefit pension plan to at least eighty-five percent of its hourly employees?~~

~~(iv) Will the applicant/licensee provide five or more paid sick days annually to at least eighty-five percent of its hourly employees?~~

~~(v) Is there a signed labor peace agreement or collective bargaining agreement with a labor organization in place?~~

~~(15) Applicants applying for a marijuana license must be current in any tax obligations to the Washington state department of revenue and other state agencies, as an individual or as part of any entity in which they have an ownership interest. Applicants must sign an attestation that, under penalty of denial or loss of licensure, that representation is correct.~~

~~(16) The issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements.~~

~~(17) Upon failure to respond to the WSLCB licensing and regulation division's requests for information and/or documentation within the timeline provided, the application may be administratively closed or denial of the application will be sought.)~~ **Cannabis license qualification criteria and application process.** To be issued a license, all cannabis license applicants must meet the qualifications required by the board. The board will verify that the proposed business meets the minimum requirements for the type of cannabis license requested. The qualifications and application process for a cannabis license include:

(a) **A background check** to evaluate whether the applicant qualifies for a license, consistent with WAC 314-55-040 and 314-55-045.

(i) The background check includes completion of a personal and criminal history form provided by the board. The applicant is responsible for paying all fees required by the Washington state patrol and the Federal Bureau of Investigation.

(ii) Financiers are subject to background checks equivalent to that of a license applicant. Financiers are responsible for paying all fees required by the Washington state patrol and the Federal Bureau of Investigation.

(b) **Inquiry** to verify the source of funds used to acquire an existing business and start the business, the applicant's right to the real and personal property, and to verify the true party or parties of interest.

(c) **An inspection** of the proposed or currently licensed business location to determine if the applicant has met all of the requirements of the license or proposed changes to the licensed premises.

(d) **A residency check to confirm Washington state residency.** Under RCW 69.50.331 (1)(b), all applicants applying for a cannabis license must have resided in the state of Washington for at least six months prior to applying for a cannabis license.

(i) All business entities including, but not limited to, partnerships, employee cooperatives, associations, nonprofit corporations, corporations and limited liability companies applying for a cannabis license must be formed in Washington state.

(ii) All members, governors, or agents of business entities must also meet the six-month residency requirement. Managers or agents who

manage a licensee's place of business must also meet the six-month residency requirement.

(e) **Applicants must be current in any tax obligations** to the Washington state department of revenue and other state agencies, as an individual or as part of any entity in which they have an ownership interest. Applicants must sign an attestation that, under penalty of denial or loss of licensure, statements concerning the status of tax obligations are true and correct.

(f) **Operating plan.** Each cannabis license applicant must submit an operating plan outlining required elements for the location as provided in this chapter pertaining to the type of license being sought. The operating plan must be submitted using an operating plan template supplied by the board. The operating plan must also include a floor plan or site plan drawn to scale that illustrates the entire operation being proposed.

After obtaining a license, the license holder must notify the board's licensing and regulation division and receive prior approval before making any changes in their operating plan, floor plan, or both.

(g) If an applicant does not respond to the board's licensing and regulation division requests for information, documentation, or both within the timelines provided, the application may be administratively withdrawn, closed or denied.

(2) **Certificate of compliance.** Consistent with RCW 69.50.331 (8) (e), the board will issue a certificate of compliance if the proposed business premises meets the minimum distance requirements as of the date the application was received by the board. If the physical location changes during the application process, the certificate of compliance will be issued for the date that the premises change was received by the board. Applicants who were granted licenses prior to adoption of this rule may operate their business at the location notwithstanding a later occurring, otherwise qualifying minimum distance factor.

(3) **Notice of cannabis license application.** Consistent with RCW 69.50.331 the board will send a notice to cities and counties, tribal governments, and port authorities regarding the cannabis license application within the jurisdiction. The local authority, tribal government, or port authority has 20 days to respond with a recommendation to approve the application or an objection to the applicant, location, or both.

(4) **Notice of cannabis license application to tribal governments.** Consistent with RCW 69.50.331, the board will send a notice to tribal governments when an applicant or licensee proposes to be located within the exterior boundaries of the reservation of a federally recognized Indian tribe. The tribal government has 20 days to respond with an approval to the application. If written approval is not received within 30 days, the board assumes the tribe does not consent to the applicant's location and the applicant must find a new location.

(5) **Displaying notice of new cannabis license application or application for change of location of an existing licensed business.** Applicants for a new cannabis producer, processor, retailer, transportation, or research license or those who apply to change their location must display a notice provided by the board on the outside of the premises to be licensed notifying the public that the premises are subject to an application for a cannabis license. The notice must be posted within seven days of submitting the location confirmation form for new licenses or the change of location application for existing

licensees. The board may check for compliance with this requirement at its discretion. The notice must:

(a) Not be changed. The licensee must post the notice sent by the board without changing the text in any way;

(b) Be noticeably displayed on, or immediately next to, the premises subject to the application and in the location that is most likely to be seen by the public;

(c) Be of a size that can be readily seen by the public. At a minimum these notices must be 8 1/2 x 11 inches;

(d) Be posted within seven business days of the date the notice is sent to the applicant by the board; and

(e) The notice must be posted for 14 consecutive days.

(6) **Application holds and withdrawals.** The board may place licensing change applications made by a licensee on hold if the change application is reasonably related to an ongoing investigation.

(a) The board may withdraw licensing change applications pending the results of an adjudicative proceeding regarding a violation of this chapter. Depending on the outcome of the adjudicative proceeding, the licensee may reapply for the withdrawn licensing change application(s).

(b) Examples of licensing change applications that may be affected under this subsection include:

(i) Application for additional funding;

(ii) Application to add a medical cannabis endorsement;

(iii) Assumption of a license;

(iv) Change in governing people, percentage owned, or stock/unit ownership;

(v) Change of location;

(vi) Expanding plant canopy to maximum allotted;

(vii) Request to change cannabis site or operating plan;

(viii) Request to add a processor license; or

(ix) Splitting a producer or processor license.

(7) **Industry tracking.**

(a) To help the board track employment and personnel trends of the industry as it continues to develop, the board requests that applicants seeking new licensure and licensees seeking license renewal provide the following information:

(b) Employee compensation and benefit data:

(i) Whether the applicant/licensee provide a living wage (at least 150 percent of the state minimum wage) to 85 percent or more of its hourly employees;

(ii) Whether the applicant/licensee will provide health insurance to at least 85 percent of its hourly employees;

(iii) Whether the applicant/licensee will provide a defined benefit pension plan to at least 85 percent of its employees;

(iv) Whether the applicant/licensee will provide five or more paid sick days annually to at least 85 percent of its employees;

(v) Whether there is a signed labor peace agreement or collective bargaining agreement with a labor organization in place.

(8) The issuance or approval of a license is not a license for, or an approval of, any violation of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements.

(9) **Social equity applicant.** A person qualifying for the social equity in cannabis program under WAC 314-55-570 may apply for a cannabis license consistent with the provisions of this chapter.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 21-02-096, § 314-55-020, filed 1/6/21, effective 2/6/21. Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-020, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-020, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-020, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-020, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 21-18-125, filed 9/1/21, effective 10/2/21)

WAC 314-55-040 Cannabis applicant or licensee background checks.

(1) The board conducts a background check of a new applicant or for license renewals to evaluate whether the applicant or licensee qualifies or requalifies for a license. The background check includes a criminal record check through the Washington state patrol and the Federal Bureau of Investigations database.

(2) **Review and evaluation of information produced by background checks.** The board will review the information produced by background checks to determine whether the applicant or licensee qualifies for a new or renewed license. Information from the background check may not preclude approval, but will be considered in determining the applicant's eligibility for licensure.

(3) The board will conduct a threshold review for the following types of convictions:

Conviction Type	Conviction Class	Time Consideration	Determination
Felonies	Class A and B convictions	10 years	Threshold review if 1 or more
	Class C convictions	7 years	Threshold review if 2 or more
Misdemeanors	Gross misdemeanors and misdemeanors	3 years	Threshold review if 3 or more

(a) Active state supervision and active federal supervision resulting in determination of threshold review.

(b) The board will conduct a threshold review of any license applicant or license renewal if the background check indicates that the applicant or renewing licensee is under active state supervision, active federal supervision, or both.

(4) **Pending criminal charge review and evaluation.** The board will review and evaluate the applicant or renewing licensee's pending criminal charges. Review and evaluation criteria include, but are not limited to:

(a) A determination of whether the convictions of pending charge(s) alone or compiled would put an individual over the conviction allowance above.

(b) The application may be placed on hold for (~~ninety~~) 90 days and if there is no disposition within (~~ninety~~) 90 days, the application will be withdrawn.

(5) **Threshold review evaluation criteria.** When a background check results in a determination for a threshold review, the board will consider the following criteria:

(a) Time since the conviction, or pending offenses;

- (b) Nature and specific circumstances of the offense;
 - (c) Relationship of the offense or incident to the nature of the work performed;
 - (d) Number of offenses or incidents;
 - (e) If criminal, any relevant evidence of rehabilitation, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses, and the individuals conduct and experience since the time of the offense; and
 - (f) Any other relevant information, including information submitted by the applicant or licensee, or requested by the board.
- (6) **Continued reporting.** Cannabis licensees must report any criminal convictions to the board within (~~thirty~~) 30 days. New convictions will be considered upon receipt or at the time of renewal.

[Statutory Authority: RCW 69.50.331 and 69.50.342. WSR 21-18-125, § 314-55-040, filed 9/1/21, effective 10/2/21. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-040, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-040, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-040, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

WAC 314-55-045 (~~What marijuana law or rule violation history might prevent an applicant from receiving a marijuana license?~~) Cannabis license applicant administrative violation review. (1) The ((WSLCB)) board will ((conduct an investigation of all applicants' marijuana law or rule administrative violation history. The WSLCB will not normally issue a marijuana license to)) determine if a cannabis license applicant has been issued any administrative violations under this chapter.

(2) The presence of administrative violation history will not result in automatic application denial, but will be considered in determining the applicant's eligibility for licensure. The board will not normally issue a cannabis license to a person, or ((to)) an entity with a true party of interest((,)) who has the following violation history((, or to any person who has demonstrated a pattern of disregard for laws or rules.)) within the following periods of consideration:

((Violation Type (see WAC 314-55-515)	Period of Consideration
• Three or more public safety violations;	• Violations issued within three years of the date the application is received by the board's licensing and regulation division.
• Four or more regulatory violations; or	

((Violation Type (see WAC 314-55-515)	Period of Consideration
• One to four, or more license violations.	• Violations issued within the last three years the true party(ies) of interest were licensed.)

<u>Violation Type (See WAC 314-55-509)</u>	<u>Period of Consideration</u>
<u>Three or more Category II violations (WAC 314-55-521) or Category III violations (WAC 314-55-522)</u>	<u>Violations issued within two years of the date the application is received by the board's licensing and regulation division.</u>
<u>Four or more Category IV violations (WAC 314-55-523)</u>	
<u>One to four or more Category V violations (WAC 314-55-524) or Category VI violations (WAC 314-55-525)</u>	

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-045, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-045, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

WAC 314-55-050 ~~((Reasons the WSLCB may seek))~~ **Withdrawal, denial, suspension, or cancellation of a ((marijuana)) cannabis license application or license.** ~~((Following is a list of reasons the WSLCB may))~~ (1) The board has the discretion to withdraw, deny, suspend, or cancel a ((marijuana)) cannabis license application or license((- Per)) consistent with RCW 69.50.331, ((the WSLCB has broad discretionary authority to approve or deny a marijuana license application)) for reasons including, but not limited to, the following:

~~((1) Failure to meet qualifications or requirements))~~ (a) Not meeting the initial or ongoing qualifications, requirements, or both for ((the)) a specific ((marijuana)) cannabis license, as outlined in this chapter and chapter 69.50 RCW((-

~~(2) Failure or refusal to submit))~~ ;

~~((b) Not submitting information or documentation requested by the ((WSLCB)) board during the application evaluation process((-~~

~~(3) The applicant makes a misrepresentation of))~~ ;

~~((c) Misrepresenting fact, or ((fails to disclose)) not disclosing a material fact to the ((WSLCB)) board during the application process or any ((subsequent investigation)) review or follow-up review that may occur after a license has been issued((-~~

~~(4) Failure to meet the criminal history))~~ ;

~~((d) Not meeting the background check standards outlined in WAC 314-55-040((-~~

~~(5) Failure to meet the marijuana))~~ ;

(e) Not meeting the cannabis law or rule violation history standards outlined in WAC 314-55-045 ~~((-~~

~~(6) The source of funds identified by the applicant to be used))~~;

(f) Using funds that cannot be verified for the acquisition, startup and operation of the business ~~((is questionable, unverifiable)), or ((determined by the WSLCB to be gained in a manner which is in violation by))~~ obtained in a way that violates the law ~~((-~~

~~(7) Denies the WSLCB))~~;

(g) Not allowing the board or its authorized representative access to any place where a licensed activity takes place ~~((or fails to produce))~~;

(h) Not producing any book, record or document required by law or ((WSLCB)) board rule ~~((-~~

~~(8) Has been denied or))~~;

(i) The applicant or licensee has had a ((marijuana)) cannabis license or medical ((marijuana)) cannabis license denied, suspended, or canceled in another state or local jurisdiction ~~((-~~

~~(9) Where))~~;

(j) The city, county, tribal government, or port authority has submitted a substantiated objection ~~((per the requirements in))~~ to the application or against the premises for which the new or renewed license is requested, as described in RCW 69.50.331 (7) and (10).

~~((10))~~ (k) The applicant or licensee has not paid taxes or fees required under chapter 69.50 RCW or did not provide production, processing, inventory, sales and transportation reports or documentation required under this chapter.

(l) The applicant or licensee did not submit an attestation that they are current in any tax obligations to the Washington state department of revenue.

(m) The applicant or licensee has been denied a liquor or cannabis license or had a liquor license or cannabis license suspended or revoked in this or any other state.

(n) The operating plan submitted with the application does not demonstrate that the applicant meets the criteria for licensure.

(o) The applicant or licensee does not operate their business consistent with the operating plan approved by the board.

(p) The board determines the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.

(2) Except as provided in subsection ~~((11))~~ (3) of this section, the ((WSLCB shall)) board will not issue a new ((marijuana)) cannabis license if the proposed licensed business is within ~~((one thousand))~~ 1,000 feet of the perimeter of the grounds of any of the ~~((following entities))~~ facilities listed in (a) through (h) of this subsection. The distance ~~((shall))~~ will be measured as the shortest straight line distance from the property line of the proposed ~~((building/business))~~ building or business location to the property line of the entities listed below:

(a) Elementary or secondary school;

(b) Playground;

(c) Recreation center or facility;

(d) Child care center;

(e) Public park;

(f) Public transit center;

(g) Library; or

(h) Any game arcade (where admission is not restricted to persons age ~~((twenty-one))~~ 21 or older).

~~((11))~~ (3)(a) A city or county may, by local ordinance, permit ~~((the licensing of marijuana))~~ cannabis businesses licensing within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of the facilities listed in subsection ~~((10))~~ (2) of this section except elementary and secondary schools, and playgrounds.

(b) If ~~((a licensee))~~ an applicant applies for a ~~((marijuana))~~ cannabis license at a location less than ~~((one thousand))~~ 1,000 feet of a recreation center or facility, child care center, public park, public transit center, library, or game arcade, the ~~((licensee))~~ ap-
plicant must provide the WSLCB with a copy of the local ordinance that describes the distance required by the city or county where the fa-
cility will be located.

~~((12))~~ Has failed to pay taxes or fees required under chapter 69.50 RCW or failed to provide production, processing, inventory, sales and transportation reports to documentation required under this chapter.

~~((13))~~ Failure to submit an attestation that they are current in any tax obligations to the Washington state department of revenue.

~~((14))~~ Has been denied a liquor or marijuana license or had a liq-
uor license or marijuana license suspended or revoked in this or any other state.

~~((15))~~ The operating plan does not demonstrate, to the satisfaction of the WSLCB, the applicant is qualified for a license.

~~((16))~~ Failure to operate in accordance with the WSLCB approved op-
erating plan.

~~((17))~~ The WSLCB determines the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.)

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-050, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-050, filed 5/18/16, effective 6/18/16; WSR 14-06-108, § 314-55-050, filed 3/5/14, effective 4/5/14. Statutory Au-
thority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-050, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-12-046, filed 5/30/18, effective 6/30/18)

**WAC 314-55-055 ((Marijuana)) Cannabis retailer license forfei-
ture.** (1)(a) A ~~((marijuana))~~ cannabis retailer's license is subject to forfeiture if the retailer is not fully operational and open to the public after ~~((twelve))~~ 12 months of issuance of the license ~~((or No-
vember 1, 2018, whichever is later))~~. No ~~((marijuana))~~ cannabis re-
tailer's license is subject to forfeiture within the first nine months of issuance.

(b) Fully operational means the business meets the following cri-
teria for at least ~~((twelve))~~ 12 consecutive weeks within a ~~((twelve-
month))~~ 12-month period after issuance of the license ~~((before or af-
ter the effective date of this section))~~:

(i) The business is open to the public for a minimum of five hours a day between the hours of 8:00 a.m. and 12:00 midnight, three days a week;

(ii) The business posts ((business)) hours of operation outside of the premise in the public view; and

(iii) The business reports monthly sales from the sale of ~~((marijuana))~~ cannabis products and pays applicable taxes.

(2) ~~((a))~~ A ~~((marijuana))~~ cannabis retailer's license will not be subject to forfeiture if the licensee ~~((has been incapable of opening))~~ is not able to open a fully operational retail ~~((marijuana))~~ cannabis business ~~((due to))~~ based on actions by the city, town, or county with jurisdiction over the licensed business ~~((to include))~~ including:

~~((i))~~ (a) The adoption of a ban or moratorium that prohibits the ~~((opening of a))~~ retail ~~((marijuana))~~ cannabis business from opening; or

~~((ii))~~ (b) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed ~~((marijuana))~~ cannabis retailer from becoming operational.

~~((b))~~ (3) Exceptions to license forfeiture.

(a) The board has the sole discretion to grant exceptions to the license forfeiture process if a ~~((marijuana))~~ cannabis retailer licensee ~~((has had))~~ experiences circumstances ~~((occur))~~ that are out of their control such as a natural disaster.

~~((e Adequate))~~ (b) Sufficient documentation ~~((will be))~~ is required to verify any of the exceptions to license forfeiture in this section. ~~((It is the licensee's responsibility to))~~ Licensees must inform the ~~((WSLCB))~~ board if conditions change, such as an adjustment to zoning requirements, changes to a ban or moratorium, or other circumstances that would allow the licensee to operate.

(c) If the underlying condition exempting a ~~((marijuana))~~ cannabis retail license from forfeiture under subsection (2) ~~((a))~~ of this section or ~~((b))~~ (a) of this ~~((section))~~ subsection is removed, then the ~~((twelve-month))~~ 12-month time frame to become fully operational and open to the public requirement under subsection (1) of this section will begin from the time the condition exempting the retail license from forfeiture is removed.

~~((3))~~ (4) A ~~((retailer that))~~ cannabis retail licensee who receives a notice of license forfeiture under this section from the WSLCB may request an administrative hearing under chapter 34.05 RCW. A request for a hearing must be made in writing and received by the WSLCB no later than ~~((twenty))~~ 20 days after service of the notice. Requests submitted in paper form may be delivered to the WSLCB in person during normal business hours at ~~((3000 Pacific))~~ 1025 Union Avenue S.E., Olympia, WA ((98501)) 98504, or mailed to the WSLCB. Mailed appeal requests must be addressed to: WSLCB, ATTN: Adjudicative Proceedings Coordinator, P.O. Box 43076, Olympia, WA 98504-3076 or, for certified mail, WSLCB, ATTN: Adjudicative Proceedings Coordinator, ~~((3000 Pacific))~~ 1025 Union Avenue S.E., Olympia, WA ((98501)) 98504.

[Statutory Authority: RCW 69.50.325, 69.50.342, and 69.50.345. WSR 18-12-046, § 314-55-055, filed 5/30/18, effective 6/30/18.]

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

WAC 314-55-070 (~~(Process if the WSLCB denies a marijuana)~~) **Cannabis license application denial.** If the ((WSLCB)) board denies a ((marijuana)) cannabis license application, ((the)) an applicant or applicants may:

(1) Request an administrative hearing ((per)) consistent with chapter 34.05 RCW, the Administrative Procedure Act.

(2) Reapply for the license ((no sooner)) not earlier than one year from the date ((on)) of the final order of denial.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-070, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-070, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 21-15-124, filed 7/21/21, effective 8/21/21)

WAC 314-55-079 (~~(Marijuana)~~) **Cannabis retailer license—Privileges, requirements, and fees.** (1) A ((marijuana)) cannabis retailer license allows the licensee to sell only useable ((marijuana, marijuana)) cannabis, cannabis concentrates, ((marijuana-infused)) cannabis-infused products, ((marijuana)) cannabis paraphernalia, and lockable boxes to store ((marijuana)) cannabis at retail in licensed retail outlets to persons ((twenty-one)) 21 years of age and older, except as allowed for persons under ((twenty-one)) 21 years of age consistent with RCW 69.50.357 and WAC 314-55-080.

(2) The ((WSLCB)) board may accept applications for ((marijuana)) cannabis retail licenses at time frames published on its website at ((www.lcb.wa.gov)) lcb.wa.gov. Using estimated consumption data and population data obtained from the office of financial management (OFM) population data, the ((WSLCB)) board will determine the maximum number of ((marijuana)) cannabis retail locations per county.

(a) The number of retail locations will be determined using a method that distributes the number of locations proportionate to the most populous cities within each county and to accommodate the medical needs of qualifying patients and designated providers. Locations not assigned to a specific city will be at large. At large locations can be used for unincorporated areas in the county or in cities within the county that have no retail licenses designated.

Consistent with WAC 314-55-570 (4) (d), social equity licenses that are currently designated to specific cities may be located anywhere within the county in which the city is located. A license may not be transferred outside of that county.

(b) The number of retail licenses determined by the board can be found on the ((WSLCB)) board website at ((www.lcb.wa.gov)) lcb.wa.gov.

(3) Any entity and/or principals within any entity are limited to no more than five retail ((marijuana)) cannabis licenses.

(4) **Application and license fees.**

(a) The application fee for a ((marijuana)) cannabis retailer's license is ((two hundred fifty dollars)) \$250 consistent with RCW

69.50.325 (3)(a). The applicant is responsible for fees required by the approved vendor for fingerprint evaluation.

(b) The annual fee for issuance and renewal of a ((marijuana)) cannabis retailer license is ((~~one thousand three hundred eighty-one dollars~~)) \$1,381 consistent with RCW 69.50.325 (3)(a). The ((WSLCB)) board will conduct random ((~~criminal history~~)) background checks at the time of renewal that will require the licensee to submit fingerprints for evaluation from the approved vendor. The licensee is responsible for all fees required for the ((~~criminal history~~)) background checks.

(5) Internet sales and delivery of product to customers ((~~are~~)) is prohibited.

(6) Sales of ((~~marijuana-infused~~)) cannabis-infused products not permissible under WAC 314-55-077 are prohibited.

(7) ((~~Marijuana~~)) Cannabis retailers may not sell ((~~marijuana~~)) cannabis products below the current acquisition cost.

(8) All ((~~marijuana~~)) cannabis products must be stored behind a counter or other barrier to ensure a customer does not have direct access to the product.

(9) A ((~~marijuana~~)) cannabis retailer may not sell lockable boxes for less than the cost of acquisition or sell boxes received as a donation. The donation of lockable boxes must come from a person or entity that is not a licensed ((~~marijuana~~)) cannabis producer, processor, or retailer.

(10) ((~~Marijuana~~)) Cannabis retailer licensees are allowed to have a maximum of four months of their average inventory on their licensed premises at any given time.

(11) A ((~~marijuana~~)) cannabis retailer may transport product to other locations operated by the licensee or to return product to a ((~~marijuana~~)) cannabis processor as outlined in WAC 314-55-085.

(12) A ((~~marijuana~~)) cannabis retailer may accept returns of open ((~~marijuana~~)) cannabis products. Products must be returned in their original packaging with the lot, batch, or inventory ID number fully legible.

(13) A ((~~marijuana~~)) cannabis retailer may dispose of ((~~marijuana~~)) cannabis products as provided in WAC 314-55-097.

(14) The board may take disciplinary action against any ((~~marijuana~~)) cannabis retailer that fails to comply with the provisions of WAC 246-80-021.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 21-15-124, § 314-55-079, filed 7/21/21, effective 8/21/21. Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-079, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342, 69.50.345, 2016 c 170, 2016 c 171, and 2016 c 17. WSR 16-19-102, § 314-55-079, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-079, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-079, filed 5/20/15, effective 6/20/15; WSR 14-10-044, § 314-55-079, filed 4/30/14, effective 5/31/14. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-079, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

WAC 314-55-082 Insurance requirements. (~~(Marijuana)~~) Cannabis licensees must obtain insurance coverage (~~(as set out in this section. The intent of the required)~~). Insurance is required to protect the consumer (~~(should there be)~~) if any claims, suits, actions, costs, damages or expenses (~~(arising)~~) arise from any negligent or intentional act or omission of the (~~(marijuana)~~) cannabis licensees. (~~(Marijuana)~~) Cannabis licensees (~~(shall furnish evidence in the form of)~~) will provide the board with a certificate of insurance (~~(satisfactory to the WSLCB that insurance, in)~~) demonstrating that the following (~~(kinds and minimum amounts, has been secured. Failure to provide proof of insurance, as required, may result in license cancellation.)~~) types and minimum amounts of insurance have been obtained:

(1) Commercial general liability insurance: The licensee (~~(shall at all times)~~) must carry and maintain commercial general liability insurance or commercial umbrella insurance for bodily injury and property damage arising out of licensed activities at all times. The limits of liability insurance (~~(shall)~~) will not be less than (~~(one million dollars)~~) \$1,000,000. Upon board request, a licensee must provide proof of insurance.

(a) This insurance (~~(shall)~~) must cover such claims as may be caused by any act, omission, or negligence of the licensee or its officers, agents, representatives, assigns, or servants.

(b) The insurance (~~(shall)~~) must also cover bodily injury, including disease, illness and death, and property damage arising out of the licensee's premises/operations, products, and personal injury.

(2) Insurance carrier rating: The insurance required in subsection (1) of this section (~~(shall)~~) must be issued by an insurance company authorized to do business within the state of Washington. Insurance is to be placed with a carrier that has a rating of A - Class VII or better in the most recently published edition of *Best's Reports*. If an insurer is not admitted, all insurance policies and procedures for issuing the insurance policies must comply with chapters 48.15 RCW and 284-15 WAC.

(3) Additional insured. The state and its employees, agents, and volunteers shall be named as an additional insured on insurance policies required under this section. All policies shall be primary over any other valid and collectable insurance.

(4) Failure to maintain or provide proof of insurance as required may result in license cancellation.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-082, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-082, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-082, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

WAC 314-55-110 (~~(What are my responsibilities as a marijuana licensee?)~~) Licensee responsibilities. (1) (~~(Marijuana)~~) Cannabis li-

censees are responsible for the operation of their licensed business in compliance with the ~~((marijuana))~~ cannabis laws and rules of the ~~((WSLICB))~~ board, chapters 69.50 and 69.51A RCW, 314-55 WAC, and any other applicable state laws and rules.

(2) The penalties for violations of ~~((marijuana))~~ cannabis laws or rules are in WAC ~~((314-55-515))~~ 314-55-509 through ~~((314-55-535))~~ 314-55-525, as now or hereafter amended. The rules also outline aggravating and mitigating circumstances that may affect what penalty is applied if a licensee or employee ~~((violates a marijuana))~~ does not comply with a cannabis law or rule.

(3) Licensees and their employees must conduct the business and maintain the licensed premises, surrounding area, and vehicles transporting product, in compliance with the following laws, as they now exist or may later be amended:

(a) Titles 9 and 9A RCW, the criminal code;

(b) Title 66 RCW, the liquor laws;

(c) Chapters 70.155, 70.345, 82.24, and 82.26 RCW and RCW 26.28.080, the tobacco laws;

(d) Chapter 69.50 RCW, the uniform controlled substances laws; and

(e) Chapter 69.51A RCW, the medical ~~((marijuana))~~ cannabis laws.

(4) Licensees ~~((have the responsibility to))~~ must control their conduct and the conduct of employees, customers, and visitors on the licensed premises at all times. Except as otherwise provided by law, licensees or employees may not:

(a) Be disorderly or apparently intoxicated by liquor, ~~((marijuana))~~ cannabis, or controlled substances on the licensed premises;

(b) Permit any disorderly person to remain on the licensed premises;

(c) Engage in or allow behavior on the licensed premises ~~((that provokes conduct which presents))~~ that is a threat to public safety;

(d) Engage, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Title 9, 9A, or 66 RCW, or chapters 69.50 and 69.51A RCW;

(e) Engage in or permit any employee or other person to engage in the consumption of any type of ~~((marijuana, usable marijuana, marijuana))~~ cannabis, usable cannabis, cannabis concentrate, or ((marijuana-infused)) cannabis-infused product on the licensed premises.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-110, filed 5/18/16, effective 6/18/16.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

WAC 314-55-120 Ownership changes. (1) Licensees must receive prior board approval before making any of the following ownership changes (see WAC 314-55-035 for the definition of "true party of interest"):

Type of change	Type of application	Fee
Change in the true parties of interest or owners in a: Sole proprietorship, general partnership, limited partnership, or limited liability partnership.	New application.	Application fee and annual fee for current license privilege.
Change in the true parties of interest or owners for a publicly or privately held corporation. The board will waive the fee for a corporate change when the proposed change consists solely of dropping an approved officer.	Application for change in corporate officer and/or stockholder.	\$75
Change in the true parties of interest or owners in a limited liability company.	Application for change of limited liability company member and/or manager.	\$75
Accepting additional funds from a new or previously approved financier.	Added financier.	\$75

(2) Licensees must notify the ((~~WSLCB~~)) board if there are any changes to marital status of any true party of interest in the license.

(3) The ((~~WSLCB~~)) board may inquire into all matters in connection with any ((~~such~~)) sale of stock/units or proposed change in officers/members.

(4) If the ((~~WSLCB~~)) board receives an application to change the ownership structure of a licensee, the application will be withdrawn unless one or more of the following is submitted:

- (a) Proof that the party being removed was notified that they were being removed and they did not object within ((~~ninety~~)) 90 days;
- (b) Signed documentation from the true party of interest being removed for the licensed entity that they agree with the removal; or
- (c) A final court document removing them.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-120, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-120, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-120, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

WAC 314-55-125 Change of location. (1) Changing a ((~~marijuana~~)) cannabis license to a new location requires a change request application to the ((~~WSLCB, per the process outlined~~)) board and initiated through business licensing services, as described in WAC 314-55-020. ((~~WSLCB~~)) Board approval for change request applications must be obtained prior to any change of location of the licensed business.

(2) A change of location occurs any time a move by the licensee results in any change to the physical location address.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-125, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-125, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

WAC 314-55-137 Receiverships. (1) Service and notice.

(a) Any person who files any receivership or trustee action involving any ((~~marijuana~~)) cannabis licensee must serve ((~~WSLCB~~)) the board with original notice of the action. Service is accomplished by delivery of the original notice of action to ((~~WSLCB~~)) the board through one of the following methods:

(i) Delivery to the board at ((~~3000 Pacific~~)) 1025 Union Avenue S.E., Olympia, WA ((~~985017~~)) 98504; or

(ii) Mailed to the ((~~WSLCB~~)) board. Mailed notice must be addressed to: WSLCB, ATTN: Licensing - Receiverships, P.O. Box 43076, Olympia, WA 98504-3076 or, for certified mail, WSLCB, ATTN: Licensing - Receiverships, ((~~3000 Pacific~~)) 1025 Union Avenue S.E., Olympia, WA ((~~98501~~)) 98504; or

(iii) Electronic delivery to the board at licensingappeals@lcb.wa.gov.

(b) The board will find a licensee compliant with this section only if ((~~WSLCB~~)) it receives original notice of the action and the receiver is selected ((~~in accordance with WSLCB's requirements will WSLCB treat the licensee as compliant with this section~~)) consistent with board requirements.

(2) **The role of a receiver when a licensee is placed in receivership.** If a ((~~marijuana~~)) cannabis licensee is placed under receivership, the receiver:

(a) Upon compliance with the requirements ((~~set forth below~~)) listed in this section, the receiver may operate the licensee's business during the receivership period;

(b) The receiver assumes all licensee reporting responsibilities under this chapter including, but not limited to, full responsibility for maintaining records and entries into the traceability system maintained by the ((~~WSLCB~~)) board; and

(c) The receiver is required to comply with all applicable laws under chapter 69.50 RCW and rules in this chapter including, but not limited to, the responsibilities of ((~~marijuana~~)) cannabis licensees set forth in WAC 314-55-110.

(d) Failure to abide by the requirements set forth in chapter 69.50 RCW and this chapter as specified in this subsection may result in enforcement action against the license under chapter 69.50 RCW and rules under this chapter and may result in the receiver being disqualified to act as a receiver by the ((WSLCB)) board.

(3) **Who may serve as a receiver.** Any person who meets the requirements of chapter 7.60 RCW and the following additional requirements may serve as a receiver for a cannabis business:

(a) Is currently in ((~~active status~~)) good standing on the preapproved receiver list maintained by the ((WSLCB)) board; or

(b) Is approved by the ((WSLCB)) board under the requirements in subsection (5) of this section to serve as a receiver of a ((~~marijuana~~)) cannabis licensee.

(4) **Qualifying for the ((WSLCB's)) board's preapproved receiver list.**

(a) The following requirements must be met to qualify for the ((WSLCB's)) board's preapproved receiver list:

(i) Submit a complete receiver application with the ((WSLCB)) board;

(ii) Be a Washington state resident for at least six months prior to the application for preapproval as a receiver and maintain residency throughout the term of the receivership;

(iii) Submit to and pass a criminal background check;

(iv) Provide any financial disclosures requested by the ((WSLCB)) board; and

(v) Disclose any interests the person has in any ((~~marijuana~~)) cannabis licensee(s).

(b) Review and qualification requirements in this subsection only apply to persons or entities actively participating in the management of the receivership and do not apply to spouses of those persons or persons involved in a business entity or fellow members of a business entity that are not actively involved in the management of the receivership.

(c) A receiver placed on the preapproved receiver list maintained by the ((WSLCB)) board must annually update all information and disclosures required under this subsection to remain eligible to act as a receiver and be on the preapproved receiver list. Annual updates must be made one calendar year after the date the receiver is approved.

(5) **Appointing a receiver who is not preapproved by the WSLCB.**

(a) Within two days of filing of any action to appoint a receiver, a proposed receiver must:

(i) Submit a complete application with the ((WSLCB)) board to serve as receiver for the licensee;

(ii) Be a Washington resident for six months prior to appointment as a receiver and maintain residency throughout the term of the receivership;

(iii) Submit to and pass a criminal background check;

(iv) Provide any financial disclosures requested by the WSLCB; and

(v) Disclose any interest the proposed receiver has in any ((~~marijuana~~)) cannabis licensee(s).

(b) Review and qualification requirements in this subsection only apply to persons or entities actively participating in the management of the receivership and do not apply to spouses of those persons or persons involved in a business entity or fellow members of a business entity that are not actively involved in the management of the receivership.

(c) If the proposed receiver is denied approval by ((WSLCB)) the board at any time, a substitute receiver may be proposed for ((WSLCB)) board approval. The substitute receiver must provide all information required by this subsection.

(d) If the proposed receiver is not approved by ((WSLCB)) the board at the time the receiver is appointed by the court, the receiver will not be considered compliant with this section, and may be subject to penalty under chapter 69.50 RCW, or as provided in this chapter and may result in the receiver being disqualified to act as a receiver by the ((WSLCB)) board.

(6) Limitations on a person's ability to serve as a receiver.

(a) As operators and controllers of licensed ((marijuana)) cannabis establishments, receivers are subject to the same limits as licensees or any other person. Those limits include, but are not limited to:

(i) No person serving as a receiver of a licensed ((marijuana)) cannabis producer or licensed ((marijuana)) cannabis processor shall have a financial interest in, or simultaneously serve as a receiver for, a licensed ((marijuana)) cannabis retailer; and

(ii) No person shall serve as a receiver for, or be a true party of interest in, more than five ((marijuana)) cannabis retail licensees or more than three ((marijuana)) cannabis producer, processor, or producer/processor licensees at the same time.

(b) If the ((WSLCB)) board determines that a receiver is violating or has violated the restrictions in this subsection, the receiver may be disqualified to act as a receiver by the ((WSLCB)) board.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-137, filed 10/31/18, effective 12/1/18.]

OTS-3707.4

NEW SECTION

WAC 314-55-570 Social equity in cannabis program. (1) Definitions.

(a) "**Disproportionately impacted area (DIA)**" means a census tract within Washington state where community members were more likely to be impacted by the war on drugs. These areas are determined using a standardized statistical equation to identify areas of high unemployment, low income, and demographic indicators consistent with populations most impacted by the war on drugs, including areas with higher rates of arrest for drug charges. The board will provide maps to identify disproportionately impacted areas. The maps will reflect census tracts from different time periods to account for gentrification.

(b) "**Family member**" means:

(i) A biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the applicant stands in loco parentis (in place of the parent), is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(ii) Grandchild, grandparent, parent, or sibling of a child as defined in (b)(i) of this subsection;

(iii) Spouse or domestic partner;

(iv) Any individual who regularly resides in the applicant's home or where the relationship creates an expectation that the applicant care for the person and that individual depends on the applicant for care, or that the individual care for the applicant and that the applicant depends on the individual for care.

(c) **"Median household income"** means the most recent median household income within the state of Washington as calculated by the United States Census Bureau.

(d) **"Person"** means a real human being, distinguished from a corporation, company, or other business entity.

(e) **"Preliminary letter of approval"** means an approval letter issued to a social equity program applicant for purposes of securing a grant from the department of commerce and a location and other necessities to complete the licensing process.

(f) **"Social equity program applicant"** means a person(s) who meets the requirements of the social equity program.

(g) **"Social equity contractor"** means a third party responsible to review and score social equity program applications.

(h) **"Social equity licensee"** means a person or entity that holds a social equity cannabis license or any person or entity who is a true party of interest in a social equity in cannabis license as described in WAC 314-55-035.

(i) **"Social equity plan"** means a plan that addresses the following elements including, but not limited to:

(i) A description of how issuing a cannabis retail license to the social equity applicant will meet social equity goals as described in statute;

(ii) The social equity applicant's personal or family history with the criminal justice system, including any offenses involving cannabis; and

(iii) Business plans involving partnerships or assistance to organizations or residents with connections or contributions to populations with a history of high rates of enforcement of cannabis prohibition.

(j) **"Social equity title certificate holder"** means a cannabis retail license title certificate holder that meets the requirements of a social equity program applicant as determined by the social equity contractor, and is unable to open for business in the city or county where the cannabis retail license is located.

(2) **Social equity applicant requirements.**

(a) To be considered for the social equity program under this chapter and RCW 69.50.335, the following requirements must be met by each applicant:

(b) At least a 51 percent majority, or controlling interest, in the applicant, must be held by a person, or persons, who has or have resided in Washington state for six months prior to the application date, consistent with RCW 69.50.331, and meets at least two of the following qualifications:

(i) **Qualification 1:** The social equity applicant or applicants have lived in a disproportionately impacted area in Washington state for a minimum of five years between 1980 and 2010; or

(ii) **Qualification 2:** The social equity applicant or a family member of the applicant has been arrested or convicted of a cannabis offense; or

(iii) **Qualification 3:** The social equity applicant's household income in the year prior to submitting the application was less than

the median household income within the state of Washington as calculated by the United States Census Bureau.

(3) **Social equity application process.**

(a) **Application window.**

(i) The board will open the application window for an initial period of 30 calendar days.

(ii) At its sole discretion, the board may reopen the application window:

(A) After initial evaluation of applications is received and locations are still available; or

(B) If additional allotments become available after the initial application window has closed pursuant to RCW 69.50.335.

(b) **Initial application requirements.**

(i) The social equity application must be submitted electronically through the department of revenue's business licensing online application system.

(ii) The social equity applicant must apply to the department of revenue's business licensing service within the 30-day application window. All required information must be completed on the application and payment must be submitted within the 30-day application window for the application to be accepted.

(iii) The social equity applicant, whether applying as a person, persons, or entity, may apply for a cannabis license only once during each application window described in subsection (4)(c) of this section.

(iv) An application to reinstate the license of a social equity title certificate holder will not be considered a new social equity license application. The social equity title certificate holder may submit an application for a social equity license and an application to reinstate their existing license through the social equity program.

(v) A location address is not required at the time of application.

(c) **Social equity contractor review.** Once the application window is closed, the social equity contractor will evaluate and prioritize all applications received within the 30-day application window.

(i) The social equity applicant must select one county where they wish to operate their business and notify the social equity contractor of their selection in the form and manner required by the social equity contractor.

(ii) The social equity applicant must submit documentation verifying the eligibility requirements described in (c)(D)(viii) of this subsection to the social equity contractor in the form and manner required by the social equity contractor.

(iii) Examples of documentation that may verify eligibility requirements include, but are not limited to:

(A) School records, rental agreements, utility bills, mortgage statements, loan documents, bank records, or tax returns that show the applicant's address(es), or a signed declaration that includes the applicant's address(es) indicating that the applicant resided in a DIA; or

(B) The applicant's arrest or conviction records, or family member's arrest or conviction records and an affirmation of the familial relationship signed by the applicant and the family member; or

(C) The applicant's tax returns demonstrating their income for the prior year; or

(D) Any other documentation that verifies the eligibility requirements described in (c)(D)(viii) of this subsection.

(iv) If additional materials are needed, the social equity applicant will receive a letter electronically from the social equity contractor directing the applicant to submit additional application materials directly to the social equity contractor.

(v) The social equity applicant must submit complete and accurate additional application materials directly to the social equity contractor within 15 business days of the date of the letter. It is the responsibility of the social equity applicant to comply with the application requirements in this section and ensure the application is complete, accurate, and successfully submitted to the social equity contractor.

(vi) If the application is determined to be incomplete by the social equity contractor, the social equity applicant will be provided with 14 days to submit a complete application. The social equity contractor will score the application based on the materials submitted within the time frame.

(vii) The social equity contractor will review the application materials, including the social equity plan provided by the social equity applicant to determine if the applicant meets the requirements of a social equity applicant.

(viii) After the social equity contractor determines that the requirements have been met, the social equity contractor will score social equity applications using the following scoring rubric to prioritize social equity applicants:

Social Equity Application Scoring Rubric		
Category	Eligibility Requirements	Point Scale
	1. Lived in a disproportionately impacted area (DIA)	40
	1a. How long have you lived in a DIA? 5y -10y = 20 points 10 + years = 40 points	40
	2. Convicted of a drug offense? (Self)	10
	2a. Convicted of a cannabis offense? (Self)	40
	3. Convicted of a drug offense? (Family)	5
	3a. Convicted of a cannabis offense? (Family)	5
	4. If you were convicted of a cannabis offense, what type of sentence did you receive: Fine = 10 points Served probation = 20 points Confined to home = 40 points Served time in jail or prison = 80 points	80
	5. Did you or your family member's incarceration keep you from getting employment?	5
	6. Did you lose your home or ability to purchase a home or rent a home as a result of your convictions or arrests?	5
	7. Is your household income less than the median household income within the state of Washington as calculated by the United States Census Bureau?	40
	8. Did you own or operate a medical cannabis dispensary or collective garden, licensed as a business, prior to July 1, 2016 (10 points)? or Did you own and operate a medical cannabis dispensary or collective garden licensed as a business in a DIA (30 points)?	10 30 in a DIA
	9. Have you held or do you currently hold 51 percent majority/controlling interest of a state cannabis (marijuana) retailer license? No = 10 points Yes = 0 points	10
	Total Maximum Points	310 points

(ix) The social equity contractor will provide the board with a list of eligible and scored social equity applicants.

(x) Neither the social equity contractor nor its employees shall benefit from any license or licenses granted as a result of their review.

(d) (i) **Board review.** Social equity applicants that are scored highest by the social equity contractor within the county selected by the social equity applicant will be processed by the board.

(ii) In the event of a tie, the board will use a double blind lottery conducted by an independent third party to identify the application(s) that will be processed.

(e) **Preliminary letter of approval.** Once the social equity applications that will be processed are identified as described in this section, eligible social equity applicants will be issued a preliminary letter of approval.

(4) **Additional provisions.**

(a) **Time restrictions.** There are no time restrictions for a social equity applicant to select and secure a location.

(b) **Ownership changes.** Social equity applicants may not make ownership changes to an application after the application has been reviewed, scored, and prioritized by the social equity contractor.

(c) **Social equity applicants may apply for a social equity license once per application window.** If a social equity applicant ap-

plies more than once, the board will accept only the first application.

(d) **License mobility.** Social equity licenses that are currently designated to specific cities may be located anywhere within the county in which the city is located. However, the license may not be transferred outside of that county.

(e) **Qualifying for the social equity program will not result in or guarantee cannabis business license approval.** Social equity applicants must meet all license qualifications in WAC 314-55-077 and this chapter to receive a license.

(f) **License transfer and assumption.** Licenses awarded under this section may not be transferred or assumed within the first year of the license being issued. Licenses awarded under this section may only be transferred to or assumed by individuals or groups of individuals who meet the definition of a social equity program applicant for a period of five years from the date of the initial license was approved.

(5) **Social equity title certificate holders.** A title certificate holder that meets the requirements of a social equity program applicant as determined by the social equity contractor may reinstate their retail cannabis license anywhere within the county that they hold their title certificate.

(6) **Application withdrawal.** The board will withdraw a social equity application if:

(a) The social equity program application or additional materials are determined to be incomplete or incorrect by the social equity contractor;

(b) The social equity program application materials are not timely received by the social equity contractor;

(c) The social equity applicant is not selected to continue with the licensing application process; or

(d) The social equity applicant(s) requests withdrawal of the social equity program application at any time in the application process. The social equity applicant(s) must request withdrawal in writing. The voluntary withdrawal of a social equity program application does not result in a hearing right.

[]

WSR 22-21-059
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)

[Filed October 12, 2022, 12:56 p.m., effective November 12, 2022]

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

Purpose: To repeal the entirety of chapter 460-33A WAC, which created an optional method of registration for mortgage paper securities. The last issuer to register an offering of mortgage paper securities under these rules was in 2012. Changes in federal law over the past 10 years, including the Jumpstart Our Business Startups (JOBS) Act of 2012, have diminished the usefulness of the rules contained in chapter 460-33A WAC.

Citation of Rules Affected by this Order: Repealing chapter 460-33A WAC.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 22-16-117 on August 3, 2022.

A final cost-benefit analysis is available by contacting Patrick Stickney, P.O. Box 9033, Olympia, WA 98507-9033, phone 360-902-8760, email Patrick.Stickney@dfi.wa.gov, website www.dfi.wa.gov. No cost-benefit analysis was required to be prepared.

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 the 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 31.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 31.

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: October 12, 2022.

Charles Clark
Director

OTS-3993.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 460-33A-010	Application.
WAC 460-33A-015	Definitions.
WAC 460-33A-017	Registration not required.
WAC 460-33A-020	Optional registration procedures for mortgage paper securities.

WAC 460-33A-025	Contents of the general offering circular.
WAC 460-33A-030	Contents and filing of the specific offering circular.
WAC 460-33A-031	Minimum investor suitability requirements.
WAC 460-33A-035	Limitations on the use of optional registration of this chapter.
WAC 460-33A-036	Participation agreement.
WAC 460-33A-037	Disclosure requirements in the sale of real estate owned property.
WAC 460-33A-038	Real estate broker's opinion of value in the sale of real estate owned property.
WAC 460-33A-040	Net worth or bond requirement.
WAC 460-33A-055	Escrow account.
WAC 460-33A-060	Recordation.
WAC 460-33A-065	Service agreement.
WAC 460-33A-070	Origination and assignment.
WAC 460-33A-075	Advertising.
WAC 460-33A-080	Registration and examination of mortgage broker-dealers.
WAC 460-33A-081	Expiration of mortgage broker-dealer registration, renewal procedure.
WAC 460-33A-085	Registration and examination of mortgage securities salespersons.
WAC 460-33A-086	Expiration of mortgage securities salesperson registration, renewal procedure.
WAC 460-33A-090	Dishonest and unethical practices—Mortgage broker-dealers.
WAC 460-33A-095	Fiduciary duty—Mortgage broker-dealers.
WAC 460-33A-100	Written statement.
WAC 460-33A-105	Appraisals.
WAC 460-33A-110	Financial statements and annual reports.
WAC 460-33A-115	Books and records.
WAC 460-33A-116	Access to loan records by investors.
WAC 460-33A-120	Preservation of records.
WAC 460-33A-125	Notice of changes by mortgage broker-dealers.
WAC 460-33A-130	Notice of complaint.

WSR 22-21-072

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed October 13, 2022, 11:34 a.m., effective November 13, 2022]

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

Purpose: The agency is amending WAC 182-504-0015 and 182-507-0130 to expand the eligibility period for refugee medical assistance from eight months to 12 months for persons whose date of eligibility is on or after October 1, 2021. The agency has determined that this rule amendment is necessary to align with the eligibility period set by the director of the federal Office of Refugee Resettlement.

Citation of Rules Affected by this Order: Amending WAC 182-504-0015 and 182-507-0130.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 22-18-013 on August 26, 2022.

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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: October 13, 2022.

Wendy Barcus
Rules Coordinator

OTS-3932.1

AMENDATORY SECTION (Amending WSR 22-12-033, filed 5/24/22, effective 6/24/22)

WAC 182-504-0015 Washington apple health—Certification periods for categorically needy programs. (1) A certification period is the period of time we determine that you are eligible for a categorically needy (CN) Washington apple health program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues through the end of the last month of the certification period.

(2) For a newborn eligible for apple health, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) If you are eligible for apple health based on pregnancy, the certification period continues through the last day of the month the pregnancy ends. After-pregnancy coverage begins the first day of the month, following the end of the pregnancy, and ends the last day of the 12th month from the time after-pregnancy coverage began.

(4) If you are newly eligible for apple health coverage and had a pregnancy end within the last 12 months, your certification period for after-pregnancy coverage:

(a) Begins the first day of the month you are eligible; and

(b) Ends the last day of the 12th month following the end of your pregnancy.

(5) If you are eligible for the refugee program, the certification period ends at the end of the (~~eight~~) 12th month following your date of entry to the United States.

(6) For all other CN coverage, the certification period is 12 months.

(7) If you are a child, eligibility is continuous throughout the certification period regardless of a change in circumstances, unless a required premium (described in WAC 182-505-0225) is not paid for three consecutive months, or you:

(a) Turn age 19;

(b) Move out-of-state; or

(c) Die.

(8) When you turn 19, the certification period ends after the re-determination process described in WAC 182-504-0125 is completed, even if the 12-month period is not over, unless:

(a) You are receiving inpatient services (described in WAC 182-514-0230) on the last day of the month you turn 19;

(b) The inpatient stay continues into the following month or months; and

(c) You remain eligible except for turning age 19.

(9) A retroactive certification period is described in WAC 182-504-0005.

(10) Coverage under premium-based programs included in apple health for kids as described in chapter 182-505 WAC begins no sooner than the month after creditable coverage ends.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 22-12-033, § 182-504-0015, filed 5/24/22, effective 6/24/22; WSR 17-12-017, § 182-504-0015, filed 5/30/17, effective 6/30/17. Statutory Authority: RCW 41.05.021, 41.05.160, Public Law 111-148, 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155. WSR 14-16-052, § 182-504-0015, filed 7/29/14, effective 8/29/14. WSR 11-24-018, recodified as § 182-504-0015, filed 11/29/11, effective 12/1/11. Statutory Authority: RCW 74.04.050, 74.04.057, and 74.08.090, and Apple Health for Kids Act (ESHB 2128); 42 U.S.C. 1305; Public Law 111-3 (Children's Health Insurance Program Reauthorization Act of 2009). WSR 11-03-001, § 388-416-0015, filed 1/5/11, effective 2/5/11. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.402, 74.09.470, and 2008 session law. WSR 09-07-086, § 388-416-0015, filed 3/17/09, effective 4/17/09. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.09.700, and 2007 c 5. WSR 08-05-018, § 388-416-0015, filed 2/12/08, effective 3/14/08. Statutory Authority: RCW 74.04.050, 74.08.090, 74.09.530, and 74.09.700. WSR 06-24-036, § 388-416-0015, filed 11/30/06, effective 1/1/07. Statutory Authority: RCW 74.08.090, 74.09.530, and 74.09.415. WSR 05-19-031, § 388-416-0015, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. WSR 04-21-064, § 388-416-0015, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 74.08.090, 74.09.530, and 2003 c 10. WSR 04-03-019, § 388-416-0015, filed 1/12/04, effective 2/12/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090 and 74.09.450. WSR

00-08-002, § 388-416-0015, filed 3/22/00, effective 5/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-416-0015, filed 7/31/98, effective 9/1/98. Formerly 388-509-0970, 388-521-2105, 388-522-2210 and 388-522-2230.]

OTS-3927.3

AMENDATORY SECTION (Amending WSR 20-21-008, filed 10/8/20, effective 11/8/20)

WAC 182-507-0130 Refugee medical assistance (RMA). (1) You are eligible for refugee medical assistance (RMA) if all the following conditions are met. You:

(a) Meet immigration status requirements of WAC 182-507-0135;
 (b) Have countable resources below (~~one thousand dollars~~) \$1,000 on the date of application;
 (c) Have countable income equal to or below (~~two hundred~~) 200 percent of the federal poverty level (FPL) on the date of application. The following income is not considered when determining eligibility for RMA:

(i) Resettlement cash payments made by the voluntary agency (VOLAG);
 (ii) Income of a sponsor is not counted unless the sponsor is also part of your assistance unit; and
 (iii) Income received after the date of application.
 (d) Provide the name of the VOLAG which helped bring you to the United States so that the department of social and health services (DSHS) can promptly notify the VOLAG (or sponsor) about the medical application.

(2) If you receive refugee cash assistance (RCA) you are eligible for RMA as long as you are not otherwise eligible for medicaid or a children's health care program as described in WAC 182-505-0210. You do not have to apply for or receive RCA in order to qualify for RMA.

(3) You are not eligible to receive RMA if you are:

(a) Already eligible for medicaid or a children's health care program as described in WAC 182-505-0210;
 (b) A full-time student in an institution of higher education unless the educational activity is part of a DSHS-approved individual responsibility plan (IRP); or
 (c) A nonrefugee spouse of a refugee.

(4) If approved for RMA, the agency or its designee issues an approval letter in both English and your primary language. The agency or its designee also sends a notice every time there are any changes or actions taken which affect your eligibility for RMA.

(5) You may be eligible for RMA coverage of medical expenses incurred during the three months prior to the first day of the month of the application. Eligibility determination will be made according to medicaid rules.

(6) If you are a victim of human trafficking you must provide the following documentation and meet the eligibility requirements in subsections (1) and (2) of this section to be eligible for RMA:

(a) Adults, (~~eighteen~~) 18 years of age or older, must provide the original certification letter from the United States Department of

Health and Human Services (DHHS). No other documentation is needed. The ~~((eight-month))~~ eligibility period will be determined based on the entry date on your certification letter;

(b) A child victim under the age of ~~((eighteen))~~ 18 does not need to be certified. DHHS issues a special letter for children. Children also have to meet income eligibility requirements;

(c) A family member of a certified victim of human trafficking must have a T-2, T-3, T-4, or T-5 visa (derivative T-Visas), and the family member must meet eligibility requirements in subsections (1) and (2) of this section.

(7) The entry date for an asylee is the date that asylum status is granted. For example, you entered the United States on December 1, 1999, as a tourist, then applied for asylum on April 1, 2000, interviewed with the asylum office on July 1, 2000, and were granted asylum on September 1, 2000. The date of entry is September 1, 2000, and that is the date used to establish eligibility for RMA.

(8) (a) RMA ends on either:

(i) The last day of the eighth month from the month ~~((you))~~ the person entered the United States if they entered the United States on or before September 30, 2021. For example, if ~~((you))~~ they entered the United States on ~~((May 28, 2011))~~ September 30, 2021, ~~((you))~~ they are eligible through ~~((the end of December 2011.))~~ April 30, 2022; or

(ii) The last day of the 12th month from the month the person entered the United States if they entered the United States on or after October 1, 2021. For example, if they entered the United States on October 25, 2021, they are eligible through September 30, 2022.

(b) You may receive RMA benefits for more months if you are in a category of persons for whom the federal Office of Refugee Resettlement has extended the eligibility period.

(9) If you are approved for RMA you are continuously eligible through the end of the ~~((eighth month after your entry to the United States))~~ initial RMA certification period, regardless of an increase in income.

(10) The agency, or its designee, determines eligibility for medicaid and other medical programs for your spouse when the spouse arrives in the United States. If the spouse is not eligible for medicaid due to your countable income, the spouse is still eligible for RMA ~~((for eight months following the spouse's entry into the United States))~~ under subsection (8) of this section.

(11) If you disagree with a decision or action taken on the case by the agency, or its designee, you have the right to request a review of the case action(s) or request an administrative hearing (see chapter 182-526 WAC). The request must be received by the agency, or its designee, within ~~((ninety))~~ 90 days of the date of the decision or action.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 20-21-008, § 182-507-0130, filed 10/8/20, effective 11/8/20. Statutory Authority: RCW 41.05.021 and 2011 1st sp.s. c 15. WSR 12-19-001, § 182-507-0130, filed 9/5/12, effective 10/6/12. WSR 12-02-034, recodified as § 182-507-0130, filed 12/29/11, effective 1/1/12. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.320, Pub. L. No. 110-181, National Defense Authorization Act for Fiscal Year 2008, Pub. L. No. 111-08, the Omnibus Appropriations Act of 2009, Division F, Title VI, Section 602; Office of Refugee Resettlement State Letter 09-17 from April 9, 2009; and federal guidance issued on May 15, 2009, by the Food and Nutrition Service, United States Department of Agri-

culture. WSR 09-21-046, § 388-466-0130, filed 10/14/09, effective 11/4/09. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08A.320, 74.08.090, and Public Law 110-161 Section 525; Public Law 110-181 Section 1244; FNS Admin Notice 08-17; State Letter 04-12 from the Office of Refugee Resettlement. WSR 08-14-116, § 388-466-0130, filed 6/30/08, effective 8/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. WSR 04-05-010, § 388-466-0130, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.08.090, 74.08A.320. WSR 00-21-065, § 388-466-0130, filed 10/16/00, effective 11/1/00.]

WSR 22-21-086

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed October 14, 2022, 10:01 a.m., effective November 14, 2022]

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

Purpose: The agency is amending WAC 182-504-0005 and sections of chapter 182-500 WAC, Medical definitions, to implement requirements in RCW 74.09.830 regarding postpartum health care coverage. The amended rules will provide for retroactive postpartum coverage and define after-pregnancy coverage, continuous eligibility, and full scope coverage.

Citation of Rules Affected by this Order: Amending WAC 182-500-0010, 182-500-0020, 182-500-0035, and 182-504-0005.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: RCW 74.09.830.

Adopted under notice filed as WSR 22-17-092 on August 18, 2022.

Changes Other than Editing from Proposed to Adopted Version:

Proposed/Adopted	WAC Subsection	Reason
WAC 182-504-0005 (2)(b)		
Proposed	(b) <u>An individual who is applying within 12 months of their last pregnancy end date is eligible for after-pregnancy coverage in one of the three months immediately before the month of application. Eligibility continues as described in WAC 182-504-0015(4).</u>	The agency changed "one" to "any" in the first sentence. In the second sentence the agency changed "Eligibility continues" to "Continuous eligibility begins from the earliest month the individual is found eligible" and added subsection (3) to the citation to WAC 182-504-0015. These changes clarify the intent of the rule, which is to allow an individual to qualify for continuous, full after-pregnancy coverage if they are eligible in any of the three months immediately before the application.
Adopted	(b) <u>An individual who is applying within 12 months of their last pregnancy end date is eligible for after-pregnancy coverage in any of the three months immediately before the month of application. Continuous eligibility begins from the earliest month the individual is found eligible as described in WAC 182-504-0015 (3) and (4).</u>	

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

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

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

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

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

Date Adopted: October 14, 2022.

Wendy Barcus
Rules Coordinator

OTS-3858.3

AMENDATORY SECTION (Amending WSR 16-02-122, filed 1/6/16, effective 2/6/16)

WAC 182-500-0010 Medical assistance definitions—A. "Administrative renewal" means the agency uses electronically available income data sources to verify and recertify a person's Washington apple health benefits for a subsequent certification period. A case is administratively renewed when the person's self-attested income is reasonably compatible (as defined in WAC 182-500-0095) with the information available to the agency from the electronic data sources and the person meets citizenship, immigration, Social Security number, and age requirements.

"After-pregnancy coverage (APC)" means full-scope Washington apple health (medicaid) health care coverage for people up to 12 months after the month their pregnancy ends under WAC 182-505-0115.

"Agency" or "medicaid agency" means the Washington state health care authority (HCA).

"Agency's designee" means any entity expressly designated by the agency to act on its behalf.

"Allowable costs" are the documented costs as reported after any cost adjustment, cost disallowances, reclassifications, or reclassifications to nonallowable costs which are necessary, ordinary and related to the outpatient care of medical care clients or not expressly declared nonallowable by applicable statutes or regulations. Costs are ordinary if they are of the nature and magnitude which prudent and cost-conscious management would pay.

"Alternative benefits plan" means the range of health care services included within the scope of service categories described in WAC 182-501-0060 available to persons eligible to receive health care coverage under the Washington apple health modified adjusted gross income (MAGI)-based adult coverage described in WAC 182-505-0250.

"Ancillary services" means additional services ordered by the provider to support the core treatment provided to the patient. These services may include, but are not limited to, laboratory services, radiology services, drugs, physical therapy, occupational therapy, and speech therapy.

"Apple health for kids" is the umbrella term for health care coverage for certain groups of children that is funded by the state and federal governments under Title XIX medicaid programs, Title XXI Children's Health Insurance Program, or solely through state funds (including the program formerly known as the children's health program). Funding for any given child depends on the program for which the child is determined to be eligible. Apple health for kids programs are included in the array of health care programs available through Washington apple health (WAH).

"Attested income" means a self-declared statement of a person's income made under penalty of perjury to be true. (See also "self-attested income.")

"Authorization" means the agency's or the agency's designee's determination that criteria are met, as one of the preconditions to the agency's or the agency's designee's decision to provide payment for a specific service or device. (See also "expedited prior authorization" and "prior authorization.")

"Authorized representative" is defined under WAC 182-503-0130.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 16-02-122, § 182-500-0010, filed 1/6/16, effective 2/6/16; WSR 15-15-143, § 182-500-0010, filed 7/17/15, effective 8/17/15. Statutory Authority: RCW 41.05.021, Patient Protection and Affordable Care Act (P.L. 111-148), 42 C.F.R. §§ 431, 435, 457, and 45 C.F.R. § 155. WSR 14-01-021, § 182-500-0010, filed 12/9/13, effective 1/9/14. WSR 11-14-075, recodified as § 182-500-0010, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090 and 2011 1st sp.s. c 15. WSR 11-14-053, § 388-500-0010, filed 6/29/11, effective 7/30/11.]

AMENDATORY SECTION (Amending WSR 19-04-095, filed 2/5/19, effective 3/8/19)

WAC 182-500-0020 Definitions—C. "Caretaker relative" means a relative of a dependent child by blood, adoption, or marriage with whom the child is living, who assumes primary responsibility for the child's care, and who is one of the following:

(a) The child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece.

(b) The spouse of such parent or relative (including same sex marriage or domestic partner), even after the marriage is terminated by death or divorce.

(c) Other relatives including relatives of half-blood, first cousins once removed, people of earlier generations (as shown by the prefixes of great, great-great, or great-great-great), and natural parents whose parental rights were terminated by a court order.

"Carrier" means an organization that contracts with the federal government to process claims under medicare Part B.

"Categorically needy (CN) or categorically needy program (CNP)" is the state and federally funded health care program established under Title XIX of the Social Security Act for people within medicaid-eligible categories, whose income and/or resources are at or below set standards.

"Categorically needy income level (CNIL)" is the standard used by the agency to determine eligibility under a categorically needy program.

"Categorically needy (CN) scope of care" is the range of health care services included within the scope of service categories described in WAC 182-501-0060 available to people eligible to receive benefits under a CN program. Some state-funded health care programs provide CN scope of care.

"Center of excellence" - A hospital, medical center, or other health care provider that meets or exceeds standards set by the agency for specific treatments or specialty care.

"Centers for Medicare and Medicaid Services (CMS)" - The federal agency that runs the medicare, medicaid, and children's health insurance programs, and the federally facilitated marketplace.

"Children's health program or children's health care programs"

See "Apple health for kids."

"Client" means a person who is an applicant for, or recipient of, any Washington apple health program, including managed care and long-

term care. See definitions for "applicant" and "recipient" in RCW 74.09.741.

"Community spouse." See "spouse" in WAC 182-500-0100.

"Continuous eligibility" means a person continues to receive their apple health coverage without interruption throughout their certification period regardless of changes in income, household size, immigration or citizenship status, or any other factor of eligibility other than moving out-of-state or death.

"Core provider agreement" is a written contract whose terms and conditions bind each provider in the fee-for-service program to applicable federal laws, state laws, and the agency's rules, provider alerts, billing guides, and other subregulatory guidance. See WAC 182-502-0005. The core provider agreement is a unilateral contract.

"Cost-sharing" means any expenditure required by or on behalf of an enrollee with respect to essential health benefits; such term includes deductibles, coinsurance, copayments, or similar charges, but excludes premiums, balance billing amounts for nonnetwork providers, and spending for noncovered services.

"Cost-sharing reductions" means reductions in cost-sharing for an eligible person enrolled in a silver level plan in the health benefit exchange or for a person who is an American Indian or Alaska native enrolled in a qualified health plan (QHP) in the exchange.

"Couple." See "spouse" in WAC 182-500-0100.

"Covered service" is a health care service contained within a "service category" that is included in a Washington apple health (WAH) benefits package described in WAC 182-501-0060. For conditions of payment, see WAC 182-501-0050(5). A noncovered service is a specific health care service (for example, cosmetic surgery), contained within a service category that is included in a WAH benefits package, for which the agency or the agency's designee requires an approved exception to rule (ETR) (see WAC 182-501-0160). A noncovered service is not an excluded service (see WAC 182-501-0060).

"Creditable coverage" means most types of public and private health coverage, except Indian health services, that provide access to physicians, hospitals, laboratory services, and radiology services. This term applies to the coverage whether or not the coverage is equivalent to that offered under premium-based programs included in Washington apple health (WAH). Creditable coverage is described in 42 U.S.C. 300gg-3 (c) (1).

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 19-04-095, § 182-500-0020, filed 2/5/19, effective 3/8/19; WSR 17-23-040, § 182-500-0020, filed 11/8/17, effective 12/9/17; WSR 16-18-019, § 182-500-0020, filed 8/26/16, effective 9/26/16; WSR 15-17-013, § 182-500-0020, filed 8/7/15, effective 9/7/15. Statutory Authority: RCW 41.05.021, 41.05.160, Public Law 111-148, 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155. WSR 14-16-052, § 182-500-0020, filed 7/29/14, effective 8/29/14. WSR 11-14-075, recodified as § 182-500-0020, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090 and 2011 1st sp.s. c 15. WSR 11-14-053, § 388-500-0020, filed 6/29/11, effective 7/30/11.]

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-500-0035 Medical assistance definitions—F. "Fee-for-service (FSS)" - The general payment method the agency or agency's designee uses to pay for covered medical services provided to clients, except those services covered under the agency's prepaid managed care programs.

"Fiscal intermediary" means an organization having an agreement with the federal government to process medicare claims under Part A.

"Full-scope coverage" means that the client is entitled to the benefits in the scope of service categories under WAC 182-501-0060.

[WSR 11-14-075, recodified as § 182-500-0035, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090 and 2011 1st sp.s. c 15. WSR 11-14-053, § 388-500-0035, filed 6/29/11, effective 7/30/11.]

OTS-3857.2

AMENDATORY SECTION (Amending WSR 13-14-019, filed 6/24/13, effective 7/25/13)

WAC 182-504-0005 Washington apple health—Retroactive certification period. (1) The medicaid agency approves a retroactive Washington apple health (WAH) certification period for the three months immediately before the month of application when an individual:

- (a) Requests retroactive WAH on his or her application, within the certification period following the retroactive period, or before the determination of benefits and any appeal process is final;
- (b) Would have been eligible for WAH for any or all of the three months if he or she had applied during the retroactive period; and
- (c) The individual received covered medical services as described in WAC 182-501-0060 and 182-501-0065.

(2) When an individual is eligible only during the three-month retroactive certification period, that period is the only period of certification, except when:

- (a) A pregnant (~~woman~~) individual is eligible in one of the three months immediately before the month of application, but no earlier than the month of conception. Eligibility continues as described in WAC 182-504-0015(3).

(b) An individual who is applying within 12 months of their last pregnancy end date is eligible for after-pregnancy coverage in any of the three months immediately before the month of application. Continuous eligibility begins from the earliest month the individual is found eligible as described in WAC 182-504-0015 (3) and (4).

(c) A child is eligible for categorically needy (CN) WAH as described in WAC 182-505-0210 (1) through (5) and (7) in at least one of the three months immediately before the month of application. Eligibility after the retroactive period continues as described in WAC 182-504-0015(11).

(3) An individual applying for the medically needy (MN) spenddown program may be eligible for a retroactive certification period as described in WAC 182-504-0020.

(4) An individual applying for a medicare savings program may be eligible for a retroactive certification period as described in WAC 182-504-0025.

[Statutory Authority: RCW 41.05.021, Patient Protection and Affordable Care Act (Public Law 111-148), 42 C.F.R. §§ 431, 435, and 457, and 45 C.F.R. § 155. WSR 13-14-019, § 182-504-0005, filed 6/24/13, effective 7/25/13.]

WSR 22-21-087

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed October 14, 2022, 10:38 a.m., effective November 14, 2022]

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

Purpose: A small works roster will allow the university to expeditiously solicit bids for contractors on projects with a construction cost of \$350,000 and below.

Citation of Rules Affected by this Order: New chapter 516-32 WAC.

Statutory Authority for Adoption: RCW 28B.35.120(12), 39.04.155.

Adopted under notice filed as WSR 22-15-098 on July 19, 2022.

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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 9, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 9, 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: October 14, 2022.

Jennifer L. Sloan
Rules Coordinator

OTS-3920.1

**Chapter 516-32 WAC
SMALL WORKS ROSTER**NEW SECTION

WAC 516-32-010 Purpose and authority. This chapter of the Washington Administrative Code is adopted pursuant to RCW 39.04.155, authorizing Western Washington University to adopt procedures to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property in lieu of other procedures for such work with an estimated cost of \$350,000 or less. The university, in establishing a small works roster, shall use the procedures set forth in this chapter.

[]

NEW SECTION

WAC 516-32-020 Project construction cost. Whenever the estimated cost of any construction or improvement of real property does not exceed \$350,000, the university is authorized to use the small works roster in lieu of public advertisement for bids. In the event that the legislature further increases the small works roster limit, the university is authorized to use the small works roster for any projects up to the legislatively authorized limit. No project shall be broken into units or phases for the purpose of avoiding the maximum dollar amount of a contract that may be met using the small works roster.

[]

NEW SECTION

WAC 516-32-030 Creation of small works roster or rosters. The university may create a single general small works roster, or it may create a small works roster for different specialties or categories of anticipated work. The rosters may make distinctions between contractors based upon different geographic areas served by the contractors.

[]

NEW SECTION

WAC 516-32-040 Notice of small works rosters and solicitation of contractors. At least once per year, the university shall cause to be published, in a newspaper of general circulation within the counties where small works are expected to be performed, a notice of the existence of any rosters, and shall solicit the names of contractors for such roster or rosters.

[]

NEW SECTION

WAC 516-32-050 Procedure for use. Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder. Bids may be solicited from all appropriate contractors on the roster or, alternatively, from at least five contractors who have indicated the capability of performing the kind of work being contracted. If the estimated cost of the work is from \$250,000 to \$350,000, and bids are not solicited from all appropriate contractors, all appropriate contractors must be notified that bids are being solicited. Detailed plans and specifications are not required as part of the bid invitation.

[]

NEW SECTION

WAC 516-32-060 Applicable statutes. All statutes pertaining to contracts for public works shall be otherwise fully applicable to contracts awarded through the small works roster procedure.

[]

NEW SECTION

WAC 516-32-070 Qualification requirements. To qualify for placement on the Western Washington University small works roster, contractors must demonstrate the following in experience and qualifications:

- (1) Be a licensed contractor in the state of Washington;
- (2) Have successfully completed a public works project, as defined by RCW 39.04.010; and
- (3) Have experience in the area of expertise for which listing is sought.

[]

NEW SECTION

WAC 516-32-080 Administration. The vice president for business and financial affairs, or designee, is authorized to establish procedures for university use of its small works roster.

[]

NEW SECTION

WAC 516-32-090 Denial or removal of contractors from small works roster—Reasons. A contractor may be denied placement on or, after such placement, may be removed from a small works roster for any of the following reasons:

- (1) The contractor has failed to respond to five solicitations for bids on jobs offered through the small works roster;
- (2) The contractor's past performance has demonstrated the firm not to be a responsible bidder per the provisions in RCW 39.04.350.

[]

WSR 22-21-093

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed October 17, 2022, 8:18 a.m., effective November 17, 2022]

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

Purpose: The rules clarify that, during a public health emergency, benefits for claimants terminated from work due to entering quarantine because of an exposure to, or contracting, the disease that is the subject of the declaration of the public health emergency will be charged 100 percent to the claimant's last employer if: (a) The employer is a base-period employer; (b) the employer is a contribution-paying employer; (c) the employer is a health care facility as defined in RCW 9A.50.010; and (d) the claimant was directly involved in the delivery of health services. Additionally, the rules clarify that during the weeks of a declared public health emergency, an unemployed health care worker is considered available for work while isolated or under quarantine as directed by a medical professional, local health official, or the secretary of health, if the individual is available for work that will commence after the isolation or quarantine period ends; or which can be performed for an employer from the individual's home.

Citation of Rules Affected by this Order: Amending WAC 192-170-010 and 192-320-075.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department. RCW 50.20.010(5) and 50.20.050(3) address the availability requirements and good cause basis to quit work for certain health care workers during a public health emergency. RCW 50.29.021 (1)(c)(iii) states that when an eligible individual's separation employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separation employer if the individual qualifies for benefits because, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services and was terminated from work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

Adopted under notice filed as WSR 22-17-021 on August 5, 2022.

A final cost-benefit analysis is available by contacting Josh Dye, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email rules@esd.wa.gov, website <https://www.esd.wa.gov/newsroom/ui-rulemaking/standard-occupational-code-reporting>.

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

Number of Sections Adopted at the 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: October 17, 2022.

Dan Zeitlin
Employment System Policy Director

OTS-3715.2

AMENDATORY SECTION (Amending WSR 21-16-034, filed 7/26/21, effective 1/2/22)

- WAC 192-170-010 Availability for work—RCW 50.20.010.** (1) In general, the department will consider you available for work if you:
- (a) Are willing to accept suitable full-time, part-time, and temporary work during the usual hours and days of the week customary for your occupation.
 - (i) You are not required to accept part-time or temporary work if it would substantially interfere with your return to your regular occupation.
 - (ii) The requirement to be willing to accept full-time work does not apply under the circumstances described in WAC 192-170-050 (1)(b) or 192-170-070;
 - (b) Are capable of accepting and reporting for any suitable work within the labor market in which you are seeking work;
 - (c) Do not impose conditions that substantially reduce or limit your opportunity to return to work at the earliest possible time;
 - (d) Are available for work for at least (~~forty~~) 40 hours during the week during the hours customary for your trade or occupation; and
 - (e) Are physically present in your normal labor market area, unless you are actively seeking and willing to accept work outside your normal labor market.
- (2) You are considered available for work if you are an active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC.
- (3) You are not considered available for work if you fail or refuse to seek work as required in a directive issued by the department under WAC 192-180-010.
- (4) If you are physically located outside of the United States, Puerto Rico, or the U.S. Virgin Islands, the department will consider you available for work if you meet the requirements of subsections (1) and (2) of this section, and:
- (a) You are legally authorized to work in the country in which you are physically located;
 - (b) You are immediately available for work in the United States;
- or
- (c) You are a spouse or domestic partner of a member of the United States Armed Forces and you are legally authorized to work within the foreign military base where your spouse or domestic partner is stationed.
- (5)(a) During the weeks of a declared public health emergency, an unemployed health care worker described in RCW 50.20.050(3) and

50.29.021 (1)(c)(iii) is considered available for work while isolated or under quarantine as directed by a medical professional, local health official, or the Secretary of Health, if the individual is available for work that:

(i) Will commence after the isolation or quarantine period ends;
or

(ii) Can be performed from the individual's home.

(b) For the purposes of this section, a health care worker is defined as an individual who was directly involved in the delivery of health services at a health care facility as defined in RCW 9A.50.010.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042, 50.20.010 and 50.20.100. WSR 21-16-034, § 192-170-010, filed 7/26/21, effective 1/2/22. Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.230, 50.20.240, 50.29.021, 50.29.025 and 50.29.062. WSR 21-12-068, § 192-170-010, filed 5/28/21, effective 6/28/21. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042 and 50.20.010. WSR 20-11-022, § 192-170-010, filed 5/13/20, effective 7/5/20. Statutory Authority: RCW 50.12.010, 50.20.010, 50.20.230, 50.20.240, and 50.12.040. WSR 20-10-056, § 192-170-010, filed 4/30/20, effective 7/5/20. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-170-010, filed 5/12/10, effective 6/12/10.]

OTS-3716.1

AMENDATORY SECTION (Amending WSR 21-12-068, filed 5/28/21, effective 6/28/21)

WAC 192-320-075 Charges to the separating employer—RCW

50.29.021 (1)(c). (1) If a claimant voluntarily quits work to accept a job with a new employer, (~~one hundred~~) 100 percent of benefits paid on the claim will be charged to the new employer when this new employer is the claimant's last employer, a base period employer, and a contribution-paying employer.

(2) If a claimant quits work because of the working conditions listed in this subsection, the employer from whom the separation occurred will be charged for (~~one hundred~~) 100 percent of benefits paid on the claim if the employer is the claimant's last employer, a base period employer, and a contribution-paying employer. These working conditions include:

(a) A reduction in the individual's usual compensation of (~~twenty-five~~) 25 percent or more under WAC 192-150-115;

(b) A reduction in the individual's usual hours of (~~twenty-five~~) 25 percent or more under WAC 192-150-120;

(c) A change in the work location which caused a substantial increase in distance or difficulty of travel under WAC 192-150-125;

(d) A deterioration in the individual's worksite safety under WAC 192-150-130;

(e) Illegal activities in the individual's worksite under WAC 192-150-135; or

(f) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs under WAC 192-150-140.

(3) During a public health emergency, 100 percent of the benefits paid on a claim will be charged to a claimant's last employer if:

(a) The employer is a base-period employer;

(b) The employer is a contribution-paying employer;

(c) The employer is a health care facility as defined in RCW 9A.50.010;

(d) The claimant was directly involved in the delivery of health services; and

(e) The claimant was terminated from work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Benefits based on wages paid by the following entities will **not** be charged to the experience-rating account of the separating employer as described in subsections (1) and (2) if they were earned:

(a) In another state;

(b) From a local government employer;

(c) From the federal government; or

(d) From any branch of the United States military.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.230, 50.20.240, 50.29.021, 50.29.025 and 50.29.062. WSR 21-12-068, § 192-320-075, filed 5/28/21, effective 6/28/21. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 04-23-058, § 192-320-075, filed 11/15/04, effective 12/16/04.]

WSR 22-21-094

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed October 17, 2022, 8:21 a.m., effective November 17, 2022]

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

Purpose: In 2020, the legislature enacted SHB 2308, which requires employers to include the standard occupational classification (SOC) code or job title of each worker in their quarterly tax reports to the employment security department (ESD). ESD is adopting rules that implement the requirement for employers to report SOC codes or job titles for workers when reporting.

Citation of Rules Affected by this Order: Amending WAC 192-310-010, 192-310-050, and 192-310-030.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to ESD. RCW 50.12.070 requires employers to include the SOC code or job title of each worker in their quarterly tax reports to ESD. RCW 50.12.220 requires an employer to pay an incomplete report penalty if the employer knowingly fails to report the standard occupational classification or job title of each worker.

Adopted under notice filed as WSR 22-17-110 on August 19, 2022.

A final cost-benefit analysis is available by contacting Josh Dye, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, fax 844-652-7096, TTY relay 771 [711], email rules@esd.wa.gov, website <https://www.esd.wa.gov/newsroom/ui-rulemaking/standard-occupational-code-reporting>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at the 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: October 17, 2022.

Dan Zeitlin
Employment System Policy Director

OTS-3178.3

AMENDATORY SECTION (Amending WSR 17-17-128, filed 8/22/17, effective 9/22/17)

WAC 192-310-010 What reports are required from an employer? (1) Business license application. Every person or unit with one or more individuals performing services for it in the state of Washington must file a business license application with the department of revenue.

(2) Employer registration:

(a) Every employer shall register with the department and obtain an employment security account number. Registration shall include the names, Social Security numbers, mailing addresses, telephone numbers, and the effective dates in that role of natural persons who are spouses or domestic partners of owners and owners, partners, members, or corporate officers of an employer. Registration of corporations shall include the percentage of stock ownership for each corporate officer, delineated as zero percent, less than ten percent, or ten percent or more, and the family relationship of corporate officers to other corporate officers who own ten percent or more. Every employer shall report changes in owners, partners, members, corporate officers, and percentage of ownership of the outstanding stock of the corporation by corporate officers. The report of changes is due each calendar quarter at the same time that the quarterly tax and wage report is due.

(b) A nonprofit corporation that is an employer shall register with the department, but is not required to provide names, Social Security numbers, mailing addresses, or telephone numbers for corporate officers who receive no compensation from the nonprofit corporation with respect to their services for the nonprofit corporation.

(c) An employer who omits required information when registering with the department, or fails to provide the department with the required information within thirty days of registration, must pay a penalty of twenty-five dollars for each violation unless the penalty is waived by the department.

(d) For purposes of this subsection:

(i) "Owner" means the owner of an employer operated as a sole proprietorship;

(ii) "Partner" means a general partner of an employer organized as a partnership, other than limited partners of a limited partnership who are not also general partners of the partnership;

(iii) "Member" means a member of an employer organized as a limited liability company, other than members who, pursuant to applicable law or the terms of the limited liability company's operating agreement or other governing documents, have no right to participate in the management of the limited liability company; and

(iv) "Corporate officer" means an officer described in the bylaws or appointed or elected by the board of directors in accordance with the bylaws or articles or certificates of incorporation of an employer organized as a for-profit or nonprofit corporation.

(3) Quarterly tax and wage reports:

(a) Tax report. Each calendar quarter, every employer must file a tax report with the commissioner. The report must list the total wages paid to every employee during that quarter.

(b) Report of employees' wages. Each calendar quarter, every employer must file a report of employees' wages with the commissioner. This report must list each employee by full name, Social Security number, standard occupational classification code or job title, and total hours worked and wages paid during that quarter.

(i) Social Security numbers are required for persons working in the United States;

(ii) If an individual has a Social Security card, (~~he or she~~) the individual must present the card to the employer at the time of hire or shortly after that. This does not apply to agricultural workers who, under federal rules, may show their Social Security card on the first day they are paid;

(iii) If the individual does not have a Social Security card, Internal Revenue Service rules allow an employer to hire the individual with the clear understanding that the individual will apply for a Social Security number within seven calendar days of starting work for the employer. The individual must give the employer a document showing ~~((he or she))~~ the individual has applied for a Social Security card. When the card is received, the individual must give the employer a copy of the card itself. An employer should keep copies of the document(s) for ~~((his or her))~~ their records;

(iv) If the employee does not show his or her Social Security card or application for a card within seven days and the employer continues to employ the worker, the employer does not meet the reporting requirements of this section. The department will not allow waiver of the incomplete report penalty (see WAC 192-310-030); ~~((and))~~

(v) For the purposes of this section, if an employee does not have a Social Security number but does have an individual taxpayer identification number (ITIN), the ITIN qualifies as a Social Security number. If the employee later obtains a Social Security number, the employer should use the Social Security number when filing the report of employees' wages; and

(vi) The United States Bureau of Labor Statistics Standard Occupational Classification system is used by federal agencies to classify workers into standard occupational categories for the purpose of collecting, calculating or disseminating data. These standard occupational categories are identified by a six-digit numerical code.

(c) Format. Employers must file the quarterly tax and wage reports in one of the following formats:

(i) Electronically, using ~~((the current version of employer account management services (EAMS), UIFastTax, UIWebTax, or ICESA Washington))~~ programs or services authorized by the department; or

(ii) Paper forms supplied by the department (or an approved version of those forms). Agency forms include "drop-out ink" that cannot be copied. Therefore, photocopies are considered incorrectly formatted reports and forms.

(d) Due dates. The quarterly tax and wage reports are due by the last day of the month following the end of the calendar quarter being reported. Calendar quarters end on March 31, June 30, September 30 and December 31 of each year. So, reports are due by April 30, July 31, October 31, and January 31, in that order. If these dates fall on a Saturday, Sunday, or a legal holiday, the reports will be due on the next business day. Reports submitted by mail will be considered filed on the postmarked date. The commissioner must approve exceptions to the time and method of filing in advance.

(e) Termination of business. Each employer who stops doing business or whose account is closed by the department must immediately file:

(i) A tax report for the current calendar quarter which covers tax payments due on the date the account is closed; and

(ii) A report of employees' wages for the current calendar quarter which includes all wages paid as of the date the account is closed.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-17-128, § 192-310-010, filed 8/22/17, effective 9/22/17; WSR 13-23-008, § 192-310-010, filed 11/7/13, effective 12/8/13; WSR 11-21-015, § 192-310-010, filed 10/7/11, effective 11/7/11; WSR 10-23-064, § 192-310-010, filed 11/12/10, effective 12/13/10; WSR 07-23-127, §

192-310-010, filed 11/21/07, effective 1/1/08. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.12.042. WSR 05-19-017, § 192-310-010, filed 9/9/05, effective 10/10/05; WSR 04-23-058, § 192-310-010, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 50.12.070. WSR 98-14-068, § 192-310-010, filed 6/30/98, effective 7/31/98.]

AMENDATORY SECTION (Amending WSR 10-23-064, filed 11/12/10, effective 12/13/10)

WAC 192-310-050 What records must every employer keep? (RCW 50.12.070.) The commissioner requires every employer to keep true and accurate business, financial, and employment records which are deemed necessary for the effective administration of chapter 50.12 RCW.

(1) **Employment records.** Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for four calendar years following the calendar year in which employment occurred:

- (a) The name of each worker;
- (b) The Social Security number of each worker;
- (c) The beginning date of employment for each worker and, if applicable, the separation date of employment of each worker;
- (d) The basis upon which wages and/or remuneration are paid to each worker;
- (e) The standard occupational classification code or job title associated with the worker's job duties;
- (f) The location where such services were performed;
- ~~((f))~~ (g) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each day;
- ~~((g))~~ (h) The workers' total gross pay period earnings;
- ~~((h))~~ (i) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld to equate to net pay; and
- ~~((i))~~ (j) The cause for any discharge where a worker was separated from the job due to discharge; or the cause of any quit where a worker quit the job if the cause for the quit is known.

(2) **Business, financial records, and record retention.** Every employer shall make, keep, and preserve business and financial records containing the following information for four calendar years following the calendar year in which employment occurred:

- (a) Payroll and accounting records, including payroll ledgers, all check registers and canceled checks covering both payroll and general disbursements, general and subsidiary ledgers, disbursement and petty cash records, and profit and loss statements or financial statements;
- (b) Quarterly and annual tax reports, including W-2, W-3, 1099, 1096, and FUTA (940) forms;
- (c) Quarterly reports to the employment security department and the department of labor and industries;
- (d) For independent contractors and subcontractors, business license numbers and registration numbers and copies of contract agreements and invoices; and
- (e) For years prior to 2009 for corporations that did not voluntarily elect to cover corporate officers for unemployment insurance, copies of written notifications to corporate officers that they were ineligible for unemployment insurance benefits.

(3) Employers who pay their workers by check are required to keep and preserve all check registers and bank statements. Employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(4) Penalties for failure to keep and preserve records shall be determined under RCW 50.12.070(3).

(5) For assistance with determining the appropriate standard occupational codes for their workers' job titles, employers can refer to the department's website or contact the employer call center.

[Statutory Authority: RCW 50.12.010, 50.12.040. WSR 10-23-064, § 192-310-050, filed 11/12/10, effective 12/13/10. Statutory Authority: Chapters 34.05 and 50.12 RCW. WSR 00-01-164, § 192-310-050, filed 12/21/99, effective 1/21/00. Formerly WAC 192-12-050 (part).]

OTS-3990.2

AMENDATORY SECTION (Amending WSR 22-13-007, filed 6/2/22, effective 7/3/22)

WAC 192-310-030 What are the report and tax payment penalties and charges? (RCW 50.12.220.) (1) **Penalty for late tax and wage reports.** An employer who does not file a tax or wage report within the time frame required by WAC 192-310-010 (3)(d) must pay a penalty of (~~twenty-five dollars~~) \$25 for each violation, unless the penalty is waived by the department.

(2) **Definition of incomplete or incorrect format tax or wage report.** An employer must file tax and wage reports that are complete and in the format required by the commissioner.

(a) An "incomplete report" is any report filed by any employer or their agent where:

(i) The entire wage report is not filed on time; or

(ii) A required element is not reported (Social Security number, name, standard occupational classification code or job title, hours worked, or wages paid); or

(iii) A significant number of employees are not reported; or

(iv) A significant number of any given element is not reported, for example, missing Social Security numbers, names, standard occupational classification codes or job titles, hours, or wages; or

(v) Either the employment security department number or Unified Business Identifier (UBI) number is not included with the tax or wage report; or

(vi) The report includes duplicate Social Security numbers, or impossible Social Security numbers as shown by the Social Security Administration (such as 999-99-9991, 999-99-9992, etc.); or

(vii) The report includes impossible standard occupational classification codes (such as 00-0000, 99-9999, etc.).

(b) An "incorrect format" means any report that is not filed in the format required by the commissioner under WAC 192-310-010 (3)(c). Agency forms include "drop-out ink" that cannot be copied. Therefore, photocopies are considered incorrectly formatted reports and forms.

(c) For purposes of this section, the term "significant" means an employer who has:

(i) One employee and reports incomplete wage elements for the one employee; or

(ii) Two to (~~nineteen~~) 19 employees and reports incomplete wage elements for two or more employees; or

(iii) Twenty to (~~forty-nine~~) 49 employees and reports incomplete wage elements for three or more employees; or

(iv) Fifty or more employees and reports incomplete wage elements for four or more employees.

(3) **Penalty for filing an incomplete or incorrectly formatted tax or wage report.** An employer who files an incomplete or incorrectly formatted tax and wage report will receive a warning letter for the first occurrence. For subsequent occurrences of either an incomplete or incorrectly formatted report within five years of the date of the last occurrence (whether or not the last occurrence was before the effective date of this amendatory section), the employer must pay a penalty as follows:

(a) When quarterly tax is due and an employer has submitted an incomplete report or filed the report in an incorrect format, the following schedule will apply after the initial warning letter: Ten percent of the quarterly contributions for each occurrence, up to a maximum of \$250.00, but not less than:

(i)	2nd occurrence	\$75.00
(ii)	3rd occurrence	\$150.00
(iii)	4th and subsequent occurrences	\$250.00

(b) When no quarterly tax is due and an employer has submitted an incomplete report or filed the report in an incorrect format, the following schedule will apply after the initial warning letter:

(i)	2nd occurrence	\$75.00
(ii)	3rd occurrence	\$150.00
(iii)	4th and subsequent occurrences	\$250.00

(c) (i) The department will not issue a warning letter or penalty under this subsection for failure to report standard occupational classification codes or job titles for quarters where the department does not give employers the option to report standard occupational classification codes or job titles for their employees.

(ii) The department will not charge an incomplete report penalty for failure to report standard occupational classification codes or job titles unless the employer knowingly failed to report standard occupational classification codes or job titles.

(d) After five years without an occurrence, prior occurrences will not count and the employer shall receive a warning letter instead of a penalty on the next occurrence.

(4) **Penalty for knowingly misrepresenting amount of payroll.** If an employer knowingly (on purpose) misrepresents to the department the amount of (~~his or her~~) their payroll that is subject to unemployment taxes, the penalty is up to (~~ten~~) 10 times, in the discretion of the department, the difference between the taxes paid, if any, and the amount of taxes the employer should have paid for the period. This penalty is in addition to the amount the employer should have paid. The employer must also pay the department for the reasonable expenses of auditing (~~his or her~~) their books and collecting taxes and penalties due as provided in WAC 192-340-100.

(5) **Late tax payments.** All employers must file a tax and wage report every quarter, including employers who have no payroll for a given quarter. If an employer does not report on time, it will be charged a late fee of \$25.00 for each report. If the payment is late, the employer will be charged interest at a rate of one percent of taxes due per month. A late payment penalty is also charged for overdue taxes:

(a) First month: Five percent of the total taxes due or \$10.00, whichever is greater;

(b) Second month: An additional five percent of total taxes due or \$10.00, whichever is greater; and

(c) Third month: An additional (~~ten~~) 10 percent of total taxes due or \$10.00, whichever is greater.

(6) **Nonsufficient funds (NSF).** The department shall charge \$25.00 for checks dishonored by nonacceptance or nonpayment. This is considered a commercial charge under the Uniform Commercial Code (RCW 62A.3-515).

(7) **Waivers of late filing and late payment penalties.** The department may, for good cause, waive penalties for late filing of a report and late payment of taxes that are due with a report. The commissioner must decide if the failure to file reports or pay taxes on time was not the employer's fault.

(a) The department may waive late penalties when there are circumstances beyond the control of the employer. These circumstances include, but may not be limited to, the following:

(i) The return was filed on time with payment but inadvertently mailed to another agency;

(ii) The delinquency was caused by an employee of the department, such as providing incorrect information to the employer, when the source can be identified;

(iii) The delinquency was caused by the death or serious illness, before the filing deadline, of the employer, a member of the employer's immediate family, the employer's accountant, or a member of the accountant's immediate family. "Serious illness" includes a request from a medical professional, local health official, or the Secretary of Health to be isolated or quarantined as a consequence of an infection from a disease that is the subject of a public health emergency, even if you or your immediate family member have not been actually diagnosed with the disease that is the subject of a public health emergency;

(iv) The delinquency was caused by the unavoidable absence of the employer or key employee before the filing deadline. "Unavoidable absence" does not include absences because of business trips, vacations, personnel turnover, or terminations;

(v) The delinquency was caused by the accidental destruction of the employer's place of business or business records;

(vi) The delinquency was caused by fraud, embezzlement, theft, or conversion by the employer's employee or other persons contracted with the employer, which the employer could not immediately detect or prevent. The employer must have had reasonable safeguards or internal controls in place;

(vii) The employer, before the filing deadline, requested proper forms from the department's central office or a district tax office, and the forms were not supplied in enough time to allow the completed report to be filed and paid before the due date. The request must have been timely, which means at least three days before the filing deadline; or

(viii) An infection from a disease subject to a public health emergency occurred at the employer's place of business and caused the employer to close or severely curtail operations.

(b) The department may waive late penalties if it finds the employer to be out of compliance during an employer-requested audit, but the department decides the employer made a good faith effort to comply with all applicable laws and rules;

(c) The department may waive late penalties for failure to file a "no payroll" report for one quarter if a new business initially registered that it would have employees that quarter, but then delayed hiring its first employees until after that quarter; and

(d) The department will not waive late penalties if the employer has been late with filing or with payment in any of the last eight consecutive quarters immediately preceding the quarter for which a waiver is requested. If an employer has been in business for fewer than the eight preceding quarters, then all preceding quarters must have been filed and paid on time and a one-time only waiver may be granted.

(8) **Incomplete reports or incorrect format penalty waivers.** For good cause, the department may waive penalties or not count occurrences for incomplete reports or reports in an incorrect format when the employer can demonstrate that the incomplete or incorrectly formatted report was not due to the fault of the employer.

(9) **Missing and impossible Social Security numbers.** When a Social Security number is impossible or missing, the department may waive penalties for incomplete reports only once for each worker and only when:

(a) The report was incomplete because it included impossible Social Security numbers, but the employer can show that the impossible Social Security numbers were provided to the employer by the employees; or

(b) The report was incomplete because of missing Social Security numbers, but the employer can show that the employee did not work for the employer after failing to provide a valid Social Security card or application for Social Security number within seven days of employment.

(10) **Penalty waiver requests.**

(a) An employer must request a waiver of penalties in writing, include all relevant facts, attach available proof, and file the request with a tax office. In all cases the burden of proving the facts is on the employer.

(b) At its discretion, the department may waive penalties on its own motion without requiring a request from the employer if it finds that the penalty was caused by the department's own error or for other good cause.

(11) **Extensions.** The department, for good cause, may extend the due date for filing a report. If granted, the employer must make a deposit with the department in an amount equal to the estimated tax due for the reporting period or periods. This deposit will be applied to the employer's debt. The amount of the deposit must be approved by the department.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.04.030, 50.20.010, 50.20.010 (1) (a), (1) (e) and (1) (c), 50.20.050 (1) (b) (ii) and (2) (b) (ii), and (3), 50.20.240, 50.20.044, 50.22.155 (2) (d), (2) (b) (iv), (2) (b) (i) and (ii), 50.12.220(6), 50.60.030, 50.29.021 (3) (a) (iii), and (5), 50.20.160, 50.20.170, 50.20.190, and 50.20.100.

WSR 22-13-007, § 192-310-030, filed 6/2/22, effective 7/3/22. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 13-23-007, § 192-310-030, filed 11/7/13, effective 12/8/13; WSR 10-23-064, § 192-310-030, filed 11/12/10, effective 12/13/10; WSR 07-23-127, § 192-310-030, filed 11/21/07, effective 1/1/08. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.12.042. WSR 05-19-017, § 192-310-030, filed 9/9/05, effective 10/10/05; WSR 04-23-058, § 192-310-030, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 98-14-068, § 192-310-030, filed 6/30/98, effective 7/31/98.]

**WSR 22-21-117
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed October 18, 2022, 8:19 a.m., effective January 1, 2023]

Effective Date of Rule: January 1, 2023.

Purpose: Classification Development's goal is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification development studied some subclassifications for potential reduction in number; and reviewed classification and reporting rules for improvement and clarification.

The purpose of this rule making is not to make substantive changes to how employers are classified and amendments will not increase employer rates.

As part of this rule making, the department of labor and industries (L&I) also reviewed these chapters for need, clarity, and consistency to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

L&I is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries in accordance with their degree of hazard and in a manner consistent with recognized insurance principles (RCW 51.16.035). We are amending some classifications to improve ease of reporting, and ensure consistent and equitable treatment to businesses.

Also as a part of this rule-making adoption, the dollar amounts were removed from state fund and self-insurance rules pertaining to penalties and documenting the penalty amounts on the L&I website. SHB 2409, 2020 legislative session, requires penalties in chapter 51.48 RCW be updated every three years based on the consumer price index (CPI). Removing penalty amounts from the rules eliminates the need to perform rule making every three years when those amounts change. Penalty amounts will be available on L&I's website and updates will be made every three years.

WAC Numbers	WAC Description	What is Changing	Reason for Change
296-15-560 296-17-35201 296-17-35204	Self-insured third-party administrator (TPA) penalties. Recordkeeping and retention. Penalty assessments for employers who fail to register under Title 51 RCW.	Removed penalty dollar amounts and added reference to RCW 51.48.095 Adjustment for inflation.	SHB 2409 requires penalties in chapter 51.48 RCW be updated every three years based on CPI. We removed penalty amounts from the rules to eliminate the need to perform rule making every three years when the CPI causes those amounts to change. Penalty amounts will be available on L&I's website and updates will be made every three years.
296-17A-0307	Heating, ventilation, air conditioning, refrigeration and furnace systems; installation, service or repair.	Updated class to reflect that HVAC businesses may perform incidental duct cleaning work. Also reformatted the rule so that subclassifications are expanded with the appropriate information rather than title only.	Clarified to eliminate staff confusion.

WAC Numbers	WAC Description	What is Changing	Reason for Change
296-17A-1108 296-17A-2102	Glass tempering. Warehouses—General merchandise.	Reduced the number of subclassifications.	Reduced subclassifications: We combined subclassifications as part of our plan to reduce the overall number of subclassifications in the classification plan to ease administrative burden for customers and staff. Some reasons for collapsing: • Low number of employers/hours reporting in subclassification (low credibility from actuarial view). • Subclassification does not represent separate risks from overall risk classification. • Low loss data. • No longer need to track these subclassifications separately. Reformatting rules: If the current format of these rules is a barrier to clarity, they were reformatted to make them easier to understand, apply, and follow.
296-17A-3503	Pottery, earthenware, ceramics, porcelain or china: Manufacturing.		
296-17A-3708	Hide or leather dealers.		
296-17A-4301	Glue, lard, or tallow: Manufacturing.		
296-17A-4302	Custom meat cutting.		
296-17A-5106	Blacksmithing; vehicle spring or auto bumper: Manufacturing.		
296-17A-6207	Carnivals—Traveling.		
296-17A-6208	Amusement parks; exhibition caves or caverns.		
296-17A-6607	Card rooms; bingo parlors or casinos.		

WAC Numbers	WAC Description	What is Changing	Reason for Change
296-17A-3309	Golf cart, motorcycle, and motorized sport vehicle dealers.	Reformatted the rule so that subclassifications are expanded with the appropriate information rather than title only.	Some of our classifications were formatted so that they were only identified by title rather than having narrative. This caused some confusion for staff. We updated the classifications so that every subclassification provides all the information, rather than title only.
296-17A-3702	Beverage manufacturing, wine making, distilleries, breweries, malt houses, bottling, and yeast manufacturing.		
296-17A-4502	Radio, television, recording, video production, and cable services providers; all other employees.		
296-17A-4904	Administrative, clerical, reception, and sales staff working in a business office.		
296-17A-4907	Offender work opportunity.		
296-17A-5003	Log hauling by contractor.		
296-17A-5004	Tree planting services.		
296-17A-5006	Forestry machine work—Forest firefighting.		
296-17A-6109	Medical and health services N.O.C.		
296-17A-6204	Gyms, fitness centers, martial arts training, baths or saunas.		
296-17A-6301	Lot and marina sales personnel for vehicles and pleasure craft; driving instructors, and limousine drivers.		
296-17A-6303	Sales personnel with outside duties, messengers, insurance producers or surplus line brokers, social workers and dietitians employed by a home health care service.		
296-17A-6504	Thrift stores operated by charitable or other not-for-profit organizations.		
296-17A-6509	Assisted living and group homes.		
296-17A-6511	Chore services/home care assistants.		
296-17A-6707	Football teams and other contact sports, N.O.C., such as wrestling, roller derbies, and the martial arts.		
296-17A-6801	Scheduled airlines—Flight crews.		
296-17A-6802	Airlines, scheduled—Ground crew operations.		
296-17A-6809	Professional and semiprofessional sports teams; noncontact sports.		
296-17A-6901	Volunteers.		
296-17A-6906	Volunteer law enforcement officers.		

WAC Numbers	WAC Description	What is Changing	Reason for Change
296-17A-6306	Furniture stores.	Changed subclassification number 6306-04 to 6306-06. Removed subclassification number 6306-05 Entertainment and home theater systems, big screen televisions stores. Added "Entertainment and home theater systems, big screen televisions stores" back to the title of subclassification number 6306-02.	Corrected past rule-making errors. This corrects errors in the rule making that was effective January 1, 2019. The first bullet in the <i>What is changing</i> column was a typographical error; the next two bullets were the result of miscommunication.

Citation of Rules Affected by this Order: Amending WAC 296-15-560, 296-17-35201, 296-17-35204, 296-17A-0307, 296-17A-1108, 296-17A-2102, 296-17A-3309, 296-17A-3503, 296-17A-3702, 296-17A-3708, 296-17A-4301, 296-17A-4302, 296-17A-4502, 296-17A-4904, 296-17A-4907, 296-17A-5003, 296-17A-5004, 296-17A-5006, 296-17A-5106, 296-17A-6109, 296-17A-6204, 296-17A-6207, 296-17A-6208, 296-17A-6301, 296-17A-6303, 296-17A-6306, 296-17A-6504, 296-17A-6509, 296-17A-6511, 296-17A-6607, 296-17A-6707, 296-17A-6801, 296-17A-6802, 296-17A-6809, 296-17A-6901, and 296-17A-6906.

Statutory Authority for Adoption: RCW 51.04.020 and 51.16.035.

Adopted under notice filed as WSR 22-16-091 on August 2, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 36, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 36, 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 36, Repealed 0.

Date Adopted: October 18, 2022.

Joel Sacks
Director

OTS-3912.2

AMENDATORY SECTION (Amending WSR 21-11-083, filed 5/18/21, effective 7/1/21)

WAC 296-15-560 Self-insured third-party administrator (TPA) penalties. (1) A TPA may be penalized under RCW 51.48.080 for deficiencies involving, but not limited to:

(a) Failure to maintain the requirements under WAC 296-15-425, 296-15-520, or 296-15-550. (~~The penalty for the initial violation is~~

~~five hundred dollars. The department may increase the amount up to one thousand dollars if the violation is a reoccurring problem.))~~ Beginning July 1, 2023, as authorized by RCW 51.48.095, this penalty will be adjusted for inflation every three years based on the consumer price index (Seattle, Washington area for urban wage earners and clerical workers, all items compiled by the Bureau of Labor Statistics of the United States Department of Labor) and posted to the L&I website.

(b) The department will not assess additional penalties under RCW 51.48.017 when a TPA:

- (i) Promptly self-assesses;
- (ii) Correctly calculates the amount of the penalty;
- (iii) Reports to the department; and
- (iv) Pays to the worker a penalty not to exceed the greater of ~~((one thousand dollars or twenty-five))~~ \$1,000 or 25 percent upon discovery of the delayed payment, unless the department determines there is a reoccurring issue or establishes additional benefits have been delayed.

(2) A TPA may be directed to obtain training when reoccurring problems are identified. A TPA who refuses to obtain the training for their staff may be penalized when their failure to obtain training results in subsequent rule or statutory violations.

[Statutory Authority: RCW 51.04.020, 51.32.190 and 2020 c 277. WSR 21-11-083, § 296-15-560, filed 5/18/21, effective 7/1/21.]

OTS-3913.2

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17-35201 Recordkeeping and retention. Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums due to the state for workers' compensation insurance for their covered workers. In the administration of Title 51 RCW, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums due to the state fund. The records so specified and required, shall be provided at the time of audit to any authorized representative of the department who has requested them.

Failure to produce the requested records within ~~((thirty))~~ 30 days of the request, or within an agreed upon time period shall constitute prima facie evidence of noncompliance with this rule and shall invoke the statutory bar to challenge found in RCW 51.48.030 and/or 51.48.040. See WAC 296-17-925, 296-17-930, and 296-17-935 for additional reporting and recordkeeping requirements for qualifying volunteers, student volunteers, and unpaid students.

(1) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which employment occurred:

- (a) The name of each worker;
- (b) The Social Security number of each worker;

(c) The beginning date of employment for each worker and, if applicable, the separation date of employment of each such worker;

(d) The basis upon which wages are paid to each worker;

(e) The number of units earned or produced for each worker paid on a piecework basis;

(f) The risk classification applicable to each worker whenever the worker hours of any one employee are being divided between two or more classifications;

(g) The number of actual hours worked (WAC 296-17-31002) by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021 or 296-17-935;

(h) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(i) The workers' total gross pay period earnings;

(j) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(k) The net pay earned by each such worker.

(2) Business, financial records, and record retention. Every employer is required to keep and preserve all original employment time records for three full calendar years following the calendar year in which employment occurred. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve all check registers and bank statements. Employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(3) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such records, shall for the purpose of premium calculation assume worker hours using the average hourly wage rate for each classification, and also will be subject to penalties prescribed in subsection (4) of this section. The records compiled by the department shall be the basis for determining the average hourly wage rate: Provided, That the average hourly wage rate shall be no less than the state minimum wage existing at the time such assumed hours are worked. Notwithstanding any other provisions of this section, workers employed in a work activity center subject to Classification 7309 shall be reported on the basis of the average hourly wage.

(4) Failure to maintain records - Penalties. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such record, shall be liable, subject to RCW 51.48.030 (~~(, to a penalty not to exceed five hundred dollars or two hundred percent of the quarterly tax for each such offense, whichever is greater)~~). Beginning July 1, 2023, as authorized by RCW 51.48.095, this penalty will be adjusted for inflation every three years based on the consumer price index (Seattle, Washington area for urban wage earners and clerical workers, all items compiled by the Bureau of Labor Statistics of the United States Department of Labor) and posted to the L&I website. Failure to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, for a single employee shall constitute

one offense, for two employees two offenses, and so forth. The department may waive penalties for the first-time or de minimis violations of this section. Any penalty that is waived under this section may be reinstated and imposed in addition to any additional penalties associated with a subsequent violation or failure within a year to correct the previous violation as required by the department.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 20-20-108, § 296-17-35201, filed 10/6/20, effective 1/1/21; WSR 16-18-085, § 296-17-35201, filed 9/6/16, effective 10/7/16. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-35201, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-35201, filed 8/31/99, effective 10/1/99. Statutory Authority: RCW 51.04.020. WSR 95-08-052, § 296-17-35201, filed 4/3/95, effective 7/1/95.]

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17-35204 Penalty assessments for employers who fail to register under Title 51 RCW. (1) Any employer who has failed to secure payment of compensation for their workers covered under this title will be liable, subject to RCW 51.48.010 (~~(, to a maximum penalty in a sum of one thousand dollars or in a sum double the amount of premiums due for the four quarters prior to securing payment of compensation under this title, whichever is greater, for the benefit of the medical aid fund)~~). Beginning July 1, 2023, as authorized by RCW 51.48.095, this penalty will be adjusted for inflation every three years based on the consumer price index (Seattle, Washington area for urban wage earners and clerical workers, all items compiled by the Bureau of Labor Statistics of the United States Department of Labor) and posted to the L&I website.

(2) If an injury or occupational disease is sustained by a worker of an employer who has failed to secure payment of compensation under this title, that employer may also be liable for the cost of such an injury or occupational disease at the time the claim for benefits is accepted by the department.

For the purposes of this section only the cost of such claim will be determined as follows:

The case reserve value shall be determined by the nature of the injury or occupational disease, the part of the body affected and other factors which will impact the cost including, but not limited to, age, education and work experience. The case reserve value will include actual costs paid to date and estimated future claim costs. No further adjustments or evaluations of the cost of the claim will be made for the purposes of this subsection after assessment for the cost of an injury or occupational disease is made by the department.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 20-20-108, § 296-17-35204, filed 10/6/20, effective 1/1/21. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-35204, filed 8/28/98, effective 10/1/98.]

OTS-3509.3

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

WAC 296-17A-0307 Classification 0307.

(Description:

~~Installation, service, or repair of:~~

~~• Heating systems, ventilation systems, air conditioning systems, refrigeration systems, furnaces, built-in vacuum systems, and pneumatic tube systems;~~

~~• Stoves that burn wood, pellets or gas.~~

~~**Goods installed, serviced or repaired** may include, but are not limited to:~~

- ~~• Air conditioning units;~~
- ~~• Air purification systems;~~
- ~~• Concrete pads;~~
- ~~• Duct systems;~~
- ~~• Gas stoves;~~
- ~~• Gas or electric furnace units;~~
- ~~• Heater units;~~
- ~~• Pellet stoves;~~
- ~~• Refrigeration units;~~
- ~~• System controls;~~
- ~~• Thermostats;~~
- ~~• Vents;~~
- ~~• Wood stoves.~~

~~**Materials used** by firms in this classification may include, but are not limited to:~~

- ~~• Fireplace inserts or units;~~
- ~~• Fittings;~~
- ~~• Flat sheets of metal;~~
- ~~• Galvanized pipe;~~
- ~~• Hoods and protective metal covers;~~
- ~~• Gas fireplace logs;~~
- ~~• Heat pumps;~~
- ~~• Hot water tanks;~~
- ~~• Insulation wrap;~~
- ~~• Preformed or bent venting duct and pipe;~~
- ~~• Vent collars and reels.~~

~~**Work environments** in this classification may include, but are not limited to:~~

- ~~• Construction sites;~~
- ~~• Residential customer locations;~~
- ~~• Commercial customer locations;~~
- ~~• Yards and shops;~~
- ~~• Display areas or showrooms.~~

~~**Exclusions:** Classification 0307 excludes:~~

~~• Worker hours engaged in **sheet metal fabrication shop** operations, which are reported separately in classification 3404. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4);~~

Note: When a contractor's business is assigned a manufacturing shop or plant classification such as classification 3404, all shop and yard operations are reported in the manufacturing shop or plant classification and the special exception classification 5206 is no longer applicable to the contractor's business.

~~• Worker hours engaged in **duct cleaning work**, which are reported separately in classification 1105. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4);~~

~~• Worker hours engaged in **other sheet metal installation or sheet metal construction**, which are reported separately in classification 0519. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4).~~

Additional considerations for 0307:

~~• Classification 0307 is a construction industry classification (see WAC 296-17-31013);~~

~~• In most cases, contractors cannot have a store classification in addition to classification 0307, unless store operations are their principal business. To determine if a contractor can also have a store classification such as classification 2009 or 6309, apply the multiple classification rule (WAC 296-17-31017). If a contractor does not qualify for a store classification and if the work meets the restrictions described in the exception rule (WAC 296-17-31018) and the classification descriptions (chapter 296-17A WAC), the contractor may report employees working in a display area or showroom in classification 5206 or 6303.~~

Subclassifications:

~~For administrative purposes, classification 0307 is divided into the following subclassifications:~~

~~**0307-01 Heating, ventilation, air conditioning, refrigeration and furnace systems: Installation, service or repair.**~~

~~**0307-05 Wood, pellet or gas stove: Installation, service or repair.**)~~

0307-01 Heating, ventilation, air conditioning, refrigeration and furnace systems: Installation, service or repair.

Applies to:

Installation, service, or repair of heating systems, ventilation systems, air conditioning systems, refrigeration systems, furnaces, built-in vacuum systems, or pneumatic tube systems.

Materials used and goods installed, serviced or repaired may include, but are not limited to:

- Air conditioning units;
- Air purification systems;
- Concrete pads;
- Duct systems, including duct cleaning;
- Fittings;
- Flat sheets of metal;
- Galvanized pipe;
- Heat pumps;
- Heater units;
- Hoods and protective metal covers;
- Hot water tanks;
- Insulation wrap;
- Preformed or bent venting duct and pipe;
- Refrigeration units;
- System controls;
- Thermostats; and
- Vent collars and reels.

Work environments may include, but are not limited to:

- Construction sites;
- Residential customer locations;
- Commercial customer locations;
- Yards and shops; and
- Display areas or showrooms.

Exclusions:

• Worker hours engaged in **sheet metal fabrication shop** operations are reported separately in classification 3404.

Note: When a contractor's business is assigned a manufacturing shop or plant classification such as classification 3404, all shop and yard operations are reported in the manufacturing shop or plant classification and the special exception classification 5206 is no longer applicable to the contractor's business.

• Businesses doing only **duct cleaning** or duct cleaning combined with other business activities in 1105-02 are classified in 1105-02.

• Worker hours engaged in **other sheet metal installation or sheet metal construction** are reported separately in classification 0519.

Notes:

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.
- Classification 0307 is a construction industry classification (see WAC 296-17-31013);
- In most cases, contractors cannot have a store classification in addition to classification 0307, unless store operations are their principal business. To determine if a contractor can also have a store classification such as classification 2009 or 6309, apply the multiple classification rule (WAC 296-17-31017). If a contractor does not qualify for a store classification, the contractor may report employees working in a display area or showroom in classification 5206 or 6303 if the work meets the restrictions described in the exception rule (WAC 296-17-31018) and the applicable classification description (chapter 296-17A WAC).

0307-05 Wood, pellet or gas stove: Installation, service or repair.**Applies to:**

Installation, service, or repair of stoves that burn wood, pellets or gas.

Materials used and goods installed, serviced or repaired may include, but are not limited to:

- Electric furnace units;
- Fireplace inserts or units;
- Fittings;
- Gas fireplace logs;
- Gas stoves or furnaces;
- Hearth pads;
- Hoods and protective metal covers;
- Preformed or bent venting duct and pipe;
- Pellet stoves;
- System controls;
- Thermostats;
- Vent collars and reels; and
- Wood stoves.

Work environments may include, but are not limited to:

- Construction sites;
- Residential customer locations;
- Commercial customer locations;
- Yards and shops; and
- Display areas or showrooms.

Exclusions:

• Worker hours engaged in brick or masonry work are reported separately in classification 0302.

• Worker hours engaged in **sheet metal fabrication shop** operations are reported separately in classification 3404.

Note: When a contractor's business is assigned a manufacturing shop or plant classification such as classification 3404, all shop and yard operations are reported in the manufacturing shop or plant classification and the special exception classification 5206 is no longer applicable to the contractor's business.

• Worker hours engaged in other sheet metal installation or sheet metal construction are reported separately in classification 0519.

Notes:

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.
- Classification 0307 is a construction industry classification (see WAC 296-17-31013);
- In most cases, contractors cannot have a store classification in addition to classification 0307, unless store operations are their principal business. To determine if a contractor can also have a store classification such as classification 2009 or 6309, apply the multiple classification rule (WAC 296-17-31017). If a contractor does not qualify for a store classification, the contractor may report employees working in a display area or showroom in classification 5206 or 6303 if the work meets the restrictions described in the exception rule (WAC 296-17-31018) and the applicable classification description (chapter 296-17A WAC).

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-0307, filed 7/5/16, effective 1/1/17. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.16.100. WSR 12-11-109, § 296-17A-0307, filed 5/22/12, effective 7/1/12. Statutory Authority: RCW 51.16.035 and 51.16.100. WSR 07-12-047, § 296-17A-0307, filed 5/31/07, effective 7/1/07. WSR 07-01-014, recodified as § 296-17A-0307, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-513, filed 6/6/06, effective 1/1/07. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-513, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-513, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-513, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-513, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-513, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17A-1108 Classification 1108.

(~~1108-02 Glass tempering~~)

~~Applies to establishments engaged in glass tempering services for others. Operations contemplated by this classification include glass cutting, bending, grinding, beveling, and silvering. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, putty, caulking, cleaning solvents, forklifts, packing materials, delivery and service vehicles and tempering ovens. The process of glass tempering consists of taking auto or sheet glass which has been purchased from a glass manufacturer or distributor and placing it in a tempering oven. The oven heat realigns the molecular structure of the glass creating added strength, however, the appearance of the glass remains unchanged. This classification includes the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.~~

~~This classification excludes establishments engaged in the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; establishments engaged in the manufacture of glass which is to be reported separately in classification 3503; merchants who specialize in selling or installing auto glass which is to be reported separately in classification 1108-04; glass merchants engaged exclusively in flat glass sales which are to be reported separately in classification 1108-03; and combined auto/flat glass merchants with no tempering which are to be reported separately in classification 1108-05.~~

1108-03 Flat glass merchants -- No tempering

Applies to establishments engaged in receiving, storing and selling all types of fabricated glass and plexiglass. Glass products include, but are not limited to, window glass, plate glass, safety glass for automobiles, and mirrors. Work contemplated by this classification includes cutting of glass to customers specified dimensions, beveling, buffing, grinding, polishing, silvering of plate glass, and the installation of glass into frames within the shop or adjacent yard. Some dealers may specialize in cutting, selling or installing fabricated flat glass or they may also sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight and tempered glass. Most glass dealers will cut glass to order. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, putty, caulking, cleaning solvents, forklifts, packing materials, delivery and service vehicles. This classification includes the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.

This classification excludes establishments engaged in the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; manufacturing of glass which is to be reported separately in classification 3503; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; and merchants who specialize in selling or installing auto glass which are to be reported separately in classification 1108-04.

1108-04 Auto glass merchants

Applies to establishments engaged in selling and installing automobile glass in vehicles. In addition to selling and installing new or replacement auto glass, merchants typically repair auto windshield cracks, scratches, bullseyes and breaks. Tools and equipment include metal and wood cutting tools, grinders, sanders, drills, saws, knives, windshield sticks, suction cups, putty, caulking, cleaning solvents, delivery and service vehicles. Solar tinting of auto glass with film to reduce heat and glare may also be performed, as well as selling and installing sun roofs. Auto glass merchants may offer 24-hour emergency service or pickup and delivery. Installation of auto glass, truck glass or boat tops performed in or away from the shop is included within the scope of this classification.

This classification excludes establishments engaged in the manufacturing of glass which are to be reported separately in classification 3503; tinting or the application of tinted plastic film to auto glass by an auto detailer which is to be reported separately in classification 3406; repairing auto windshield cracks, bullseyes and chips by an auto detailer which is to be reported in 3406; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; glass merchants exclusively dealing in flat glass which are to be reported in classification 1108-03; and combined auto/flat glass merchants with no tempering which are to be reported in classification 1108-05.

1108-05 Combined auto and flat glass merchants -- No tempering

Applies to establishments engaged in receiving, storing and selling all types of fabricated glass and plexiglass as window glass, plate glass, safety glass for automobiles, mirrors and other types of glass at a permanent shop location or adjacent yard. Work contemplated

by this classification includes cutting of glass to customers' specified dimensions, beveling, buffing, grinding, polishing, silvering of plate glass and the installation of glass into frames. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, windshield sticks, putty, caulking, cleaning solvents, forklifts, packing materials, and delivery and service vehicles. A glass merchant performing the installation of glass in automobiles is also included within the scope of this classification; as are related services such as, but not limited to, repair of auto windshield cracks, scratches, bullseyes and breaks; in vehicle tinting of auto glass to reduce heat and glare; and installing sun roofs. Other dealers may specialize in cutting, selling or installing fabricated flat glass or they may also sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight and tempered glass. Included within the scope of this classification is the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.

This classification excludes establishments engaged in the installation of glass, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; manufacturing of glass which is to be reported separately in classification 3503; tinting or the application of tinted plastic film to auto glass by an auto detailer which is to be reported separately in classification 3406; repairing auto windshield cracks, bullseyes and chips by an auto detailer which is to be reported in 3406; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; and flat glass merchants who do not sell or install auto glass which are to be reported separately in classification 1108-03.

1108-06 Glass frosting, etching, beveling or grinding

Applies to establishments engaged in shaping and finishing solid glass by cutting, frosting, etching, beveling, grinding, sandblasting, carving, glue chipping, decorating or grooving. Custom items manufactured in this classification include, but are not limited to, video game tops, glass signs, glass used in the assembly of electrical appliances such as microwave ovens, electronically controlled cabinets and display panels, and mirrors of all sizes. Machinery includes diamond or glass cutting saws, diamond or glass grinding wheels and discs, drills, polishing laps, etching tools and other hand tools. In the manufacture of mirrors, metallic solutions (usually silver), shellacs or varnishes, paints, and plate glass are received from outside sources. The glass is cut to size, ground, smoothed, and the edges may be beveled. Hole drilling, chemical etching, drying, buffing and polishing may be performed. Reflective surfaces are generally produced by pouring or spraying metallic solutions over prepared glass. Heavier coats are obtained by successive applications of the plating solution. After applying the plating solution, the mirrors are sprayed or hand brushed with shellac or varnish, then with paint. Frames, handles or similar finishings may be attached. Production manufacturing of insulated glass by sealing together two or more sheets of glass with an air space between them is also included when performed by employees of an employer subject to this classification.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; glass merchants who do incidental grinding, beveling,

~~silvering and cutting of glass who are to be reported separately in the classification applicable to the type of glass they specialize in; establishments manufacturing optical goods or telescopes, or perform precision grinding of blank or rough lenses which are to be reported separately in classification 6604; and establishments engaged in manufacturing stained or leaded glassware, or in melting or blowing glass which are to be reported separately in classification 3503.)~~

1108-02 Glass tempering, frosting, etching, beveling or grinding

Applies to:

- Businesses providing glass tempering services for others.
- Businesses shaping and finishing solid glass.

Work activities include, but are not limited to:

- Attaching frames, handles, or similar finishings;
- Bending;
- Beveling;
- Buffing;
- Carving;
- Decorating;
- Drying;
- Etching;
- Frosting;
- Glass cutting;
- Glue chipping;
- Grinding;
- Grooving;
- Polishing;
- Sandblasting;
- Silvering;
- Smoothing;
- Tempering.

Incidental sales of accessories for flat glass include, but are not limited to:

- Aluminum frames for storm windows and doors;
- Glass cleaners;
- Mirror backings or frames;
- Screen materials;
- Sealants.

Custom items manufactured include, but are not limited to:

- Glass in electrical appliances, electronically controlled cabinets, and display panels;
- Glass signs;
- Mirrors;
- Tempered glass;
- Video game tops.

Tools and equipment include, but are not limited to:

- Caulking;
- Cleaning solvents;
- Delivery and service vehicles;
- Diamond or glass cutting saws;
- Diamond or glass grinding wheels and discs;
- Drills;
- Etching and other hand tools;
- Forklifts;
- Grinders;

- Knives;
- Metal and wood cutting tools and machinery;
- Metallic solutions (usually silver);
- Packing materials;
- Paints;
- Plate glass;
- Polishing laps;
- Putty;
- Sanders;
- Saws;
- Shellacs or varnishes;
- Suction cups;
- Tempering ovens.

The process of glass tempering consists of taking auto or sheet glass purchased from a glass manufacturer or distributor and placing it in a tempering oven. The oven heat realigns the molecular structure of the glass creating additional strength without changing the appearance of the glass.

Manufacturing of insulated glass by sealing together two or more sheets of glass with an air space between them is also included when performed by employees of an employer subject to this classification.

Exclusions:

- Worker hours for installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop are reported separately in classification 0511.
- Manufacturing of glass, stained glass, leaded glassware, or melting or blowing glass are classified in 3503.
- Businesses who specialize in selling or installing auto glass are classified in 1108-04.
- Businesses engaged exclusively in flat glass sales are classified in 1108-03.
- Businesses with combined auto/flat glass sales with no tempering are classified in 1108-05.
- Worker hours engaged in mining, digging, or quarrying of raw materials are reported separately in the applicable classification.
- Manufacturing of optical goods or telescopes, or performing precision grinding of blank or rough lenses are classified in 6604.

1108-03 Flat glass merchants - No tempering

Applies to:

Businesses receiving, storing, selling, and installing all types of fabricated glass and plexiglass.

Glass products include, but are not limited to:

- Mirrors;
- Plate glass;
- Plexiglass;
- Safety glass for automobiles;
- Window glass.

Work activities include, but are not limited to:

- Beveling;
- Buffing;
- Cutting of glass or plexiglass to customers' specified dimensions;
- Grinding;

- Installation of glass or plexiglass into frames within the shop or adjacent yard;
- Polishing;
- Selling or installing fabricated flat glass;
- Selling and installing plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight, and tempered glass;
- Silvering of plate glass.

Incidental sales of accessories for flat glass include, but are not limited to:

- Aluminum frames for storm windows and doors;
- Glass cleaners;
- Mirror backings or frames;
- Screen materials;
- Sealants.

Tools and equipment include, but are not limited to:

- Caulking;
- Cleaning solvents;
- Delivery and service vehicles;
- Drills;
- Forklifts;
- Grinders;
- Knives;
- Metal and wood cutting tools and machinery;
- Packing materials;
- Putty;
- Sanders;
- Saws;
- Suction cups.

Exclusions:

- Worker hours for installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop are reported separately in classification 0511.
- Manufacturing of glass is classified in 3503.
- Businesses who specialize in selling or installing auto glass are classified in 1108-04.
- Businesses performing glass tempering are classified in 1108-02.

1108-04 Auto glass merchants

Applies to:

Businesses selling and installing automobile glass in vehicles.

Work activities include, but are not limited to:

- Twenty-four-hour emergency service or pickup and delivery;
- Installation of auto glass, truck glass, or boat tops performed in or away from the shop;
- Repairing auto windshield cracks, scratches, bullseyes, and breaks;
- Selling and installing new or replacement auto glass;
- Selling and installing sun roofs;
- Solar tinting of auto glass with film.

Tools and equipment include, but are not limited to:

- Caulking;
- Cleaning solvents;

- Delivery and service vehicles;
- Drills;
- Grinders;
- Knives;
- Metal and wood cutting tools;
- Putty;
- Sanders;
- Saws;
- Solar tinting film;
- Suction cups;
- Windshield sticks.

Exclusions:

- Manufacturing of glass is classified in 3503.
- Auto dealers who do tinting or the application of tinted plastic film to auto glass are classified in 3406.
- Auto dealers who repair auto windshield cracks, bullseyes, and chips are classified in 3406.
- Businesses performing glass tempering are classified in 1108-02.
- Businesses engaged exclusively in flat glass sales are classified in 1108-03.
- Businesses with combined auto/flat glass sales with no tempering are classified in 1108-05.

1108-05 Combined auto and flat glass merchants - No tempering

Applies to:

Businesses receiving, storing, selling, and installing all types of fabricated glass and plexiglass and selling and installing automobile glass in vehicles.

Work activities include, but are not limited to:

- Beveling;
- Buffing;
- Cutting of glass to customers' specified dimensions;
- Cutting, selling, or installing fabricated flat glass;
- Grinding;
- Installation of auto glass, truck glass, or boat tops;
- Installation of glass into frames;
- Installation of sun roofs;
- Polishing;
- Repair of auto windshield cracks, scratches, bullseyes, and breaks;
- Sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight, and tempered glass;
- Silvering of plate glass;
- Solar tinting of auto glass with film.

Incidental sales of accessories for flat glass include, but are not limited to:

- Aluminum frames for storm windows and doors;
- Glass cleaners;
- Mirror backings or frames;
- Screen materials;
- Sealants.

Tools and equipment include, but are not limited to:

- Caulking;
- Cleaning solvents;

- Delivery and service vehicles;
- Drills;
- Forklifts;
- Grinders;
- Knives;
- Metal and wood cutting tools and machinery;
- Packing materials;
- Putty;
- Sanders;
- Saws;
- Suction cups;
- Windshield sticks.

Exclusions:

- Worker hours for installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop are reported separately in classification 0511.
- Manufacturing of glass is classified in 3503.
- Auto dealers who do tinting or the application of tinted plastic film to auto glass are classified in 3406.
- Auto dealers who repair auto windshield cracks, bullseyes, and chips are classified in 3406.
- Businesses performing glass tempering are classified in 1108-02.
- Businesses engaged exclusively in flat glass sales are classified in 1108-03.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 20-20-108, § 296-17A-1108, filed 10/6/20, effective 1/1/21. Statutory Authority: RCW 51.16.035 and 51.16.100. WSR 07-12-047, § 296-17A-1108, filed 5/31/07, effective 7/1/07. WSR 07-01-014, recodified as § 296-17A-1108, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-53805, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-53805, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-53805, filed 5/31/96, effective 7/1/96; WSR 86-12-041 (Order 86-18), § 296-17-53805, filed 5/30/86, effective 7/1/86; WSR 85-24-032 (Order 85-33), § 296-17-53805, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-53805, filed 2/28/85, effective 4/1/85; WSR 82-24-047 (Order 82-38), § 296-17-53805, filed 11/29/82, effective 1/1/83.]

AMENDATORY SECTION (Amending WSR 20-24-093, filed 11/30/20, effective 1/1/21)

WAC 296-17A-2102 Classification 2102.

2102-00 Warehouses - General merchandise

~~((Applies to establishments operating as warehouses for general merchandise. This merchandise belongs to a customer and is usually stored for long periods of time. Products typically involved are bulk, nonperishable materials which might include, but not be limited to:~~

- ~~• Coffee;~~
- ~~• Dry cement;~~
- ~~• Potatoes;~~
- ~~• Rice.~~

Work contemplated by this classification includes, but is not limited to:

- Maintaining the facility;
- Moving merchandise within the facility;
- Recordkeeping;
- Routine maintenance;
- Security.

Equipment and machinery used includes:

- Cleaning and recordkeeping supplies;
- Forklifts;
- Pallet jacks;
- Shop vehicles.

This classification excludes:

- Delivery drivers who are to be reported separately in classification 1102;
- Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;
- Wholesale dealers who operate a warehouse for storage of their own product which is to be reported separately in the classification applicable to the product being sold;
- Warehousing of household furnishings by a moving and storage company which is to be reported separately in classification 6907;
- Cold storage plants which are to be reported separately in classification 4401;
- Ministorage warehousing which is to be reported separately in classification 4910;
- Field bonded warehouses which are to be reported separately in classification 2008;
- Warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.

Special note: Even though this type of operation may handle some "grocery" products, it differs from 2102-11 in that the products being handled in 2102-00 are in bulk packaging (not cases of consumer-size packages), do not belong to the business that is warehousing them, and are not intended for sale to a wholesaler/retailer.

~~2102-04 Recycle, collection and receiving stations; rags, bottles, paper and metal container dealers, N.O.C.~~

Applies to establishments engaged in the collection of used paper, aluminum, tin, glass, and plastic for the purpose of selling the material to another business that will recycle/remanufacture it into new products. These facilities normally acquire material by placing collection bins at various remote locations, operating a drop-off center (this phase of the business is known in the trade as a "buy back center"). This classification includes dealers of rags, bottles, paper and metal containers not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to:

- Sorting material;
- Operating various pieces of equipment used to crush, reduce, wash, and bale material;
- Weighing containers;
- Paying customers for receipt of items that have a redemption value by the pound or piece ("buying back");
- Operating shop or yard vehicles.

Machinery and equipment includes, but is not limited to:

- ~~Balers;~~
- ~~Can crushers;~~
- ~~Collection bins;~~
- ~~Forklifts;~~
- ~~Shredders;~~
- ~~Rolloff trucks to handle the collection bins;~~
- ~~Shop or yard vehicles;~~
- ~~Weigh scales.~~

~~This classification excludes:~~

- ~~All trucking outside of the yard which is to be reported separately in classification 1102;~~
- ~~Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;~~
- ~~Establishments engaged in collecting, sorting and reducing scrap metal such as junk dealers, scrap metal dealers or processors, which also receive glass, paper, plastic, etc., which are to be reported separately in classification 0604; and~~
- ~~Establishments engaged in collecting used computer equipment for recycling which may be reported in classification 4107.~~

~~**Special note:** Classification 2102-04 should not be assigned to an employer who also operates a business subject to classification 4305-18 (Garbage, refuse or ashes collecting) without careful review and an on-site survey. Most garbage collecting businesses have some type of "recycle" program as part of their normal operations in an effort to sort and reduce the amount of waste that goes to landfills and this is considered an inclusion.~~

~~2102-11 Grocery, fruit or produce distributors - Wholesale or combined wholesale and retail~~

~~Applies to establishments engaged in the wholesale, or wholesale/retail, distribution of a variety of grocery items, fruit and produce. A business in this classification buys products from the manufacturer and sells to retail grocery stores, restaurants, and similar businesses. Grocery items may include, but not be limited to:~~

- ~~Beverages;~~
- ~~Dairy products;~~
- ~~Frozen foods;~~
- ~~Household cleaning supplies;~~
- ~~Packaged foods;~~
- ~~Paper products;~~
- ~~Personal care items.~~

~~Work contemplated by this classification includes, but is not limited to:~~

- ~~Breakdown of merchandise into smaller lots;~~
- ~~Incidental repackaging;~~
- ~~Maintaining the facility;~~
- ~~Moving merchandise within the facility;~~
- ~~Recordkeeping;~~
- ~~Security;~~
- ~~Unloading deliveries.~~

~~Equipment and machinery includes, but is not limited to:~~

- ~~Forklifts;~~
- ~~Pallet jacks;~~
- ~~Strapping and shrink wrapping equipment;~~
- ~~Vehicles.~~

~~This classification excludes:~~

- ~~• Delivery drivers who are to be reported separately in classification 1101;~~
- ~~• Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;~~
- ~~• Any general merchandise warehouse operations in which the operator of the warehouse does not own the merchandise being handled and it is in bulk quantities, which is to be reported separately in classification 2102-00;~~
- ~~• Cold storage plants handling food products which are to be reported separately in classification 4401;~~
- ~~• Operations specializing in vegetable/fruit packing for wholesale distribution which are to be reported separately in classification 2104;~~
- ~~• Operations specializing in wholesale distribution of beer, wine, ale or soft drinks which are to be reported separately in classification 2105;~~
- ~~• Field bonded warehouses which are to be reported separately in classification 2008; and~~
- ~~• The warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.~~

~~2102-28 Wool or cotton merchants~~

~~Applies to establishments operating as wool or cotton merchants. Merchants subject to this classification buy raw wool or cotton from others, do incidental sorting, grading and repackaging, and sell the product to another business for use as a raw material to make products such as yarn, thread or fabric. Work contemplated by this classification includes, but is not limited to:~~

- ~~• Hand sorting the product by grade (quality);~~
- ~~• Maintaining the facility;~~
- ~~• Moving merchandise within the facility;~~
- ~~• Repackaging;~~
- ~~• Recordkeeping;~~
- ~~• Security;~~
- ~~• Unloading deliveries.~~

~~Equipment and machinery includes, but is not limited to:~~

- ~~• Forklifts;~~
- ~~• Pallet jacks;~~
- ~~• Repackaging equipment;~~
- ~~• Vehicles.~~

~~This classification excludes:~~

- ~~• Drivers who are to be reported separately in classification 1102;~~
- ~~• Wholesale dealers of a finished wool or cotton product which are to be reported separately in the classification applicable to the product; and~~
- ~~• The warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.)~~

Applies to:

- Businesses operating as warehouses for general merchandise. This merchandise belongs to a customer and is usually stored for long periods. Products typically involved are bulk, nonperishable materials.
- Businesses operating as wool or cotton merchants. Merchants subject to this classification buy raw wool or cotton from others, do

incidental sorting, grading and repackaging, and sell the product to another business for use as a raw material to make products such as yarn, thread, or fabric.

Products include, but are not limited to:

- Coffee;
- Dry cement;
- Potatoes;
- Rice; and
- Wool or cotton.

Work activities include, but are not limited to:

- Hand sorting;
- Maintaining the facility;
- Moving merchandise within the facility;
- Recordkeeping;
- Repackaging;
- Routine maintenance;
- Security; and
- Unloading deliveries.

Equipment and machinery used include, but are not limited to:

- Cleaning and recordkeeping supplies;
- Forklifts;
- Pallet jacks;
- Repackaging equipment; and
- Shop vehicles.

Exclusions:

- Delivery drivers must be reported separately in 1102;
- Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;
- Wholesale dealers who operate a warehouse for storage of their own product are classified in the classification applicable to the product being sold;
- Warehousing of household furnishings by a moving and storage company is classified in 6907;
- Cold storage plants are classified in 4401;
- Ministorage warehousing is classified in 4910;
- Field bonded warehouses are classified in 2008;
- Warehousing of a manufacturer's own product is classified in the manufacturing classification applicable to the work being performed; and
- Wholesale dealers of a finished wool or cotton product are classified in the classification applicable to the product.

Special note: Even though this type of operation may handle some "grocery" products, it differs from 2102-11 in that the products being handled in 2102-00 are in bulk packaging (not cases of consumer-size packages), do not belong to the business that is warehousing them, and are not intended for sale to a wholesaler/retailer.

2102-04 Recycle, collection and receiving stations; rags, bottles, paper and metal container dealers, N.O.C.

Applies to:

Businesses collecting used paper, aluminum, tin, glass, and plastic to sell the material to another business that would recycle/remanufacture it into new products. These facilities normally acquire material by placing collection bins at various remote locations, operat-

ing a drop-off center (this is known in the trade as a "buy back center"). This classification includes dealers of rags, bottles, paper and metal containers not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Sorting material;
- Operating various pieces of equipment used to crush, reduce, wash, and bale material;
- Weighing containers;
- Paying customers for receipt of items that have a redemption value by the pound or piece ("buying back"); and
- Operating shop or yard vehicles.

Machinery and equipment include, but are not limited to:

- Balers;
- Can crushers;
- Collection bins;
- Forklifts;
- Roll off trucks to handle the collection bins;
- Shredders;
- Shop or yard vehicles; and
- Weigh scales.

Exclusions:

- All trucking outside of the yard must be reported separately in 1102;
- Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;
- Businesses engaged in collecting, sorting, and reducing scrap metal such as junk dealers, scrap metal dealers, or processors, which also receive glass, paper, plastic, etc., are classified in 0604; and
- Businesses engaged in collecting used computer equipment for recycling are classified in 4107.

Special note: Classification 2102-04 should not be assigned to an employer who also operates a business subject to classification 4305-18 (garbage, refuse or ashes collecting) without careful review and an on-site survey. Most garbage collecting businesses have some type of "recycle" program as part of their normal operations in an effort to sort and reduce the amount of waste that goes to landfills and this is considered an inclusion.

2102-11 Grocery, fruit or produce distributors - Wholesale or combined wholesale and retail

Applies to:

Businesses engaged in the wholesale, or wholesale/retail, distribution of a variety of grocery items, fruit and produce. A business in this classification buys products from the manufacturer and sells to retail grocery stores, restaurants, and similar businesses.

Grocery items may include, but are not limited to:

- Beverages;
- Dairy products;
- Frozen foods;
- Household cleaning supplies;
- Packaged foods;
- Paper products; and
- Personal care items.

Work activities include, but are not limited to:

- Breakdown of merchandise into smaller lots;
- Incidental repackaging;
- Maintaining the facility;
- Moving merchandise within the facility;
- Recordkeeping;
- Security; and
- Unloading deliveries.

Equipment and machinery include, but are not limited to:

- Forklifts;
- Pallet jacks;
- Strapping and shrink wrapping equipment; and
- Vehicles.

Exclusions:

- Delivery drivers must be reported separately in 1101;
- Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;
- Any general merchandise warehouse operations in which the operator of the warehouse does not own the merchandise being handled and it is in bulk quantities, is classified in 2102-00;
- Cold storage plants handling food products are classified in 4401;
- Operations specializing in vegetable/fruit packing for wholesale distribution are classified in 2104;
- Operations specializing in wholesale distribution of beer, wine, ale or soft drinks are classified in 2105;
- Field bonded warehouses are classified in 2008; and
- Warehousing of a manufacturer's own product is classified in the manufacturing classification applicable to the work being performed.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 20-24-093, § 296-17A-2102, filed 11/30/20, effective 1/1/21. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.16.100. WSR 12-11-109, § 296-17A-2102, filed 5/22/12, effective 7/1/12. Statutory Authority: RCW 51.16.035, 51.16.100, 2008 c 70, and Title 51 RCW. WSR 08-15-132, § 296-17A-2102, filed 7/22/08, effective 10/1/08. WSR 07-01-014, recodified as § 296-17A-2102, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-563, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-563, filed 5/31/96, effective 7/1/96; WSR 88-12-050 (Order 88-06), § 296-17-563, filed 5/31/88, effective 7/1/88; WSR 85-24-032 (Order 85-33), § 296-17-563, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-563, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-563, filed 11/30/83, effective 1/1/84; WSR 81-24-042 (Order 81-30), § 296-17-563, filed 11/30/81, effective 1/1/82; WSR 80-17-016 (Order 80-23), § 296-17-563, filed 11/13/80, effective 1/1/81; Order 77-27, § 296-17-563, filed 11/30/77, effective 1/1/78; Order 75-38, § 296-17-563, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-563, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-563, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-3309 Classification 3309.

~~((Golf cart, motorcycle, and motorized sport vehicle dealers
Classification 3309 applies to dealers that sell, rent, or re-
pair:~~

- ~~• 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 serv-
ice 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**))~~

3309-02 Golf cart sales/rental dealers

Applies to:

Dealers that sell, rent, or repair go carts, golf carts or golf cart trailers.

These businesses 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; and
- Water pumps.

Occupations include:

- 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; and
- 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 also have a store selling a full line of parts, accessories, and clothing. Businesses in this classification that also have a store selling a full line of parts, accessories and clothing may also be assigned classification 6309 when the store is physically separated from the repair shop, there is no interchange of labor between the service department and the store, and when sales of parts are primarily for off-premises (do it yourself) repair.

Exclusions:

- Sales or rental of automobiles, motor homes, or travel trailers are classified in 3411;
- Businesses selling boats, boat trailers and motors as described in 3414 are classified in 3414;
- Sales or rental of durable medical equipment or mobility aids are classified in 6306;
- Rental of boats is classified in 3414, 6208, 6209, or 6406 as applicable;
- Sales or rental of heavy commercial or industrial equipment are classified in 6409;
- Businesses selling lawn and garden equipment as described in 6309 are classified in 6309;
- Sales or rental of bicycles are classified in 6309; and
- Businesses that repair lawn and garden equipment and small engines as described in 3402 are classified in 3402.

3309-03 Motorized cycles and recreational vehicle dealers

Applies to:

Dealers that sell, rent, or repair:

- All-terrain vehicles (ATV);
- Jet skis;
- Motorcycles;
- Motor scooters; and
- Snowmobiles.

These businesses 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; and
- Water pumps.

Occupations include:

- 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); and
- 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 also have a store selling a full line of parts, accessories, and clothing. Businesses in this classification that also have a store selling a full line of parts, accessories and clothing may also be assigned classification 6309 when the store is physically sepa-

rated from the repair shop, there is no interchange of labor between the service department and the store, and when sales of parts are primarily for off-premises (do it yourself) repair.

Exclusions:

- Sales or rental of automobiles, motor homes, or travel trailers are classified in 3411;
- Businesses selling boats, boat trailers, and motors as described in 3414 are classified in 3414;
- Sales or rental of durable medical equipment or mobility aids are classified in 6306;
- Rental of boats is classified in 3414, 6208, 6209, or 6406 as applicable;
- Sales or rental of heavy commercial or industrial equipment are classified in 6409;
- Businesses selling lawn and garden equipment as described in 6309 are classified in 6309;
- Sales or rental of bicycles are classified in 6309; and
- Businesses that repair lawn and garden equipment and small engines as described in 3402 are classified in 3402.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-3309, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 51.16.035, 51.16.100, and 2007 c 324. WSR 07-24-045, § 296-17A-3309, filed 12/1/07, effective 1/1/08. WSR 07-01-014, recodified as § 296-17A-3309, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-578, filed 8/28/98, effective 10/1/98; WSR 87-12-032 (Order 87-12), § 296-17-578, filed 5/29/87, effective 7/1/87; WSR 85-24-032 (Order 85-33), § 296-17-578, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-578, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-578, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 18-11-113, filed 5/22/18, effective 7/1/18)

WAC 296-17A-3503 Classification 3503.

~~((3503-17 Pottery, earthenware, ceramics, porcelain or china: Manufacturing~~

~~Applies to establishments engaged in the manufacture of a wide variety of household or decorative items such as earthenware, pottery, ceramics, porcelain or china. Casting and throwing are the most common techniques. Other techniques include pressing, extrusion and sculpturing. Finished products include, but are not limited to, pots, bowls, dishes, plates, cups, cookie jars, vases, dolls, tobacco pipes, and novelty items. Materials include clay, sand, fluxing agents, paints, and glazing compounds. Machinery includes, but is not limited to, hand tools, potter's wheels, kilns, and plaster molds. In the casting method, clay is mixed with water and other additives until it is about the consistency of thick cream (called slip). The molds are closed shut and secured; then the slip is poured into them through a small hole at the top, and left in the mold to dry for a short time then poured out, leaving a hollow product to fire. In the throwing method, the clay mixture is placed on a potter's wheel and molded by hand as the wheel slowly turns. The pressing technique forces relatively dry clay into~~

molds under substantial hydraulic pressure, which makes it hold its shape until fired. Extrusion forces a ribbon of clay through specially shaped dies, then it is cut with wire to create the final form. Sculpturing is hand carving wet clay to the desired dimensions. The resulting greenware from any method may be sanded, then further dried and fired in a small kiln. Most of the items will be glazed and refired several more times, depending on the desired end result. Prior to glazing, products may be decorated by hand painting designs on them. Most of the establishments in this classification are small shops that make the products they sell, either at their shop or occasionally at craft fairs. The teaching of classes and the incidental sale of ceramic and pottery making supplies or tools to home crafters is included within the scope of classification 3503-17. This classification includes establishments that only make molds by casting shapes in plaster, most of which they sell to ceramic shops for use in casting greenware.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; manufacture of decorative tile which is to be reported separately in classification 3503-19; manufacture of brick or concrete products such as, but not limited to, brick or clay pipe and concrete tile which is to be reported separately in the classification applicable to the work being performed; and establishments whose primary business is the sale of supplies used for crafts or hobbies which are to be reported separately in classification 6406.

3503-19 Decorative tile: Manufacturing

Applies to establishments engaged in the manufacture of decorative tile from cement or various clay mixtures. Raw materials include clay, sawdust, straw, coal dust, sand, and glazing compounds. Machinery includes, but is not limited to, hand tools, hydraulic presses, automatic grinding and polishing machines, hand grinding and polishing stones and laps, batch mixers, molds, hand trucks, kiln ovens and steam curing rooms. Cement tiles are usually pressed on hydraulic presses, kept wet until cured, then ground to size with a diamond wheel and polished. To make cast clay tiles, clay is mixed with water and other ingredients, ground to desired fineness, screened, then poured into molds to dry. After drying, tiles are removed from molds and fired in a kiln oven, then glazed. Tile glaziers apply designs to bisque tile by hand or with a silk screen process, then glaze and fire it in a kiln one or more times. This classification includes the manufacture of decorative artificial rock or brick used as trimming around fireplaces, stoves, or on walls. To make artificial rock or brick, coloring is added to a mixture of cement and aggregate; the mixture is poured into molds. After the mixture has set, the piece is removed from the mold and cured.

This classification excludes the mining, digging or quarrying of the raw materials which is to be reported separately in the applicable classification; the manufacture of pottery, earthenware, ceramics, porcelain or china which is to be reported separately in classification 3503-17; and the manufacture of brick or concrete products such as brick or clay pipe and concrete blocks or stepping stones, drain tile, beams which is to be reported separately in the classification applicable to the work being performed.

3503-20 Stained or leaded glassware, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of stained or leaded glassware not covered by another classification (N.O.C.) in-

cluding, but not limited to, windows, tiffany style or plain glass lamp shades, terrariums, or decorative items such as aquariums, shadow boxes, mirror picture frames or figurines. Much artistic hand labor is involved in making stained glass items. Pattern paper, masking tape, kerosene, wire solder, putty, and H-lead comes (slender, grooved bars) are received from others. Individual pieces of a design are cut to pattern out of stained glass; pieces may be ground for a precision fit on an emery or diamond wheel. Individual segments are pressed into the channels of the lead came; joints are fluxed, soldered and putty is pushed into any open spaces between the glass and the comes. The finished piece is smoothed and cleaned with kerosene. While lead comes are more widely used, copper foil may be used instead of lead. Manufacturers may also paint on glass and fire it in a kiln; this is most often done for stained glass window insets. Employers subject to this classification may repair items such as stained glass windows. If the repair requires bent or shaped glass, they make a mold and heat the replacement glass in a kiln oven until it "slumps" or bends to the shape of the mold. Most manufacturers in this state purchase their stained glass from others; however, the manufacture of stained glass is contemplated within the scope of this classification. Raw materials such as, but not limited to, sand, soda ash, and metal oxides are melted in a furnace and the molten glass is either rolled into sheets by machine or blown into long balloon shapes that are slit open and flattened by reheating. Color may be added to the surface while it is still molten. Some incidental manufacturing of insulated glass, such as sandwiching leaded glass between two sheets of clear glass, is included within the scope of this classification, but production line manufacturing of insulated glass is to be reported separately in classification 1108. Most of the establishments in this classification are small shops that make the products they sell, either at their shop or occasionally at craft fairs. The teaching of classes and the incidental sale of supplies or tools used to make glassware items to home crafters is included within the scope of this classification.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; establishments that manufacture optical goods or telescopes, or perform precision grinding of blank or rough lenses, which are to be reported separately in classification 6604; establishments engaged in etching, frosting, sandblasting, carving, grinding, and beveling glass which are to be reported separately in classification 1108; establishments engaged in melting or blowing glass which are to be reported separately in classification 3503-21; and establishments whose primary business is the sale of supplies used for crafts or hobbies which are to be reported separately in classification 6406.

3503-21 Glassware, N.O.C.: Manufacturing; Melting, blowing, and forming hot glass

Applies to establishments engaged in manufacturing housewares, decorative and specialty items not covered by another classification (N.O.C.) from hot glass using methods that include melting, blowing, or forming. Items include, but are not limited to, tableware, bakeware, perfume bottles, candlestick holders, kerosene lamp chimneys, auto headlight lenses, radio insulators, doorknobs, paperweights, and ashtrays. Machinery includes, but is not limited to, hand tools, glass melting furnaces, annealing ovens, mixing machines, ball mills, glass cutting diamond saws, glass grinding wheels and discs, glass polishing laps, drill presses, steel cutting saws, arc and gas welders, fork-

lifts, overhead cranes or hoists. Some shops make their glass from raw materials including oxides, volcanic ash, soda ash, silica sand, lime, phosphate, or borax which are received from outside sources. Others will heat glass chips (frit) in a furnace, and work the molten glass into decorative or functional shapes by molding or blowing. The molten glass is poured into molds to make products such as, but not limited to, heavy glass for special purpose windows up to about eight inches thick. Molten glass may also be poured into cold water to make "frit" which is either sold or used for further processing. The molten glass can also be formed in a mouth-blowing process or by semiautomatic blowing machines. A glass blowing process will usually have a helper working with each glass blower. The helper's duties include preliminary glass gathering and blowing, adding colored glass "ribbons" to the item being blown as the glassblower turns it, shaping items being blown with wooden or metal tools, and placing the blown object in an annealing oven to be reheated and cooled slowly to relieve internal stress in the glass. When glass reaches room temperature, it is often cut on diamond wheels or ground down and polished on a series of wheels, stones, and laps. This work is normally done under a continuous water bath which may include grinding or polishing compounds.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; establishments engaged in manufacturing stained or leaded glassware which are to be reported separately in classification 3503-20; establishments that manufacture optical goods or telescopes, or perform precision grinding of blank or rough lenses, which are to be reported separately in classification 6604; and establishments engaged in etching, frosting, sandblasting, carving, grinding, and beveling glass which are to be reported separately in classification 1108.

3503-23 Agate or enamel ware: Manufacturing

Applies to establishments engaged in enameling or porcelainizing products they have made or products made by others. Enamel is defined as a vitreous, usually opaque, protective or decorative coating baked on metal. Enameled products vary widely, including but not limited to, signs, cookware, items made from ceramics or clay, stove parts, or small parts for automobiles, to sewer pipe, automobile manifolds, or irrigation water gauges. Machinery includes, but is not limited to, ball mills, silk screen equipment, blenders or mixers, scales, kilns, degreasing and acid etching tanks, spray guns, heaters, conveyors, and fork lifts. The enameling process is essentially the same regardless of the product. Ceramic balls and frit (small glass chips) are placed in the ball mill. (A ball mill is a metal drum lined with rubber.) As the drum rotates, the balls roll over the frit, gradually grinding it into powder. Some enameling shops purchase the powder ready-made. To obtain desired colors, various mixes of glaze powders are prepared and placed on 1" to 2" square metal chips and baked in a small kiln. When the formulas are ready for all colors required, the job goes to the production line. The object to be glazed is cleaned, degreased, and given an acid bath if necessary, then rinsed and dried. The enamel (or porcelain) glaze may be applied by hand, silk screened on, or sprayed on with a spray gun. After the coating has air-dried, the piece heated in a kiln to melt the ceramic powder and fuse it to the surface; then cooled. Items may require repeated coatings and firings.

This classification excludes the manufacture of enameled brick which is to be reported separately in classification 3501.)

3503-17 Pottery, earthenware, ceramics, porcelain, china, decorative tile, or enamel ware: Manufacturing**Applies to:**

- Businesses engaged in the manufacture of a wide variety of household or decorative items such as earthenware, pottery, ceramics, porcelain or china;
- Businesses engaged in the manufacture of decorative tile from cement or various clay mixtures;
- Businesses engaged in enameling or porcelainizing products they have made or products made by others;
- Businesses engaged in the manufacture of decorative artificial rock or brick used as trimming around fireplaces, stoves, or on walls;
- Businesses that only make molds by casting shapes in plaster, most of which they sell to ceramic shops for use in casting greenware;
- Incidental teaching of classes and the sale of ceramic and pottery making supplies or tools to home crafters is included.

Products manufactured include, but are not limited to:

- Artificial brick;
- Artificial rock;
- Bowls;
- Cookie jars;
- Cups;
- Decorative tiles;
- Dishes;
- Dolls;
- Enameled items such as, but not limited to, signs, cookware, items made from ceramics or clay, stove parts, small parts for automobiles, sewer pipe, automobile manifolds, or irrigation water gauges;
- Novelty items;
- Plates;
- Pots;
- Tobacco pipes;
- Vases.

Processes include, but are not limited to:

- Casting - In the casting method, clay is mixed with water and other additives until it is about the consistency of thick cream (called slip). The molds are closed shut and secured; then the slip is poured into them through a small hole at the top, and left in the mold to dry for a short time then poured out, leaving a hollow product to fire.
- Extrusion - Extrusion forces a ribbon of clay through specially shaped dies, then it is cut with wire to create the final form.
- Pressing - The pressing technique forces relatively dry clay into molds under substantial hydraulic pressure, which makes it hold its shape until fired.
- Sculpturing - Sculpturing is hand carving wet clay to the desired dimensions.
- Throwing - In the throwing method, the clay mixture is placed on a potter's wheel and molded by hand as the wheel slowly turns.
- The resulting greenware from any pottery method may be sanded, then further dried and fired in a small kiln. Most of the items will be glazed and refired several more times, depending on the desired end result. Prior to glazing, products may be decorated by hand painting designs on them.

• Cement tiles are usually pressed on hydraulic presses, kept wet until cured, then ground to size with a diamond wheel and polished.

• To make cast clay tiles, clay is mixed with water and other ingredients, ground to desired fineness, screened, then poured into molds to dry. After drying, tiles are removed from molds and fired in a kiln oven, then glazed. Tile glaziers apply designs to bisque tile by hand or with a silk screen process, then glaze and fire it in a kiln one or more times.

• To make artificial rock or brick, coloring is added to a mixture of cement and aggregate; the mixture is poured into molds. After the mixture has set, the piece is removed from the mold and cured.

• Enameling - Ceramic balls and frit (small glass chips) are placed in the ball mill. (A ball mill is a metal drum lined with rubber.) As the drum rotates, the balls roll over the frit, gradually grinding it into powder that is used to create the enamel glaze. The object to be glazed is cleaned, degreased, and given an acid bath if necessary, then rinsed and dried. The enamel (or porcelain) glaze may be applied by hand, silk screened on, or sprayed on with a spray gun. After the coating has air-dried, the piece is heated in a kiln to melt the ceramic powder and fuse it to the surface; then cooled. Items may require repeated coatings and firings.

Materials used include, but are not limited to:

- Clay;
- Coal dust;
- Fluxing agents;
- Frit;
- Glass powder;
- Glazing compounds;
- Paints;
- Sand;
- Sawdust;
- Straw.

Tools and machinery used include, but are not limited to:

- Automatic grinding and polishing machines;
- Ball mills;
- Batch mixers;
- Conveyors;
- Degreasing and acid etching tanks;
- Fork lifts;
- Hand grinding and polishing stones and laps;
- Hand tools;
- Hand trucks;
- Heaters;
- Hydraulic presses;
- Kilns;
- Plaster molds;
- Potter's wheels;
- Scales;
- Silk screen equipment;
- Spray guns;
- Steam curing rooms.

Exclusions:

• Worker hours mining, digging or quarrying raw materials are reported separately in the applicable classification;

- Worker hours manufacturing brick or concrete products such as, but not limited to, brick or clay pipe and concrete blocks or stepping stones, drain tile, beams, which are reported separately in the classification applicable to the work being performed;
- Businesses primarily engaged in the sale of supplies used for crafts or hobbies are classified in 6406;
- Manufacturing enameled brick is classified in 3501.

3503-21 Glassware, N.O.C.: Manufacturing; Melting, blowing, and forming hot glass. Stained or leaded glassware, N.O.C.: Manufacturing

Applies to:

- Businesses engaged in manufacturing housewares, decorative, and specialty items from hot glass using methods that include melting, blowing, or forming not covered by another classification (N.O.C.);
- Businesses engaged in the manufacture or repair of stained or leaded glassware not covered by another classification (N.O.C.);
- Incidental teaching of classes and the sale of supplies or tools used to make glassware items to home crafters;
- Incidental manufacturing of insulated glass, such as sandwiching leaded glass between two sheets of clear glass.

Products manufactured include, but are not limited to:

- Ashtrays;
- Auto headlight lenses;
- Bakeware;
- Candlestick holders;
- Doorknobs;
- Kerosene lamp chimneys;
- Paperweights;
- Perfume bottles;
- Radio insulators;
- Stained glass items including, but not limited to, windows, tiffany style or plain glass lamp shades, terrariums, or decorative items such as aquariums, shadow boxes, mirror picture frames or figurines;
- Tableware.

Processes include, but are not limited to:

- Blowing - Heat glass chips (frit) in a furnace. The molten glass can also be formed in a mouth-blowing process or by semiautomatic blowing machines. A glass blowing process will usually have a helper working with each glass blower. The helper's duties include preliminary glass gathering and blowing, adding colored glass "ribbons" to the item being blown as the glassblower turns it, shaping items being blown with wooden or metal tools, and placing the blown object in an annealing oven to be reheated and cooled slowly to relieve internal stress in the glass. When glass reaches room temperature, it is often cut on diamond wheels or ground down and polished on a series of wheels, stones, and laps. This work is normally done under a continuous water bath which may include grinding or polishing compounds.
- Molding - Heat glass chips (frit) in a furnace. The molten glass is poured into molds to make products such as, but not limited to, heavy glass for special purpose windows up to about eight inches thick.
- Stained glass making - Individual pieces of a design are cut to pattern out of stained glass; pieces may be ground for a precision fit on an emery or diamond wheel. Individual segments are pressed into the channels of the lead came; joints are fluxed, soldered and putty is

pushed into any open spaces between the glass and the comes. The finished piece is smoothed and cleaned with kerosene.

• Making glass or stained glass - Raw materials such as, but not limited to, borax, lime, phosphate, sand, soda ash, volcanic ash and metal oxides are melted in a furnace and the molten glass is either rolled into sheets by machine or blown into long balloon shapes that are slit open and flattened by reheating. Color may be added to the surface while it is still molten.

Materials used include, but are not limited to:

- Copper foil;
- Glass making materials - Borax, lime, phosphate, silica sand, soda ash, volcanic ash, and oxides;
- Glass frit;
- H-lead comes (grooved, lead bars);
- Kerosene;
- Masking tape;
- Pattern paper;
- Putty;
- Stained glass sheets;
- Wire solder.

Tools and machinery used include, but are not limited to:

- Annealing ovens;
- Arc and gas welders;
- Ball mills;
- Drill presses;
- Forklifts;
- Glass cutting diamond saws;
- Glass grinding wheels and discs;
- Glass melting furnaces;
- Glass polishing laps;
- Hand tools;
- Mixing machines;
- Overhead cranes or hoists;
- Steel cutting saws.

Exclusions:

- Worker hours mining, digging or quarrying raw materials are reported separately in the applicable classification;
- Worker hours manufacturing optical goods or telescopes, or performing precision grinding of blank or rough lenses are reported separately in classification 6604;
- Etching, frosting, sandblasting, carving, grinding, and beveling glass is classified in 1108;
- Production line manufacturing of insulated glass is classified in 1108;
- Businesses primarily engaged in the sale of supplies used for crafts or hobbies are classified in 6406.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 18-11-113, § 296-17A-3503, filed 5/22/18, effective 7/1/18. WSR 07-01-014, recodified as § 296-17A-3503, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-587, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 89-24-051 (Order 89-22), § 296-17-587, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-587, filed 11/27/85, effective 1/1/86; WSR

83-24-017 (Order 83-36), § 296-17-587, filed 11/30/83, effective 1/1/84; WSR 82-24-047 (Order 82-38), § 296-17-587, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-587, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

WAC 296-17A-3702 Classification 3702.

~~((Beverage manufacturing, wine making, distilleries, breweries, malt houses, bottling, and yeast manufacturing~~

~~Applies to all types of alcoholic and nonalcoholic beverage manufacturing and bottling operations.~~

~~Beverage manufacturing and bottling includes the following operations:~~

- ~~• Blending of water, concentrates, juices, syrups, other consumables, and preservatives;~~
- ~~• Carbonating beverages;~~
- ~~• Crushing and mixing of ingredients;~~
- ~~• Cooking liquid mixtures containing grains, vegetables, fruit, herbs, and other natural or artificial ingredients;~~
- ~~• Distilling alcohol;~~
- ~~• Extracting juice;~~
- ~~• Fermenting;~~
- ~~• Filling bottles, cans, kegs, or other containers;~~
- ~~• Filtering;~~
- ~~• Labeling;~~
- ~~• Manufacturing yeast;~~
- ~~• Operating gift shops at manufacturing location;~~
- ~~• Pasteurizing;~~
- ~~• Sanitizing bottles, cans, or other containers.~~

~~Classification 3702 also includes incidental:~~

- ~~• Tasting rooms at the same location as the manufacturing site;~~
- ~~• Tours of facilities and premises.~~

~~**Classification 3702 excludes:**~~

- ~~• Worker hours engaged in vineyard operations, which are reported separately in classification 4813-00;~~
- ~~• Worker hours engaged in tasting room operations at a separate location away from the manufacturing site, which are reported separately in classification 6403-07;~~
- ~~• Worker hours engaged in full service restaurant operations, which are reported separately in classification 3905;~~
- ~~• Manufacturers exclusively manufacturing and bottling dairy beverages, which are classified in 3902-28;~~
- ~~• Manufacturers exclusively manufacturing and bottling fruit juices, which are classified in 3902-02.~~

Note: If records are not maintained for dividing worker hours between classifications, you must report these hours in the highest rated classification as described in WAC 296-17-31017(4).

~~For administrative purposes, classification 3702 is divided into the following subclassifications:~~

~~**3702-01 Breweries, malt houses, and yeast manufacturing**
3702-03 Bottling and manufacturing beverages, N.O.C.
3702-05 Wine making and liquor distillation)~~

3702-01 Breweries, malt houses, and yeast manufacturing**Applies to:**

Businesses engaged in brewery, malt house, or yeast manufacturing operations.

This classification also includes incidental:

- Tasting rooms at the same location as the manufacturing site;
- Tours of facilities and premises.

Work activities and processes include, but are not limited to:

- Blending of water, concentrates, juices, syrups, other consumables, and preservatives;
- Carbonating beverages;
- Crushing and mixing of ingredients;
- Cooking liquid mixtures containing grains, vegetables, fruit, herbs, and other natural or artificial ingredients;
- Distilling alcohol;
- Extracting juice;
- Fermenting;
- Filling bottles, cans, kegs, or other containers;
- Filtering;
- Labeling;
- Manufacturing yeast;
- Operating gift shops at manufacturing location;
- Pasteurizing;
- Sanitizing bottles, cans, or other containers.

Exclusions:

- Worker hours engaged in vineyard operations are reported separately in classification **4813-00**;
- Worker hours engaged in tasting room operations at a separate location away from the manufacturing site are reported separately in classification **6403-07**;
- Worker hours engaged in full service restaurant operations are reported separately in classification **3905**;
- Manufacturers exclusively manufacturing and bottling dairy beverages are classified in **3902-28**;
- Manufacturers exclusively manufacturing and bottling fruit juices are classified in **3902-02**.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

3702-03 Bottling and manufacturing beverages, N.O.C.**Applies to:**

Businesses engaged in alcoholic and nonalcoholic beverage manufacturing and bottling operations not covered by another classification (N.O.C.).

This classification also includes incidental:

- Tasting rooms at the same location as the manufacturing site;
- Tours of facilities and premises.

Work activities and processes include, but are not limited to:

- Blending of water, concentrates, juices, syrups, other consumables, and preservatives;
- Carbonating beverages;
- Crushing and mixing of ingredients;
- Cooking liquid mixtures containing grains, vegetables, fruit, herbs, and other natural or artificial ingredients;

- Distilling alcohol;
- Extracting juice;
- Fermenting;
- Filling bottles, cans, kegs, or other containers;
- Filtering;
- Labeling;
- Manufacturing yeast;
- Operating gift shops at manufacturing location;
- Pasteurizing;
- Sanitizing bottles, cans, or other containers.

Exclusions:

- Worker hours engaged in vineyard operations are reported separately in classification 4813-00;
- Worker hours engaged in tasting room operations at a separate location away from the manufacturing site are reported separately in classification 6403-07;
- Worker hours engaged in full service restaurant operations are reported separately in classification 3905;
- Manufacturers exclusively manufacturing and bottling dairy beverages are classified in 3902-28;
- Manufacturers exclusively manufacturing and bottling fruit juices are classified in 3902-02.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

3702-05 Wine making and liquor distillation**Applies to:**

Businesses engaged in wine making and bottling or liquor distillation and bottling operations.

This classification also includes incidental:

- Tasting rooms at the same location as the manufacturing site;
- Tours of facilities and premises.

Work activities and processes include, but are not limited to:

- Blending of water, concentrates, juices, syrups, other consumables, and preservatives;
- Carbonating beverages;
- Crushing and mixing of ingredients;
- Cooking liquid mixtures containing grains, vegetables, fruit, herbs, and other natural or artificial ingredients;
- Distilling alcohol;
- Extracting juice;
- Fermenting;
- Filling bottles, cans, kegs, or other containers;
- Filtering;
- Labeling;
- Manufacturing yeast;
- Operating gift shops at manufacturing location;
- Pasteurizing;
- Sanitizing bottles, cans, or other containers.

Exclusions:

- Worker hours engaged in vineyard operations are reported separately in classification 4813-00;
- Worker hours engaged in tasting room operations at a separate location away from the manufacturing site are reported separately in classification 6403-07;

- Worker hours engaged in full service restaurant operations are reported separately in classification 3905;
- Manufacturers exclusively manufacturing and bottling dairy beverages are classified in 3902-28;
- Manufacturers exclusively manufacturing and bottling fruit juices are classified in 3902-02.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-3702, filed 7/5/16, effective 1/1/17; WSR 14-17-085, § 296-17A-3702, filed 8/19/14, effective 9/19/14. WSR 07-01-014, recodified as § 296-17A-3702, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-600, filed 8/28/98, effective 10/1/98; WSR 87-12-032 (Order 87-12), § 296-17-600, filed 5/29/87, effective 7/1/87; WSR 85-24-032 (Order 85-33), § 296-17-600, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-600, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-600, filed 11/9/73, effective 1/1/74.]

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

WAC 296-17A-3708 Classification 3708.

(~~3708-14 Hide or leather dealers~~)

~~Applies to establishments engaged in the sale of dressed animal hides, reptile skins and tanned leather. Dealers in this classification receive raw hides from others, sort and grade them, "salt" them (by soaking in a salt solution) to help their preservation, and ship them to tanneries for processing. After the tanneries have processed them, the dressed and finished hides, skins and leather are returned to the hide dealers where they are again graded, measured, trimmed by hand as necessary, then stored until they are shipped to their customers. Customers are primarily manufacturers of garments or other items.~~

~~This classification excludes establishments who process raw hides, skins, and fur into tanned leather, or dressed fur, which are to be reported separately in classification 4301.~~

~~3708-15 Linoleum, oil cloth or imitation leather: Manufacturing; Coating, impregnating, laminating or waterproofing textiles, N.O.C.~~

~~Applies to establishments engaged in the coating, impregnating, laminating, or waterproofing of crude fabric whose operations are not covered by another classification (N.O.C.). Textiles or fabrics may be treated with coatings or finishes such as, but not limited to, oils, varnishes, lacquers, or plastic and rubber finishes. Woven or felt cloth (loose, in rolls or mounted on forms) can be coated with spreading devices, rollers, or by dipping in solvents, drained to allow solvents to evaporate, then cured in drying ovens. Impregnating involves placing fabrics in vacuum tanks with solutions of rubber or lacquer and solvents and subjecting them to various pressures. Solutions are drained, contents removed, dried, baked in curing ovens and rough spots removed by grinding. Laminating is a process of cementing fabric and coating materials together and running them through heated pressure rollers, then curing them in drying ovens. Fabric embossing, which is raising designs in a surface, is included in this classifica-~~

tion. These processes are also used in the manufacture of linoleum, oil cloth, imitation leather, and similar waterproofed or laminated fabrics.

This classification excludes establishments engaged in the bleaching, dyeing, or finishing textiles which are to be reported separately in classification 3708-16 and coating or other finishing operations performed by employees of manufacturers of textiles or textile goods which are included in the manufacturing classification as applicable.

3708-16 Bleaching, dyeing or finishing textiles: N.O.C.

Applies to establishments engaged in the bleaching, dyeing, or mercerizing of crude fabric whose operations are not covered by another classification (N.O.C.). The fabric is first treated with bleaches, dyes, and other solutions, then singed and calendered prior to shipping to other manufacturers to be made into textile goods. Mercerizing is the treatment of fabric with sodium hydroxide to shrink the fiber and increase its color absorption and luster. Singeing is the burning of the fiber ends to seal them; calendering is pressing the cloth through heavy rollers to smooth and gloss it. The above operations require the use of large manufacturing machinery such as, but not limited to, calenders and large vats.

This classification excludes establishments engaged in coating, impregnating, laminating or waterproofing textiles which are to be reported separately in classification 3708-15; establishments engaged in the washing and drying, or dyeing of individual garments for others which are to be reported separately in classification 2201; and coating or other finishing operations performed by employees of manufacturers of textiles or textile goods which are included in the manufacturing classification as applicable.

3708-18 Broom or brush: Manufacturing or assembly, N.O.C.

Applies to establishments engaged in the manufacture or assembly of all types of household and industrial brooms, brushes, and mops not covered by another classification (N.O.C.), including, but not limited to, paint brushes and rollers, whisk brooms, scrub mops, dust mops, brushes for vacuum cleaners, street sweeping or other rotary machines. Animal hair, synthetic fibers, handles and backings made of wood, plastic or metal, screws, rivets or other hardware, metal springs and wire, yarn, and dust-attracting additives are purchased from outside sources. Tools and equipment include, but are not limited to, manually operated or computerized brush making machinery. Brush making machinery drills holes in the brush base, fills holes with hair or other fibers, and staples them in place. Other types of brush making machines make metal-back strip brushes which are mounted in straight or spiraled rows around cores (tubing or shafts), and used in rotary machines. These machines loop bristles around an anchor wire, then crimp a metal channel around the anchor wire, forming the base. The bristles are trimmed to precise lengths on trimming machines.

This classification excludes establishments engaged in the manufacture of metal, wood or plastic handles or backings which are to be reported separately in the classification applicable to the manufacturing process, and establishments that make only mop heads by sewing yarn or other strands to a cloth base which are to be reported separately in classification 3802.

3708-19 Cordage, rope, or twine: Manufacturing

Applies to establishments engaged in the manufacture of cord or cordage, rope, twine, or string from both natural and synthetic fibers such as cotton, manila, sisal, flax, jute, hemp, and rayon. Finished products, which range widely, include, but are not limited to, fish lines, shade or awning cords, mountain climbing ropes or riggings on boats. This classification includes the extrusion of polyethylene or similar pellets to form fibers when done by manufacturers for use in their own products only. This classification also includes establishments that pick, card, and comb fibers prior to twisting the resulting strands into twine or lightweight cord which they may further twist or braid together to produce heavier cordage or rope. "Picking" removes debris from the raw fibers; "carding" untangles and straightens the fibers; "combing" separates long fibers from shorter ones and forms them into thick strands (which are referred to as "slivers"). Other manufacturers in this classification start with spools of cording, then twist or braid a number of strands into heavier cordage or rope. Manufacturers may dye their products, coat them with latex to prevent deterioration, or steam and dry them. The above operations are included in the classification when performed by employees of employers engaged in manufacturing rope or cordage. Machinery includes bale breaking, picking, carding, spinning, twisting, braiding, winding machines, dipping vats, and dryer ovens.

This classification excludes establishments engaged in the manufacture of net, thread, webbing, or yarn which are to be reported separately in classification 3708-26 and establishments engaged in the manufacture of plush, velvet, felt, or other fabric produced by spinning or weaving which are to be reported separately in classification 3708-27.

3708-22 Pelting

Applies to establishments engaged in animal hide pelting operations. A pelt is an untanned animal hide or skin with the hair or fur still on it. For classification purposes, pelting is defined as the initial cleaning and drying of animal skins or hides, but does not involve the removal of hair or fur, or tanning operations. Frozen pelts are thawed by flushing them in water. Fat and tissues are removed from the skin on fleshing machines. Fleshing machines resemble a band saw with a small blade over which the skin is moved to remove fat and tissue. Then skins are placed in tumblers or drums with cornmeal or sawdust to clean the excess moisture, dirt, and oils from them. They are usually transferred to another drum or shaker to remove the cornmeal or sawdust. The cleaned pelts are stretched on drying boards or metal frames, stapled to the frames with hand staplers, and placed in drying rooms until dry. Pelts are sold to tanneries or furriers where they are further processed into tanned hides or dressed furs.

This classification excludes establishments engaged in the tanning of leather and the dressing of fur which are to be reported separately in classification 4301; establishments engaged as taxidermists which are to be reported separately in classification 3708-23; and establishments engaged in raising fur bearing animals which are to be reported separately in classification 4804.

Special note: Pelting of fur bearing animals, when performed by the animal raiser, is considered incidental to the raising and is included within the scope of classification 4804. Raisers of fur bearing animals are entitled to classification 3708-22 only if their hide pelting operation involves the pelting of animals which have been raised by others.

3708-23 Taxidermists

Applies to establishments engaged in taxidermy which is the preparation, stuffing, and mounting of skins of dead animals for exhibition in a lifelike state. This classification includes all operations, including tanning of hides and making animal forms, when performed by employees of the taxidermist. Hunters and fishermen are the primary customers of taxidermists; pet owners may have a pet preserved, all of whom provide the skins or animals. Other customers include museums who use animal likenesses for decorating or exhibit. For these customers, the taxidermist usually purchases tanned hides from other sources. Small animals, such as birds, cats, or fish are usually mounted whole. Large animals may be mounted whole, although generally only the head and neck are mounted. Whole animals are posed and sometimes placed in natural-looking settings. The taxidermist may receive the skin, or the whole animal, in which case the skin is carefully removed in one piece. To remove fat and tissue, the fleshy side of the hide is pulled back and forth across the spinning blade of a fleshing machine. Fleshing machines resemble a band saw with a blade about a foot in diameter which is mounted on a worktable. Hides usually require "finer fleshing" which is done by scraping with a hand knife. Holes or tears in the skin are hand sewn. The taxidermist may finish preparing the skins, or they may send them to a tannery. Other preparations involve tumbling the skins in drums (which resemble clothes dryers) with sawdust or cornmeal to remove excess moisture, dirt, oils, then washing them in solutions of sodas, borax or alum to further clean, soften, and preserve them. Antlers are soaked in brine to remove blood and other waste. Prepared skins of smaller animals are usually stuffed; skins of larger animals are usually stretched over an animal form, sewn together, then glued onto the form. Taxidermists may make their own animal forms from fiberglass or other plastic materials, or they may purchase them elsewhere. Antlers, artificial eyeballs, teeth, tongues, toe nails, and hooves are attached. Finishing work requires touches of paint to eyelashes or mouths (applied with artist's brushes), sprays, or whatever make-up or sculpturing techniques are needed to make the animal look lifelike. Additional materials and equipment includes plaster, cotton or other stuffings, styrofoam, cleaning agents or waxes, hand tools for cutting, scraping, and sculpturing, rasps, sewing needles, hammers, saws, freezers, dryers and tumblers, and sewing machines.

This classification excludes establishments engaged in hide pelt-ing which are to be reported separately in classification 3708-22 and establishments engaged in tanning operations and fur dressing which are to be reported separately in classification 4301.

3708-26 Net, thread, webbing, yarn: Manufacturing

Applies to establishments engaged in the manufacture of webbing, thread, or yarn by spinning, weaving or knitting processes from natural or synthetic fibers such as, but not limited to, cotton, rayon, silk, wool. This classification also includes the manufacture of nets which are woven from cording or twine. Initial operations include the removal of debris from fibers by picking; and untangling, straightening, and stretching of fibers by carding. A combing operation separates long fibers from shorter ones and forms them into thick strands (referred to as slivers). Slivers are placed on creels and fed into spinning machines to be further stretched, spun and twisted onto bobbins (also called packages). The thread or yarn go through further winding, rewinding, doubling, or reeling, depending on the ply being

produced. At some point prior to the final winding onto a cone, the threads are rinsed in vats of hot water for several hours to set the ply; dyes may be added to the rinse. Threads are then spun dry and placed in dehydrators until all moisture is removed. Yarn/thread is packaged and sold to fabric weavers. Elastic or nonelastic webbing is woven from yarns or threads on narrow-shuttle looms or knitting machines. The finished lengths are coated, laminated, or dyed prior to winding onto skeins or spools for sale to others. Nets manufactured in this classification range from batting nets or hoop nets for sports, to nets used for commercial purposes. Styles are also widely varied; mesh nets woven on net looms, other types knitted on net-knitting machines; some are hand knotted. Manufacturers may sell "net systems" which include traps, hooks, hinges, lines and other fishing paraphernalia, to the marine industry. Those companies usually sell several styles of nets, some of which are made from ready-made netting they purchase elsewhere and sew bindings and hardware onto them. Hand-knotted netting is often used to catch salmon or herring. Lengths of rope are unwound with winches and winders, and stretched across a waist-high loom that usually extends the length of the factory and includes overhead bars from which rope hangs. Workers stand at the loom and knot the lengths of rope to form nets. Hand knotting is considered an art and takes some time and skill to learn. There are different ways of finishing the nets. Some are pulled and stretched with winches through a heating-drying system (these can be up to 100 feet or so in length). The top of the unit is lowered over the stretched net and steam heat is applied. The stretching tightens the knots, which strengthens them; drying shrinks and cures the net, also adding strength. Another method is to soak nets in vats of hot water to which dyes may be added. Nets may also be dipped in latex coatings and dried in dryer-ovens.

This classification excludes establishments engaged in the manufacture of cordage, rope, or twine which are to be reported separately in classification 3708-19.

3708-27 Spinning or weaving, N.O.C. Plush, velvet, felt: Manufacturing

Applies to establishments engaged in spinning or weaving operations to manufacture woven or nonwoven fabric and which are not covered by another classification (N.O.C.). Raw materials include natural or synthetic filaments (also called thread) such as, but not limited to, cotton, wool, rayon, acetate, or spun fiberglass. Some manufacturers spin their own yarn prior to weaving it into cloth; others purchase the yarn from outside sources. To make woven cloth, creels hold spools (or beams) of yarn; the yarn feeds into the weaving machinery and is woven into cloth. The resultant cloth may be washed, dried, bleached, dyed or otherwise finished by the same manufacturer, or sent elsewhere for finishing. The dyeing, bleaching, or coating of fabric is included within the scope of this classification when performed by employees of an employer engaged in the manufacture of fabric. Nonwoven fabric (also called spunbonded) is lightweight and can be either absorbent or repellent. Uses for this type fabric include, but are not limited to, inner-lining of diapers, surgical/medical masks, hand-wipes, mattress pads, pillow coverings. Process for making spunbonded fabric starts with the extrusion of polyethylene pellets into taffy-like substance which is eventually spun into continuous threads with the use of suction, electricity, cold air, and blowing. Once the substance is formed into threads, the threads move through the machinery at high speeds where air guns or nozzles suction several threads into

one "visual strand." These transparent strands move along and are blown onto a fast-moving wire conveyor of a sheet-making machine where they are criss-crossed to form a nonwoven mass; the mass passes through the machine's large rollers as heat is applied to it. The heat and the pressure of the rollers bonds the webbed mass into the nonwoven fabric. The fabric passes through more rollers and winders, is wound onto paper cores, cut, and packaged for shipment. This classification includes the manufacture of plush, velvet or felt. Plush and velvet manufacturing contemplates similar operations and machinery as those for other woven fabrics. With velvet, the pile is almost always silk while the pile for plush may be of silk, wool, or mohair. Backings for both may be one or more of silk, artificial silk, wool, or cotton. After leaving the looms, the material goes through coloring, embossing, printing, brushing, shearing and inspecting processes. Felt is a mat-like material which is made by pressing raw materials, such as raw wool, cotton, nylon, textile scraps, into desired dimensions. The materials are first mixed in required proportions and, after picking and dusting, passed through breakers, carders, then laid in layers to form the felt. The felt is pressed and hardened by a hardening machine and, after fulling, is washed, dyed, then dried. (Fulling increases the weight and bulk by shrinking, beating, or pressing.) Once dry, the felt is pressed and trimmed in shearing machines and folded or rolled for shipping.

3708-29 Mattress or box springs: Manufacturing

Applies to establishments engaged in the manufacture of stuffed mattresses, spring mattresses, or box springs. The manufacture of batting, wadding, waste is included in this classification when performed by employees of employers engaged in manufacturing mattresses. Materials include, but are not limited to, wool or cotton stuffing materials, foam for padding, decorative fabric for mattress covers, upholsterer's tape and sewing notions, glue, wire coils or springs, wire grid racks, and wood frames. Machinery includes, but is not limited to, hand tools, staple guns, glue spray guns, nail guns, band saws, sewing machines, eyelet punches, quilting machines, and tape edgers. *Mattresses:* Mattress pieces are cut to desired size, edging sewn on, eyelets and cord handles attached to the side pieces. Quilting of the covering fabric is done on large quilting machines. To assemble mattresses, batting and foam padding, or other cushioning material, is laid out over the springs, then glued and stapled onto the springs, then ticking (covering) placed on both sides. Borders are sewn to the top and bottom pieces with a hand-held "tape edger" machine. *Box Springs:* Springs, grid racks, wood frames are received from outside sources. Wood frames are laid out on work surfaces, wire grids set on them, then the springs are stapled to the grids and frames at both ends, forming the box. Layers of batting and covering materials are secured in place; then lightweight cloth is stapled to the bottom of the boxed spring, and plastic reinforcement corner pieces tacked on.

This classification excludes establishments engaged in the manufacture of wire springs which are to be reported separately in classification 3402 and establishments engaged in the manufacture of batting, wadding, or waste which are to be reported separately in classification 3708-34.

3708-32 Carpet or rug: Manufacturing

Applies to establishments engaged in tufting carpets from textile fiber, or weaving carpets and rugs from textile yarn on weaving machinery. Tufted products are sold as wall-to-wall carpets, area rugs, art

squares, bath mats or scatter rugs. Woven products are sold as aircraft or automobile floor coverings, mats or matting. Materials include, but are not limited to, pile yarn, jute backing, liquid latex, binding, and sewing notions. Machinery and equipment includes, but is not limited to, tufting machines, looms, vats, electric infrared dryers, electric cutting knives, and sewing machines. For tufted carpets or rugs, pile yarn is sewn to a prewoven jute backing by a high speed machine using hundreds of needles. Rollers move the carpet over vats of rubberized liquid latex while the liquid is applied to the backing to secure the tufting. The carpet then passes through a dryer to dry the latex. Bindings are sewn on with a sewing machine.

This classification excludes establishments engaged in making hand carved or inlaid carpets or rugs from premanufactured carpeting which are to be reported separately in classification 3802.

3708-34 Batting, wadding or waste: Manufacturing; Wool combing or scouring

Applies to establishments engaged in the manufacture of batting, wadding or waste which is sold to distributors or other manufacturers for use in their products. The terms batting and wadding are interchangeable and refer to cotton or wool fibers wadded together to form a soft layer used for padding or stuffing. Batting/wadding is used to stuff mattresses, automobile tops, bed pillows and comforters, sleeping bags, futons, crating pads, stuffed animals, and similar items, or to upholster furniture. Raw materials such as raw or waste cotton, wool, and synthetic fibers are received from others and treated by processes that include shredding, willowing, picking, dusting, carding, blending, rolling, drying and curing. These processes require the use of considerable manufacturing machinery which includes, but is not limited to, choppers, shredders, blowers, conveyor systems, rollers, ovens, winders, and cutters. The terms willowing, picking, and dusting refer to opening and cleaning unprocessed wool or cotton; carding or combing untangles and separates fibers. Fibers are fed into garnetting machines where they are picked, pressure-blown and blended, then blown out onto a long, flat, surface that rotates as the fibers build up to a specified thickness. Once the desired thickness is reached, the mass moves through the machine's rollers, winders, and conveyors; it may be treated lightly with resins or linseed oil. The conveyors move the continuous rolled mass through enclosed ovens where it is cured and dried. The roll of batting may pass through a quilting machine to be bound together in a web structure of strong thread. Finally, it is wound onto cores, cut and prepared for shipping. Shoddy or waste manufacturing is the processing of rags or textile mill waste until the materials are reduced to fibers. Processes may include, but not be limited to, sorting, classifying, carbonizing (exposing rags to hydrochloric acid fumes), baking, dusting, washing, drying, batching, picking, garnetting, and baling. Wool separating operations may include soaking rags in diluted sulfuric acid or carbonizing to remove cotton and other foreign matter. The rags are then dried and processed to remove dust, washed in alkali to neutralize the remaining acid, then dried. This classification also applies to establishments engaged in wool combing or scouring operations. Wool is processed in dusters which remove dirt. The wool then passes to scouring tanks. Several washers may be combined in a unit, the wool passing from one to the other by automatic conveyors. The last tank of clear water rinses the wool and it is then dried. Sometimes it is picked and carded again prior to being dried, then bagged or baled for sale. This classifica-

tion also includes the treating and twisting of animal hair for upholsterers' use.

3708-39 Textile goods: Manufacturing N.O.C.

Applies to establishments engaged in the manufacture of a wide variety of textile goods not covered by another classification (N.O.C.), and those which incorporate textiles with other types of raw materials. In addition to those described below, raw materials include, but are not limited to, metal or plastic rods and edging strips, glue, epoxy, cork, adhesive tape, nuts, bolts and other small hardware. In addition to that described below, machinery includes, but is not limited to, die cutters, rotary press cutters, band saws, hot wire cutters, reciprocating blade cutters, slitters, balers, thermo-weld presses, laminators, rivetors, punch presses, shredding machinery such as hammer mills, and hand tools such as glue sprayers, staple guns, and rivet guns. Sewing machines are often used in the manufacture of products contemplated in this classification; however, sewing is an auxiliary function performed in addition to other fabrication processes. Products contemplated in this classification include, but are not limited to:

Abrasive cloth made by running the backing material (cloth, paper, or combinations of these) through a making machine which is usually a grouping of three units. The printer unit imprints the backside of the backing material with a trademark or grade number; in the next unit an adhesive bond is applied in varying concentrations and quantities; a grain dispenser applies grains or minerals such as flint, emery, crocus, garnet, aluminum oxide or silicone carbide, either by a mechanical or an electrostatic method.

Absorbent booms or sheets designed to lift oil from water, made by shredding paper with an absorbent finish, then blowing it into a sock of netting or a sheet sewn from nonwoven fabric.

Bug screens for automobiles made by cutting wire screen mesh to size with either scissors or a small shearer, sewing vinyl bindings around them.

Conveyor belts made by joining the ends of premanufactured belting made of natural or synthetic rubber to form a continuous belt. Ends may be joined by a mechanical splice or a vulcanized splice. A mechanical splice joins the ends with lacings (metal strips into which wire rods are threaded); a vulcanized splice joins the ends by applying heat under pressure. This type of bonding is also called thermo-welding.

Fishing rod wrappings added to blank poles made by others. Cork handles are glued onto the poles individually in a hand operation. Poles are positioned on a lathe-like device powered by small motor. Next, guides are placed onto the pole and secured by winding thread around the pole as the lathe slowly turns it. Epoxy is brushed on by hand, or the pole is dipped in epoxy, then placed on a revolving wheel or hung to air dry. If the company that makes the poles also applies the wrappings (finishings), the entire operation is to be reported separately in the classification applicable to the manufacture of the poles.

Hard side luggage or carrying cases for items such as, but not limited to, video cameras, computers, telescopes, made by cutting plywood or premanufactured plastic sheets to pattern, lining the inside and outside of the pattern pieces with materials such as embossed paper or imitation leather, forming the case by riveting metal or plastic edging and corner pieces onto the pattern pieces, and attaching

hardware such as handles, hinges, and locks. Polyester foam padding is glued to the inside of the specialized carrying cases to protect the contents.

~~Hot tub covers made by cutting styrofoam to pattern, joining the two pieces with metal hinges and enclosing the unit in a vinyl covering.~~

~~Insulating products made by cutting materials such as premanufactured fiberglass cloth to specified shapes, then stapling together, or by laminating vinyl or other covering fabrics to premanufactured fiberglass cloth.~~

~~Office divider panels made by cutting premanufactured materials similar to polyfoam, laminating fabric onto foam, and attaching light weight metal or wood edging pieces.~~

~~Rigging for boats such as rope ladders made from heavy-duty rope, slings made by sewing bindings onto premanufactured netting.~~

~~This classification also includes the cutting and laminating of styrofoam, polyethylene foam and other flexible "foam rubber" materials to make products such as, but not limited to, mattress pads, cushions, contour pillows, automobile seats, packaging materials, padding and pads for sports equipment. Other products could be contemplated in this classification as long as the materials, machinery and processes used in the manufacture of those products are similar to those of employers subject to this classification.~~

~~This classification excludes establishments engaged in the manufacture of miscellaneous textile soft goods which are to be reported separately in classification 3802 and establishments engaged in the molding and mixing of rubber, plastic or graphite goods, which are to be reported separately in the classification applicable to the work being performed.~~

3708-40 Bag or sack-industrial size, N.O.C.: Manufacturing

~~Applies to establishments engaged in the manufacture of industrial size bags or sacks which are not covered by another classification (N.O.C.). These types of bags are used for packaging items in bulk, such as, but not limited to, flour, sugar, salt, meat products, fruits and vegetables, fertilizer, building materials, or coal. Raw materials include ink, strong thread, rope drawstrings, and fabric such as, but not limited to, cotton, nylon, woven polypropylene, burlap, or gunny which is generally received in bales. Baled fabric is opened on baler machinery, sewn into continuous lengths, then wound onto cores on a roll-up machine. The fabric is fed through a winder which pulls it straight, then may be run through print presses where logos, brand names, or designs are applied. The lengths are stacked on long cutting tables and cut with hand or power cutters to desired bag size. The sides and bottoms are sewn together inside out, then hem the open end. The bags are turned right side out on turning machines and drawstrings may be inserted in the hemmed edge. Finished bags are bundled into bales with strapping machines and prepared for shipping.~~

~~This classification excludes establishments engaged in the manufacture of small bags, packs, picnic bags or others generally carried on the person, which are to be reported separately in classification 3802; establishments engaged in the manufacture of plastic bags which are to be reported separately in classification 3510; and establishments engaged in the manufacture of paper bags which are to be reported separately in classification 6908.)~~

3708-14 Hide or leather dealers; Coating, impregnating, laminating or waterproofing textiles; Fabric embossing; Pelting; Taxidermists; and linoleum, oil cloth and imitation leather: Manufacturing

Applies to:

Businesses engaged in:

- Selling dressed animal hides, reptile skins and tanned leather;
- Manufacturing linoleum, oil cloth, imitation leather, and similar waterproofed or laminated fabrics;
- Coating, impregnating, laminating, embossing, or waterproofing crude fabrics not covered by another classification, N.O.C.;
- Animal hide pelting, which includes the initial cleaning and drying of animal skins or hides; and
- Taxidermy, which is the preparation, stuffing, and mounting of skins, and includes all incidental operations, such as tanning of hides and making animal forms, when performed by employees of the employer.

Work process/activities include, but are not limited to:

- Receiving raw hides from others, sorting/grading/salting;
- Shipping hides and leathers to tanneries for additional processing;
- Grading, measuring, trimming hides/leathers by hand or machine;
- Treating textiles or fabrics with coatings or finishes such as, but not limited to, oils, varnishes, lacquers, or plastic and rubber finishes;
- Coating woven or felt cloth using spreading devices, rollers, or by dipping into solvents, draining to allow solvents to evaporate, and curing in drying ovens;
- Placing fabrics in vacuum tanks with solutions of rubber or lacquer and solvents to subject fabrics to various pressures. Fabrics are then removed, dried, and baked in curing ovens and rough spots removed;
- Laminating and cementing fabric and coating materials together. Running through heated pressure rollers, and curing in drying ovens;
- Removal of fat and tissue with fleshing machines or by hand;
- Tumbling hides with cornmeal or sawdust to remove excess moisture, dirt, and oils;
- Washing skins in solutions of sodas, borax or alum to further clean, soften, and preserve them;
- Stretching cleaned pelts on drying boards and placing in drying rooms;
- Selling pelts to tanneries or furriers;
- Hand sewing holes or tears in skins; and
- Soaking antlers in brine to remove blood and other waste.

Machinery and equipment used include, but are not limited to:

- Curing ovens;
- Drying boards;
- Drying ovens;
- Fleshing machines;
- Freezers;
- Hand tools (used for cutting, scraping, and sculpturing);
- Pressure rollers;
- Saws;
- Sewing machines;
- Tumblers and drums/shakers;
- Vacuum tanks;

Exclusions:

- Processing raw hides, skins, and fur into tanned leather, or dressed fur is classified in 4301.
- Bleaching, dyeing, or finishing of textiles is classified in 3708-26.
- Coating or other finishing operations performed by employees of manufactures of textile. Goods are included in the applicable manufacturing classification.
- Raising fur bearing animals is classified in 4804.

Special note: Pelting of fur bearing animals, when performed by the animal raiser is considered incidental to the raising and are included within the scope of classification 4804. Businesses raising fur bearing animals are entitled to classification 3708-14 only if their hide pelting operation involves the pelting of animals, which have been raised by others.

3708-26 Net, thread, webbing, yarn, cordage, rope, twine, plush, velvet, felt, batting, wadding or waste, carpet or rug, or bag or sack-industrial size, N.O.C.: Manufacturing; Bleaching, dyeing or finishing textiles: N.O.C., spinning or weaving, or wool combing or scouring N.O.C.

Applies to:

Businesses engaged in:

- Manufacturing webbing, thread, or yarn, by spinning, weaving or knitting processes from natural or synthetic fibers, such as, but not limited to: Cotton, rayon, silk, or wool;
- Manufacturing nets, which are woven from cording or twine;
- Bleaching, dyeing, or mercerizing of crude fabric whose operations are not covered by another classification (N.O.C.);
- Manufacturing cord or cordage, rope, twine, or string from both natural and synthetic fibers, such as, but not limited to: Cotton, manila, sisal, flax, jute, hemp, and rayon;
- Spinning or weaving operations to manufacture woven or nonwoven fabrics, and which are not covered under another classification (N.O.C.) using natural or synthetic fibers, such as, but not limited to: Cotton, wool, rayon, acetate, or spun fiberglass;
- Tufting carpets or weaving carpets and rugs;
- Manufacturing batting, wadding or waste which is sold to distributors or other manufacturers;
- Manufacturing industrial size bags or sacks which are not covered by another classification (N.O.C.);
- Extrusion of polyethylene or similar pellets to form fibers when done by manufacturers in this class for use in their own products;
- Wool combing or scouring;
- Manufacturing plush, velvet, or felt; and
- Treating and twisting of animal hair for upholsters' use.

Products manufactured include, but are not limited to:

- Awning cords;
- Bags (industrial type used in packaging items such as flour, sugar, salt, meat products, fruits, vegetables, fertilizer, building supplies, etc.);
- Batting (wadding);
- Carpets/rugs/mats;
- Climbing ropes;

- Cotton goods;
- Fish lines;
- Nets (batting nets, hoop nets for sports, nets used for commercial purposes such as fishing and marine);
- Nonwoven fabric (also called spun bonded, used in inner lining of diapers, surgical/medical masks, hand wipes, mattress pads, pillow coverings);
- Rayon fabric;
- Rigging ropes;
- Silk fabric;
- Spun fiberglass;
- Wool fabric;
- Woven cloth.

Work process/activities include, but are not limited to:

- Removing debris from fibers by picking, untangling, straightening, and stretching of fibers by carding;
- Combing to separate long fibers from shorter ones and forming them into thick strands (referred to as slivers);
- Placing slivers on creels and feeding into spinning machines to be further stretched, spun and twisted onto bobbins (also called packages);
- Rinsing threads in vats of hot water to set ply, adding dyes to the rinse;
- Spinning threads dry and placing in dehydrators until all moisture is removed;
- Packaging yarn/thread and selling to fabric weavers;
- Weaving elastic or nonelastic webbing from yarns or threads on narrow-shuttle looms or knitting machines;
- Coating, laminating, or dyeing yarns and threads prior to winding onto skeins or spools for sale to others;
- Dyeing cordage, rope or twine;
- Coating with latex to prevent deterioration;
- Steaming and drying;
- Spinning yarn prior to weaving into cloth;
- Washing, drying, bleaching, mercerizing, dyeing, singeing the edges, and calendaring cloth;
- Extruding polyethylene pellets into continuous threads with the use of suction, electricity, cold air, and blowing of air;
- Putting threads through machinery at high speeds where air guns or nozzles suction several threads into one strand. Strands are blown onto a wire conveyor of a sheet making machine where the fibers are criss-crossed to form a nonwoven mass. Mass passes through the machines large rollers as heat is applied. The heat and pressure of rollers bonds the webbed mass into the nonwoven fabric. The fabric passes through more rollers and winders, is wound onto paper cores, cut, and packaged for shipment;
- Coloring, embossing, printing, brushing, shearing and inspecting;
- Pressing raw materials, such as wool, cotton, nylon, textile scraps, into desired dimensions for felt;
- Tufting carpets by sewing pile yarn to prewoven jute backing using a high speed machine with hundreds of needles;
- Applying liquid latex to backing of carpet to secure tufting, then putting through a dryer, and sewing on bindings;

- Receiving raw materials such as cotton, wool, and synthetic fibers and treating with processes that include shredding, willowing, picking, dusting, carding, blending, rolling, drying and curing;
- Feeding fibers into garneting machines where they are picked, pressure-blown and blended, then blown out into a long flat surface that rotates as the fibers build up to a specified thickness;
- Processing rags or textile mill waste into fibers;
- Sorting, classifying, carbonizing, baking, dusting, washing, drying, batching, picking, garneting, and bailing for waste manufacturing;
- Separating wool, which includes soaking rags in diluted sulfuric acid or carbonizing to remove cotton and other foreign matter. Rags are then dried and processed to remove dust and washed in alkali to neutralize the remaining acid;
- Processing wool in dusters, which remove dirt, then passing to scouring tanks. Wool is rinsed and dried, then bagged or baled for sale;
- Treating and twisting of animal hair;
- Opening baled fabric on baler machinery, sewing into continuous lengths, and winding onto cores on a roll-up machine. Fabric is fed through a winder which pulls it straight, then may be run through print presses where logos, brand names, or designs applied; and
- Cutting bags to desired length, sewing sides and bottoms together, and applying drawstrings.

Machinery and equipment used include, but are not limited to:

- Bale breaking machines;
- Breakers;
- Calendars (pressing the cloth through heavy rollers to smooth and gloss fabric);
- Carders or carding machines;
- Choppers;
- Conveyors;
- Cutting knives;
- Electric dryers;
- Hardening machines;
- Knitting machines;
- Looms;
- Sewing machines;
- Shredders;
- Spinning machines;
- Tufting machines;
- Vats;
- Weaving machines;
- Winches and winders.

Exclusions:

- Coating, impregnating, laminating or waterproofing textiles is classified in 3708-14.
- Washing, drying, or dyeing of individual garments for others is classified in 2201.
- Coating or other finishing operations performed by employees of manufacturers of textiles or textile goods are included in the manufacturing classification, which is applicable to the work performed.
- Manufacturing hand carved or inlaid carpets or rugs from premanufactured carpeting is classified in 3802.
- Manufacturing small bags, picnic bags or others generally carried on the person is classified in 3802.

- Manufacturing plastic bags is classified in 3510.
- Manufacturing paper bags is classified in 6908.

3708-29 Mattress or box springs: Manufacturing

Applies to:

Businesses manufacturing stuffed mattresses, spring mattresses, or box springs. The manufacture of batting, wadding, and waste are included in this classification when performed by employees of employers engaged in manufacturing mattresses.

Raw materials include, but not limited to:

- Fabric;
- Foam;
- Glue;
- Sewing notions;
- Upholsterer tape;
- Wire coils/springs;
- Wire grid racks;
- Wood frames;
- Wool or cotton stuffing material.

Work process/activities include, but are not limited to:

- Cutting mattress pieces;
- Quilting on quilting machines;
- Gluing and stapling batting, foam padding or other cushioning (mattresses may be placed on rotating guerneys so that workers do not move and the mattress is worked on all sides);
- Applying ticking;
- Sewing borders;
- Sewing the final build-up (assembly) of the mattress; and
- Vacuuming the final product, package in either plastic or cardboard, and ship.

Machinery and equipment used include, but are not limited to:

- Band saws;
- Eyelet punches;
- Glue spray guns;
- Hand tools;
- Nail guns;
- Quilting machines;
- Sewing machines;
- Staple guns;
- Tape edgers.

Exclusions:

- Manufacturing wire springs is classified in 3402.
- Manufacturing batting, wadding, or waste is classified in 3708-26.

3708-39 Textile goods: Manufacturing N.O.C., Broom or brush: Manufacturing or assembly, N.O.C.

Applies to:

Businesses manufacturing a variety of textile goods or manufacturing or assembly of all types of household and industrial brooms, brushes, and mops not covered by another classification (N.O.C.).

Products manufactured include, but are not limited to:

- Abrasive clothes;
- Absorbent booms or sheets;

- Brushes for vacuum cleaners, street sweeping or other rotary machines;
- Bug screens for automobiles;
- Conveyor belts;
- Fishing rod wrappings;
- Hard sided luggage or carrying cases (video cameras, computers, telescopes);
- Hot tub covers;
- Insulating products;
- Office divider panels;
- Paint brushes and rollers;
- Rigging for boats (rope ladders, slings);
- Scrub mops, dust mops;
- Whisk brooms.

Raw materials include, but not limited to:

- Adhesive tape;
- Animal hair;
- Cork;
- Grains or minerals such as flint, emery, crocus, garnet, aluminum oxide or silicone carbide;
- Dust attracting additives;
- Edging strips;
- Epoxy;
- Glue;
- Metal or plastic rods;
- Metal springs/wire;
- Nuts/bolts;
- Synthetic fibers;
- Various hardware (handles, rivets);
- Yarn.

Work process/activities include, but are not limited to:

- Winding materials around rollers;
- Twisting onto spools;
- Winding fibers onto bobbins;
- Spinning, braiding or weaving the materials on machines;
- Machines set thicknesses, weft, warp, and weave for flexibility, strength, and tension;
- Machines test to determine breaking points or melting points;
- Machines cut to length or size;
- Contouring materials using shapers;
- Drilling holes may be drilled;
- Inserting or stapling bristles; and
- Final product cleaned, packed, and shipped.

Machinery and equipment used include, but are not limited to:

- Balers;
- Band saws;
- Brush making machinery;
- Die cutters;
- Rotary press cutters;
- Hand tools;
- Hot wire cutters;
- Laminators;
- Manual/computerized brush making machinery;
- Punch presses;
- Reciprocating blade cutters;

- Riveters;
- Sewing machines;
- Shredding machinery;
- Slitters;
- Thermoweld presses.

Exclusions:

- Manufacturing miscellaneous textile soft goods is classified in 3802.
- Molding and mixing of rubber, plastic or graphite goods is classified in the classification applicable to the work performed.
- Manufacturing metal, wood or plastic handles or backings is classified in the classification applicable to the manufacturing process.
- Businesses that make only mop heads by sewing yarn or other strands to a cloth base are classified in 3802.
- Businesses that make fishing poles and also apply the wrappings are classified in the classification applicable to the manufacture of the poles.

[WSR 07-01-014, recodified as § 296-17A-3708, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-604, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-604, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 93-12-093, § 296-17-604, filed 5/31/93, effective 7/1/93; WSR 91-12-014, § 296-17-604, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 51.16.035. WSR 87-24-060 (Order 87-26), § 296-17-604, filed 12/1/87, effective 1/1/88; WSR 85-24-032 (Order 85-33), § 296-17-604, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-604, filed 11/30/83, effective 1/1/84; WSR 82-24-047 (Order 82-38), § 296-17-604, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-604, filed 11/9/73, effective 1/1/74.]

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

WAC 296-17A-4301 Classification 4301.**~~((4301-05 Glue, lard, or tallow: Manufacturing~~**

~~Applies to establishments engaged in the manufacturing of products from animal substances such as glue, lard and tallow. Glue manufacturing begins by boiling animal substances, including skins and hoofs, in water until the materials are diluted and melted. The material dries as a residue and forms as a hard pure protein gelatin. Incidental operations include bone crushing, grinding and bagging of bone meal, the filling of solidified grease into drums from the oil settling tanks and the pressing, drying, pulverizing and bagging of tankage for fertilizer manufacturers. The traditional "hot" animal glue which is produced in flake form, requires a heated glue pot to keep it at a usable consistency. More modern forms are ready to use liquids. Glues come in three general forms: Ready-to-use, water mixed form, and waterproof types that are often two-part and must be sold in two separate container units. These come with directions to mix to specified proportions just before use. Ready-to-use types retail in bottles, cans and tubes. Tools and equipment used include, but are not~~

limited to, boiling pots, scrapers and razors. This classification includes making or refining lard, which is the white solid or semisolid rendered fat from a hog, and tallow making. This process includes taking the hard fat from parts of the bodies of cattle, sheep or horses, separating it by melting from the fibrous and membranous matter and mixing the whitish solids for use in making candles, leather dressing, soap and lubricants.

This classification excludes establishments that manufacture synthetic glues such as acrylic base, contact cement, polyester, latex combination, epoxy sticks, polyethylene, polyvinyl, or cellulose nitrate or rubber base which are to be reported separately in classification 3701.

4301-10 Sausage: Manufacturing

Applies to establishments engaged in manufacturing sausage. This process includes grinding, mixing, and blending cuts of meat with seasonings, spices, and fillers using grinders, mixers, pots, cooking tanks and meat cutting instruments. The mixture is stuffed into synthetic or natural casings or packed into forms. The product is often cooked in pressurized cooking tanks. The sausage is then cured by either pumping or injecting a curing solution into the meat or dry rubbing a curing substance into the meat and immersing the meat in a brine solution. Curing solutions usually contain one or more chemicals, such as sodium or potassium nitrate, ascorbate, or erythorbate, and water. The meats are then allowed to cure for up to 40 days. Curing may be followed by a period of several hours to several days in a temperature controlled smokehouse. The final product may be packaged, canned, placed in jars, or frozen.

This classification excludes dealers of natural sausage casings which are to be reported separately in classification 4301-19; meat products manufacturing which is to be reported separately in classification 4301-12; retail meat and poultry dealers which are to be reported separately in classification 3303; and the handling of livestock which is to be reported separately in the applicable classification.

4301-11 Packing house

Applies to establishments engaged in packing house operations which include the handling and slaughtering of livestock and the preparation of fresh meat and meat products. Animals are moved through a system of chutes to a conveyor system which takes them through a stunning machine and then into the slaughtering area. Work is performed with the use of hoists, knives, scissors, razors, scrapers, meat chippers, cleavers and hydraulic dropper/spreaders. After slaughtering, the blood is drained, collected and stored. The carcasses are then dipped into a scald tank and conveyed to dehairer machines and the hides are removed. After carcasses have been inspected and weighed, they are placed in blast freezers for several hours and then moved to a cooler. Carcasses are sawed or cut into portions and specific cuts of meat including those that will be used in other products such as cold cuts, sausages, and hot dogs. The products are then placed in cardboard boxes and loaded onto pallets. This classification includes incidental rendering, lard refining, butter substitutes manufacturing, washing of casings, sausage manufacturing, salting of hides, cooking of offal (waste), processing of the viscera manually or by machine, and fertilizer manufacturing when done by employees of an employer subject to this classification. Some of the prepared meats are packed in cans, bottles, or jars, sealed and cooked in vats. Meat packing and

processing operations may be consolidated or may be in different locations.

This classification excludes establishments primarily engaged in sausage manufacturing which are to be reported separately in classification 4301-10; dealers of natural sausage casings which are to be reported separately in classification 4301-19; meat products manufacturing which is to be reported separately in classification 4301-12; slaughterhouse only operations which are to be reported separately in classification 4301-22; custom meat cutting which is to be reported separately in classification 4302; retail meat and poultry dealers which are to be reported separately in classification 3303; and wholesale meat and poultry processors/dealers which are to be reported separately in classification 3304.

4301-12 Meat products: Manufacturing

Applies to establishments engaged in meat products manufacturing, including canning or dehydrating. Products include, but are not limited to, frankfurters, bologna, head cheese and meat loaf. No handling or slaughtering of livestock is performed by employers subject to this classification. Meats are received in halves, quarters or individual fresh cuts. Cuts of meat are washed, soaked in brine, smoked, pickled, corned, and/or otherwise cooked. Meat products are bottled in jars, bottles, or cans and sealed. Meat trimmings may be chopped, ground, mixed, smoked, boiled, or stuffed in sausage casings. Machinery and equipment includes, but is not limited to, mixing, cutting, and bottling equipment or tools.

This classification excludes establishments primarily engaged in sausage manufacturing which are to be reported separately in classification 4301-10; dealers of natural sausage casings which are to be reported separately in classification 4301-19; glue, tallow or lard manufacturing which is to be reported separately in classification 4301-05; packing house operations which are to be reported separately in classification 4301-11; slaughterhouse operations which are to be reported separately in classification 4301-22; custom meat cutting which is to be reported separately in classification 4302; the retail sale of meat and poultry which is to be reported separately in classification 3303; and wholesale meat dealers and wholesale poultry processors/dealers which are to be reported separately in classification 3304.

4301-13 Peat moss: Shredding and baling

Applies to establishments engaged in the shredding and baling of peat moss. This includes the cleaning, sorting and packaging of peat moss to be used as mulch, plant food (fertilizer), soil amendment, fuel or decorative uses such as in floral arrangements.

This classification excludes establishments engaged in the digging or stripping of peat from the surface of bogs with use of mechanical equipment which are to be reported separately in classification 0112 and the picking of moss by hand in a forest which is to be reported separately in classification 4802.

4301-17 Tanneries, fur manufacturing

Applies to establishments engaged in tannery operations which involve tanning and dressing raw hides for sale to dealers or manufacturers of leather or fur products. (Taxidermists often send hides to a tannery rather than treating them at their own shops.) Hides are received from outside sources, washed in caustic soda, borax and soda to clean, soften and preserve them. Excess flesh and tissue is removed

from hides by fleshing machines which resemble a band saw mounted on a table. Any additional fleshing is done by scraping with a hand knife. Hides are then softened by agitating in a lime solution to remove all or part of the hair or fur, softened by agitating paddles using a variety of chemicals mixed with cornmeal and treated with a solution of sulfuric acid. Tanning is then done in revolving drums containing a mixture of water, salt, sodium bicarbonate and chromium sulfate. Drying may be done using a gas fired oven depending on the type of hide. Shredded hide may be baled and sold to glue makers. Tanned hides are split, dyed and finished. Tears in the hide are hand sewn.

This classification excludes hide or leather dealers, establishments engaged in hide pelting, and taxidermists which are all to be reported separately in classification 3708.

4301-19 Sausage casing dealers

Applies to establishments engaged in the sales and distribution of natural sausage casings to others. Casings are animal intestines received from packing houses or rendering plants. Wholesale dealers wash, dry, sort and package casings for distribution.

This classification excludes establishments engaged in the manufacture of sausage which are to be reported separately in classification 4301-10.

4301-21 Rendering works, N.O.C.

Applies to establishments engaged in rendering operations not covered by another classification (N.O.C.). Rendering is the act of reducing or melting down fat by heating. The raw animal materials such as, but not limited to, discarded fat, bone trimmings, meat scraps, blood, grease and feathers are collected from farms, stockyards, slaughterhouses, butcher shops, supermarkets, restaurants, meat and poultry stores, ranches, feed lots or animal shelters and brought to the rendering plant. The hides are removed and stored for shipment to hide dealers and tanneries. Carcasses are cut into workable sizes and placed into tanks. Steam passes directly into the materials being cooked. The grease is drawn off and meat and bones drop into a slush box. The slush is then pressed to remove more water and grease before going to steam pressure dryers. In some plants this is all performed with one piece of equipment. Tools and equipment may also include crushers, hashers, grinders, hoppers, prebreakers, blow tanks, conveyors, bucket elevators, pumps, steam-heater batch cokers, dryers, screw presses and waste water treatment equipment. In addition, other products such as cod liver oil may be produced, depending on the basic material being rendered. Regardless of the type of rendering system being used, all fish oils and animal grease or tallow are pumped into receiving or settling tanks. Barrels, drums or tank cars are filled for shipment to manufacturers of assorted products such as soap, and fatty acid products such as cosmetics, lubricants, paints and plastics. Edible tallow is used in margarine and other foods as regulated by the USDA. This classification includes the crushing, grinding, pressing, drying, pulverizing, and bagging of dried slush or tankage to produce fish or bonemeal, and feed concentrates for livestock and poultry and fertilizer.

This classification excludes establishments engaged as packing houses which are to be reported separately in classification 4301-11 and establishments engaged as slaughterhouses which are to be reported separately in classification 4301-22.

4301-22 Slaughterhouses

~~Applies to establishments engaged in the slaughter of animals and the initial processing of meat. This includes purchasing livestock from individuals or feedlots, handling the livestock, maintaining pens, and butchering. The process requires the preparation of the animal carcass, washing of casings and the salting of hides or cooking of offal (waste). Tools and equipment used include hydraulic dropper/spreaders, stunning machines, hoists, knives, scissors, razors, scrapers, meat chippers and cleavers. The meat is then sold by hanging weight and distributed to buyers using box freezer or container trucks. This classification excludes establishments engaged in packing house operations which are to be reported separately in classification 4301-11; establishments engaged in manufacturing meat products which are to be reported separately in classification 4301-12; custom meat cutting which is to be reported separately in classification 4302; retail meat and poultry dealers which are to be reported separately in classification 3303; wholesale meat dealers and wholesale poultry processors/dealers which are to be reported separately in classification 3304.)~~

4301-10 Sausage: Manufacturing

Applies to:

Businesses engaged in manufacturing sausage.

The process of manufacturing sausage may include:

- Grinding, mixing, and blending cuts of meat with seasonings, spices, and fillers;
- Filling synthetic or natural casings or packing meat into forms;
- Cooking in pressurized cooking tanks;
- Curing by pumping or injecting a curing solution into the meat or by dry rubbing a curing substance into the meat and immersing it in a brine solution. Curing solutions usually contain one or more chemicals, such as sodium or potassium nitrate, ascorbate, or erythorbate, and water. The meats may then cure for up to 40 days;
- Smoking meat for a period of several hours to several days in a temperature controlled smokehouse;
- Packaging, canning, jarring, or freezing.

Equipment used include, but are not limited to:

- Cooking tanks;
- Cutting instruments;
- Grinders;
- Mixers;
- Pots.

Exclusions:

- Retail meat and poultry dealers are classified in 3303;
- Worker hours engaged in handling livestock are reported separately in the applicable classification;
- Businesses that manufacture other meat products, including combined with manufacturing sausage, are classified in 4301-12;
- Natural sausage casings dealers are classified in 4301-19.

4301-11 Packing house

Applies to:

Businesses engaged in packing house operations which include the handling and slaughtering of livestock and the preparation of fresh

meat and meat products. Meat packing and processing operations may be consolidated or may be in different locations.

This classification includes incidental:

- Butter substitutes manufacturing;
- Cooking of offal (waste);
- Fertilizer manufacturing;
- Lard refining;
- Processing of the viscera manually or by machine;
- Rendering;
- Salting of hides;
- Sausage and other meat product manufacturing;
- Washing of casings.

Packing house processes may include:

- Moving livestock through a system of chutes and conveyors, through a stunning machine, and then into the slaughtering area;
- Slaughter of livestock;
- Draining, collecting and storing blood;
- Dipping carcasses into scald tanks;
- Conveying carcasses to dehairer machines;
- Removing hides;
- Weighing and inspecting carcasses;
- Placing carcasses in blast freezers or coolers;
- Cutting carcasses into portions and specific cuts of meat;
- Packing prepared meats in cans, bottles, or jars that are then sealed and cooked in vats;
- Placing products in cardboard boxes and loading onto pallets.

Equipment used include, but are not limited to:

- Cleavers;
- Hoists;
- Hydraulic dropper/spreaders;
- Knives;
- Meat chippers;
- Razors;
- Scissors;
- Scrapers.

Exclusions:

- Retail meat and poultry dealers are classified in 3303;
- Wholesale meat dealers and poultry processors/dealers are classified in 3304;
- Businesses primarily engaged in sausage manufacturing are classified in 4301-10;
- Meat products manufacturing is classified in 4301-12;
- Natural sausage casings dealers are classified in 4301-19;
- Slaughterhouse only operations are classified in 4301-22;
- Custom meat cutting is classified in 4302.

4301-12 Meat products: Manufacturing

Applies to:

Businesses engaged in meat products manufacturing, including canning or dehydrating. No handling or slaughtering of livestock is performed by employers subject to this classification.

Products manufactured include, but are not limited to:

- Bologna;
- Frankfurters;

- Head cheese;
- Meat loaf;
- Sausage.

The process of meat products manufacturing may include:

- Receiving meats halves, quarters, or individual fresh cuts;
- Washing, soaking in brine, smoking, pickling, corning, or otherwise cooking cuts of meat;
- Bottling in jars, bottles, or sealing in cans;
- Chopping, grinding, mixing, smoking, boiling, or stuffing meat trimmings in sausage casings.

Equipment used include, but are not limited to:

- Bottling equipment or tools;
- Cutting instruments;
- Grinders;
- Mixers.

Exclusions:

- Retail meat and poultry dealers are classified in 3303;
- Wholesale meat dealers and wholesale poultry processors/dealers are classified in 3304;
- Businesses primarily engaged in sausage manufacturing are classified in 4301-10;
- Packing house operations are classified in 4301-11;
- Natural sausage casings dealers are classified in 4301-19;
- Glue, tallow, and lard manufacturing are classified in 4301-21;
- Slaughterhouse operations are classified in 4301-22;
- Custom meat cutting is classified in 4302.

4301-13 Peat moss: Shredding and baling

Applies to:

Businesses engaged in the shredding and baling of peat moss, including cleaning, sorting and packaging of peat moss to be used as mulch, plant food (fertilizer), soil amendment, fuel, or decorative uses such as in floral arrangements.

Exclusions:

- Digging or stripping of peat from the surface of bogs with use of mechanical equipment is classified in 0112;
- Picking of moss by hand in a forest is classified in 4802.

4301-17 Tanneries, fur manufacturing

Applies to:

Businesses engaged in tannery operations. These businesses usually process raw hides and skins into fur pelts, leather, or suede for sale to dealers or manufacturers of leather or fur products. Taxidermists often send hides to a tannery rather than treating them at their own shops.

Tannery processes may include:

- Receiving hides;
- Rehydrating cured hides;
- Removing excess flesh and tissue using fleshing machines and with hand knives;
- Agitating in a lime solution to soften and remove hair or fur;
- Deliming, cleaning, and softening using water and a variety of chemicals, such as enzymes, sulfates, or chlorides;

- Vegetable tanning, soaking in a tannin solution in oversized vats;
- Chemical tanning, rotating in revolving drums containing a highly alkaline chemical, such as sodium carbonate, bicarbonate, or chromium sulfate;
- Removing excess moisture using oversized wringers;
- Splitting, bleaching, and dyeing hides;
- Stretching hides;
- Drying using air drying techniques, drying units with temperature and humidity controls, tunnel dryers, vacuum drying techniques, or drying using a high-frequency electromagnetic field;
- Brushing to buff out imperfections or to raise the nap resulting in suede;
- Finishing by applying coatings to the leather's grain side;
- Glazing to produce patent leather;
- Plating or embossing using a plating press;
- Baling shredded hide for sale to glue makers;
- Hand sewing tears in hides.

Equipment used include, but are not limited to:

- Agitating drum machines;
- Brushing machines;
- Drying units, tunnels, and other drying equipment;
- Hide shaving and fleshing machines;
- Knives;
- Plating presses;
- Vats;
- Wringing machines.

Exclusions:

- Hide or leather dealers are classified in 3708;
- Businesses engaged in hide pelting are classified in 3708;
- Taxidermists are classified in 3708.

4301-19 Sausage casing dealers

Applies to:

Businesses engaged in the sales and distribution of natural sausage casings to others. Natural casings are animal intestines, usually received from packing houses or rendering plants.

Work activities include:

- Wash, dry, sort, and package casings for distribution.

Exclusion:

Businesses engaged in sausage manufacturing are classified in 4301-10.

4301-21 Rendering works, N.O.C.; Glue, lard, or tallow: Manufacturing

Applies to:

- Businesses engaged in rendering operations not covered by another classification (N.O.C.). Rendering is the act of reducing or melting down fat by heating.
- Businesses engaged in the manufacturing of products from animal substances such as glue, lard, and tallow.

Work activities and processes may include, but are not limited to:

Receiving raw animal materials such as, discarded fat, bone trimmings, meat scraps, blood, grease, and feathers from farms, stock-

yards, slaughterhouses, butcher shops, supermarkets, restaurants, meat and poultry stores, ranches, or feed lots;

- Removing hides for shipment to hide dealers and tanneries;
- Cutting carcasses into workable sizes;
- Placing carcasses into tanks where steam passes directly into the materials being cooked. Grease is drawn off and meat and bones drop into a slush box. The slush is then pressed to remove more water and grease before going to steam pressure dryers. In some plants this is all performed with one piece of equipment;
- Boiling animal substances, including skins and hoofs, in water until the materials are diluted and melted, then drying to form a hard pure protein gelatin;
- Separating the hard fat from parts of cattle, sheep, or horse carcasses by melting it from the fibrous and membranous matter, then mixing the whitish solids for use in making candles, leather dressing, soap, and lubricants;
- Making or refining lard;
- Crushing, grinding, pressing, drying, pulverizing, and bagging of dried slush or tankage to produce fish meal, bone meal, feed concentrates for livestock and poultry, or fertilizer;
- Pumping fish oils and animal grease or tallow into receiving or settling tanks;
- Filling barrels, drums or tank cars for shipment to manufacturers of assorted products such as soap, cosmetics, lubricants, paints, and plastics.

Equipment used include, but are not limited to:

- Blow tanks;
- Boiling pots;
- Bucket elevators;
- Conveyors;
- Crushers;
- Dryers;
- Grinders;
- Hashers;
- Hoggers;
- Prebreakers;
- Pumps;
- Razors;
- Scrapers;
- Screw presses;
- Steam-heater batch corkers;
- Wastewater treatment equipment.

Exclusions:

- Slaughterhouse operations are classified in 4301-22;
- Manufacturing synthetic glues, such as acrylic base, contact cement, polyester, latex combination, epoxy sticks, polyethylene, polyvinyl, cellulose nitrate, or rubber base, is classified in 3701;
- Packing houses are classified in 4301-11.

4301-22 Slaughterhouses

Applies to:

Businesses engaged in the slaughter of animals and the initial processing of meat. This includes purchasing livestock from individuals or feedlots, handling the livestock, maintaining pens, and butchering.

Slaughterhouse processes include, but are not limited to:

- Preparation of the animal carcass;
- Washing of casings;
- Salting of hides;
- Cooking of offal (waste);
- Distributing to buyers using box freezer or container trucks.

Equipment used include, but are not limited to:

- Cleavers;
- Hoists;
- Hydraulic dropper/spreaders;
- Knives;
- Meat chippers;
- Razors;
- Scissors;
- Scrapers;
- Stunning machines.

Exclusions:

- Retail meat and poultry dealers are classified in 3303;
- Wholesale meat dealers and wholesale poultry processors/dealers are classified in 3304;
- Packing houses are classified in 4301-11;
- Manufacturing meat products is classified in 4301-12;
- Custom meat cutting is classified in 4302.

[WSR 07-01-014, recodified as § 296-17A-4301, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-630, filed 8/28/98, effective 10/1/98; WSR 88-12-050 (Order 88-06), § 296-17-630, filed 5/31/88, effective 7/1/88; WSR 85-24-032 (Order 85-33), § 296-17-630, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-630, filed 2/28/85, effective 4/1/85. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 78-12-043 (Order 78-23), § 296-17-630, filed 11/27/78, effective 1/1/79; Order 76-36, § 296-17-630, filed 11/30/76; Order 75-38, § 296-17-630, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-630, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-630, filed 11/9/73, effective 1/1/74.]

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

WAC 296-17A-4302 Classification 4302.**4302-14 Custom meat cutting**

~~((Applies to establishments engaged in operating custom meat cutting shops. This classification primarily caters to customers who bring in an animal carcass (usually from a farm or hunt) for processing. Customers generally fill out a cut and wrap list which indicates how they want the meat cut such as steaks, flank, roasts, ribs, filets, or hamburger, and how they want the product wrapped such as 3 steaks to a package, 5 pound roasts, 2 pound packages of hamburger, etc. Once the order has been filled to a customer's specifications, meat is stored in a freezer locker until the customer picks up the product. Custom meat cutting shops may also smoke meats and offer custom cut inspected meats (meaning inspected by USDA officials) for sale~~

as locker packages or by the pound. It is also common for these establishments to sell related grocery items such as butter, eggs or milk. Tools and equipment include, but are not limited to, knives, razors, meat chippers, cleavers and hand carts.

This classification excludes establishments primarily engaged in custom meat cutting *including farm kill operations* which are to be reported separately in classification 4302-15; establishments engaged in farm kill operations *only* which are to be reported separately in classification 4302-16; packing house operations and slaughterhouse operations which are to be reported separately in classification 4301; establishments engaged in the retail sale of meat and poultry dealers which are to be reported separately in classification 3303; and wholesale meat dealers which are to be reported separately in classification 3304.

4302-15 Custom meat cutting and farm kill

Applies to establishments engaged in operating custom meat cutting shops *which also provide farm kill operations away from the custom meat shop*. This classification primarily caters to customers who bring in an animal carcass (usually from a farm or hunted) for processing. Customers generally fill out a cut and wrap list which indicates how they want the meat cut such as steaks, flank, roasts, ribs, fillets, hamburger, etc., and how they want the product wrapped such as 3 steaks to a package, 5 pound roasts, and 2 pound packages of hamburger. Once the order has been filled to a customer's specifications, meat is stored in a refrigerated locker until the customer picks up the product. Custom meat cutting shops may also smoke meats and offer custom cut inspected meats (meaning inspected by USDA officials) for sale as locker packages or by the pound. It is also common for these establishments to sell related grocery items such as butter, eggs or milk. Tools and equipment include, but are not limited to, knives, razors, meat chippers, cleavers and hand carts. *Farm kill operations* are usually performed with the use of a mobile kill truck. The animal is killed, placed on a hook hoist attached to the mobile unit, skinned, and dressed. The meat is then processed, according to the customer's order, usually at the shop.

This classification excludes establishments engaged in custom meat cutting in shop *only (no farm kill)* which are to be reported separately in classification 4302-14 and farm kill *only* operations (mobile butchering) which are to be reported separately in classification 4302-16.

4302-16 Farm kill

Applies to establishments engaged *exclusively* in mobile butchering or farm kill operations which are usually performed with the use of a mobile kill truck. The animal is killed, placed on a hook hoist attached to the mobile unit, skinned, and dressed. Establishments in this classification are engaged in farm kill operations *only*; they are not engaged in the further processing of meat or meat cutting.

This classification excludes establishments engaged in operating custom meat cutting shops *only (no farm kill)* which are to be reported separately in classification 4302-14 and custom meat cutting shop *including farm kill* which are to be reported separately in classification 4302-15.)

Applies to:

Businesses operating custom meat cutting shops.

Custom meat cutting operations include, but are not limited to:

- Serving customers who bring in an animal carcass (usually from a farm or hunt) for processing;
- Fulfilling customers' cut and wrap lists. Cut lists indicate how they want the meat cut, such as steaks, flank, roasts, ribs, filets, or hamburger. Wrap lists indicate how they want the product wrapped, such as three steaks to a package, five pound roasts, or two pound packages of hamburger;
- Storing meat that has been cut and wrapped to a customer's specifications in a freezer locker until the customer picks up the product;
- Smoking meats and offering custom cut USDA inspected meats for sale as locker packages or by the pound;
- Incidental sale of related grocery items such as butter, eggs, or milk.

Tools and equipment include, but are not limited to:

- Cleavers;
- Handcarts;
- Knives;
- Meat chippers;
- Razors.

Exclusions:

- Businesses engaged in custom meat cutting including farm slaughter operations or businesses engaged in farm slaughter operations only are classified in 4302-15;
- Packing house operations and slaughterhouse operations are classified in 4301;
- Retail meat and poultry dealers are classified in 3303;
- Wholesale meat dealers are classified in 3304.

4302-15 Custom meat cutting and custom farm slaughter

Applies to:

- Businesses operating custom meat cutting shops which also provide farm slaughter operations away from the custom meat shop;
- Businesses engaged exclusively in mobile butchering or farm slaughter operations which are usually performed with the use of a mobile slaughter truck.

Custom meat cutting operations include, but are not limited to:

- Serving customers who bring in an animal carcass (usually from a farm or hunt) for processing;
- Fulfilling customers' cut and wrap lists. Cut lists indicate how they want the meat cut, such as steaks, flank, roasts, ribs, filets, or hamburger. Wrap lists indicate how they want the product wrapped, such as three steaks to a package, five pound roasts, or two pound packages of hamburger;
- Storing meat that has been cut and wrapped to a customer's specifications in a freezer locker until the customer picks up the product;
- Smoking meats and offering custom cut USDA inspected meats for sale as locker packages or by the pound;
- Incidental sale of related grocery items such as butter, eggs, or milk.

Custom farm slaughter operations include, but are not limited to:

- Use of a mobile slaughter truck;
- The animal is slaughtered, placed on a hook hoist attached to the mobile unit, skinned, and dressed;

• The meat is processed according to the customer's order, usually at the shop.

Tools and equipment include, but are not limited to:

- Cleavers;
- Handcarts;
- Knives;
- Meat chippers;
- Razors.

Exclusions:

Custom meat cutting shops only (no farm slaughter) are classified in 4302-14.

[WSR 07-01-014, recodified as § 296-17A-4302, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-631, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 90-13-018, § 296-17-631, filed 6/8/90, effective 7/9/90. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-631, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-631, filed 2/28/85, effective 4/1/85; Order 76-36, § 296-17-631, filed 11/30/76; Order 73-22, § 296-17-631, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 19-11-109, filed 5/21/19, effective 7/1/19)

WAC 296-17A-4502 Classification 4502.

~~((Radio, television, recording, video production, and cable service providers; all other employees~~

~~Classification 4502 is limited to employees who do **not** install, test, or repair electrical wiring, cable lines, antennas, satellite dishes, or hook-up subscribers, unless the work is performed inside buildings on their employers' premises. Occupations reported in this classification include clerical office and sales workers, but may also include:~~

~~Account managers;
Administrative staff;
Advertising, marketing, and promotions staff;
Animation production staff;
Announcers;
Art, design, wardrobe staff;
Billing, customer service staff;
Camera operators, videographers, photographers;
Commercial productions staff;
Control room engineers and operators;
Facility operations, maintenance staff;
Film and video editors;
Meteorologists;
Music DJs;
Musicians, performers, actors, and personalities;
Producers, directors, reporters;
Sales staff;
Set construction staff, lighting technicians;
Studio engineers, studio technicians;~~

~~Stunts staff.~~

~~This classification excludes:~~

~~• Field employees for cable television or communication providers installing or maintaining extension lines and subscriber hook-ups, who are reported separately in classification 1305;~~

~~• Technical staff employed by a radio or television station, recording studio, or video production company installing, testing, or repairing electrical wires, cable, antennas, satellite dishes, or any other equipment outside their employers' studios, offices, or facilities;~~

~~• Large-scale theatrical/movie productions reported separately in classification 6608;~~

~~• Videotaping by photography studios reported separately in classification 6506; and~~

~~• Entertainers, musicians, recording engineers, etc., who are not employees of the broadcasting or recording company.~~

~~**Special note:** Care should be exercised when assigning this classification as the entertainers or musicians may be exempt from coverage as specified in RCW 51.12.020(9).~~

~~Businesses may be assigned either classification 4501 or 1305 in addition to classification 4502; however, employers must maintain records that permit the department to confirm hours worked in each classification. If employers do not or cannot maintain these records, they must report all hours in question in the classification with the higher rate.~~

~~For administrative purposes classification 4502 is divided into the following subclassification(s):~~

~~**4502-00 Radio stations, N.O.C.**~~

~~**4502-01 Television stations and video production**~~

~~**4502-02 Recording studios**~~

~~**4502-03 Cable companies, including homeowners' associations or cooperatives offering a central cable system))**~~

~~**4502-00 Radio stations, N.O.C.**~~

~~**Applies to:**~~

~~Radio broadcasting stations. This classification is limited to radio station employees in the studio or office, and includes occasional outside exposure when broadcasting from a remote location.~~

~~**Occupations include, but are not limited to:**~~

- ~~• Account managers;~~
- ~~• Administrative staff;~~
- ~~• Advertising, marketing, and promotions staff;~~
- ~~• Announcers;~~
- ~~• Clerical office staff;~~
- ~~• Commercial production staff;~~
- ~~• Control room engineers and operators;~~
- ~~• Facility operations and maintenance staff;~~
- ~~• Meteorologists;~~
- ~~• Music DJs;~~
- ~~• Musicians, performers, actors, and personalities;~~
- ~~• Producers, directors, and reporters;~~
- ~~• Sales staff;~~
- ~~• Studio engineers and studio technicians.~~

Special note: Care should be exercised when assigning this classification as the entertainers or musicians may be exempt from coverage as specified in RCW 51.12.020 (9).

Exclusion:

• Worker hours for radio station field employees engaged in technical and engineering work such as, but not limited to, the installation, testing, or repair of lines, antennas, and satellite dishes must be reported separately in 4501.

Note: Radio stations may be assigned classification 4502 in addition to classification 4501. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

4502-01 Television stations and video production

Applies to:

Television broadcasting stations and the production of videos. This classification is limited to employees in the studio or office, and includes occasional outside exposure when broadcasting from a remote location.

Occupations include, but are not limited to:

- Account managers;
- Administrative staff;
- Advertising, marketing, and promotions staff;
- Animation production staff;
- Announcers;
- Art, design, and wardrobe staff;
- Camera operators, videographers and photographers;
- Clerical office staff;
- Commercial production staff;
- Control room engineers and operators;
- Facility operations and maintenance staff;
- Film and video editors;
- Meteorologists;
- Music DJs;
- Musicians, performers, actors, and personalities;
- Producers, directors, and reporters;
- Sales staff;
- Set construction staff and lighting technicians;
- Studio engineers and studio technicians;
- Stunt staff.

Special note: Care should be exercised when assigning this classification as the entertainers or musicians may be exempt from coverage as specified in RCW 51.12.020 (9).

Exclusions:

• Worker hours for television station field employees engaged in technical and engineering work such as, but not limited to, installation, testing, or repair of lines, antennas, and satellite dishes must be reported separately in 4501;

• Large-scale theatrical or movie productions are classified in 6608;

• Photography studios providing videotaping services are classified in 6506.

Note: Television stations may be assigned classification 4502 in addition to classification 4501. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

4502-02 Recording studios

Applies to:

Recording studios. This classification is limited to recording studio employees in the studio or office, and includes occasional outside exposure when recording at a remote location.

Occupations include, but are not limited to:

- Account managers;
- Administrative staff;
- Advertising, marketing, and promotions staff;
- Clerical office staff;
- Commercial production staff;
- Control room engineers and operators;
- Facility operations and maintenance staff;
- Music DJs;
- Musicians, performers, actors, and personalities;
- Producers, directors, and reporters;
- Sales staff;
- Studio engineers and studio technicians.

Special note: Care should be exercised when assigning this classification as the entertainers or musicians may be exempt from coverage as specified in RCW 51.12.020(9).

4502-03 Cable television companies, including homeowners' associations or cooperatives offering a central cable system**Applies to:**

- Cable television companies;
- Homeowners' associations and co-ops who operate a central cable system for residential users.

This classification is limited to employees in the control room, studio or office, and includes occasional outside exposure when broadcasting from a remote location.

Occupations include, but are not limited to:

- Account managers;
- Administrative staff;
- Advertising, marketing, and promotions staff;
- Animation production staff;
- Announcers;
- Art, design, and wardrobe staff;
- Camera operators, videographers and photographers;
- Clerical office staff;
- Commercial productions staff;
- Control room engineers and operators;
- Facility operations and maintenance staff;
- Film and video editors;
- Meteorologists;
- Music DJs;
- Musicians, performers, actors, and personalities;
- Producers, directors, and reporters;
- Sales staff;
- Set construction staff and lighting technicians;
- Studio engineers and studio technicians;
- Stunt staff.

Special note: Care should be exercised when assigning this classification as the entertainers or musicians may be exempt from coverage as specified in RCW 51.12.020(9).

Exclusions:

- Worker hours for field employees of cable television or communication providers installing, testing, or maintaining equipment away from the employer's premises or on the roof or exterior of any building on the employer's premises must be reported separately in 1305;
- Large-scale theatrical or movie productions are classified in 6608;
- Photography studios providing videotaping services are classified in 6506.

Note: Cable television companies may be assigned classification 1305 in addition to classification 4502. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 19-11-109, § 296-17A-4502, filed 5/21/19, effective 7/1/19; WSR 13-11-128, § 296-17A-4502, filed 5/21/13, effective 7/1/13. WSR 07-01-014, recodified as § 296-17A-4502, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-638, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-638, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-638, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-638, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 17-11-120, filed 5/23/17, effective 7/1/17)

WAC 296-17A-4904 Classification 4904.

~~((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, N.O.C.

~~Applies to the clerical office employees, not otherwise classified (N.O.C.), of organizations performing two or more services to support the local community and people in need. See subclassifications 1501-20 and 5308-20 for other community action organization classifications.)~~

4904-00 Clerical office, N.O.C.**Applies to:**

Clerical office employees whose job duties and work environment meet all the conditions of the general reporting rules covering clerical office standard exception employees, and who are not covered by another classification assigned to their employer's account, see WAC 296-17-31018 Exception classifications.

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.

Office work is limited to duties such as:

- Assisting walk-in customers;
- Attending meetings;
- Billing and receiving payments;
- Checking persons into a hotel or other facility;
- Communicating by phone or routing phone calls;
- Completing forms;
- Composing informational material;
- Copying documents;
- Designing publication layouts on software or by drafting;
- Maintaining financial, personnel, or payroll records;
- Manual or computer design work;
- Processing payments and invoices;
- Programming software;
- Researching records;
- Technical drafting;
- Utilizing computer software;
- Writing or routing correspondence;
- Writing reports and manuals.

Office work excludes:

- Hand delivering business correspondence outside of the business office;
- Handling, packaging, mailing, receiving, or demonstrating any product (or their components) sold by the employer.

Work environment is 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.

Work environment excludes any work area where:

- Carry-out merchandise is displayed for sale;
- Customers bring merchandise they are purchasing to make payment;
- Products sold by the employer are handled or stored.

Special notes:

Classification 4904 permits limited and minimal work outside an office for:

- Attending meetings;
- Banking;
- Purchasing supplies for the office;
- Taking correspondence to or from the post office;
- Taking training courses.

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:

- Break room;
- Business office;
- Delivery of a personal message;
- Lunchroom or dining area;
- Restroom facility.

4904-13 Clerical office for insurance business

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 non-clerical duties. Job duties and work environment must meet all the conditions of the general reporting rules covering clerical office standard exception employees who are not covered by another classification assigned to their employer's account, see WAC 296-17-31018 Exception classifications.

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. 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
- Holds a license solely for the purpose of receiving applications or premiums; and
- Is not compensated related to the volume of insurance sold or premiums collected.

Office work is limited to duties such as:

- Assisting walk-in customers;
- Attending meetings;
- Billing and receiving payments;
- Communicating by phone or routing phone calls;
- Completing forms;
- Composing informational material;
- Copying documents;
- Designing publication layouts on software or by drafting;
- Maintaining financial, personnel, or payroll records;
- Manual or computer design work;
- Preparation of insurance policies or billing records;
- Processing payments and invoices;
- Programming software;
- Researching records;
- Technical drafting;
- Utilizing computer software;
- Writing or routing correspondence;
- Writing reports and manuals.

Office work excludes:

- Hand delivering business correspondence outside of the business office;
- Handling, packaging, mailing, receiving, or demonstrating any product (or their components) sold by the employer.

Work environment is 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.

Work environment excludes any work area where:

- Carry-out merchandise is displayed for sale;
- Customers bring merchandise they are purchasing to make payment;
- Products sold by the employer are handled or stored.

Special notes:

Classification 4904 permits limited and minimal work outside an office for:

- Attending meetings;
- Banking;
- Purchasing supplies for the office;
- Taking correspondence to or from the post office;
- Taking training courses.

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:

- Break room;
- Business office;
- Delivery of a personal message;
- Lunchroom or dining area;
- Restroom facility.

4904-17 Clerical office: Employee leasing companies**Applies to:**

Clerical office employees of employee leasing companies who perform duties exclusively of clerical nature and without an interchange of labor between clerical and nonclerical duties. Job duties and work environment must meet all the conditions of the general reporting rules covering clerical office standard exception employees who are not covered by another classification assigned to their employer's account, see WAC 296-17-31018 Exception classifications.

Office work is limited to duties such as:

- Assisting walk-in customers;
- Attending meetings;
- Billing and receiving payments;
- Communicating by phone or routing phone calls;
- Completing forms;
- Composing informational material;
- Copying documents;
- Designing publication layouts on software or by drafting;
- Maintaining financial, personnel, or payroll records;
- Manual or computer design work;
- Processing payments and invoices;

- Programming software;
- Researching records;
- Technical drafting;
- Utilizing computer software;
- Writing or routing correspondence;
- Writing reports and manuals.

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.

Work environment is 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.

Work environment excludes any work area where:

- Carry-out merchandise is displayed for sale;
- Customers bring merchandise they are purchasing to make payment;
- Products sold by the employer are handled or stored.

Special notes:

Classification 4904 permits limited and minimal work outside an office for:

- Attending meetings;
- Banking;
- Purchasing supplies for the office;
- Taking correspondence to or from the post office;
- Taking training courses.

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:

- Break room;
- Business office;
- Delivery of a personal message;
- Lunchroom or dining area;
- Restroom facility.

4904-20 Community action organizations - Clerical office employees, N.O.C.

Applies to:

Clerical office employees, not otherwise classified (N.O.C.), of organizations performing two or more services to support the local community and people in need. See subclassifications 1501-20 and 5308-20 for other community action organization classifications.

Office work is limited to duties such as:

- Assisting walk-in customers;
- Attending meetings;
- Billing and receiving payments;
- Communicating by phone or routing phone calls;
- Completing forms;
- Composing informational material;
- Copying documents;

- Designing publication layouts on software or by drafting;
- Maintaining financial, personnel, or payroll records;
- Manual or computer design work;
- Processing payments and invoices;
- Programming software;
- Researching records;
- Technical drafting;
- Utilizing computer software;
- Writing or routing correspondence;
- Writing reports and manuals.

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.

Work environment is 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.

Work environment excludes any work area where:

- Carry-out merchandise is displayed for sale;
- Customers bring merchandise they are purchasing to make payment;
- Products sold by the employer are handled or stored.

Special notes:

Classification 4904 permits limited and minimal work outside an office for:

- Attending meetings;
- Banking;
- Purchasing supplies for the office;
- Taking correspondence to or from the post office;
- Taking training courses.

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:

- Break room;
- Business office;
- Delivery of a personal message;
- Lunchroom or dining area;
- Restroom facility.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 17-11-120, § 296-17A-4904, filed 5/23/17, effective 7/1/17; WSR 14-17-085, § 296-17A-4904, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.16.100. WSR 12-11-109, § 296-17A-4904, filed 5/22/12, effective 7/1/12. Statutory Authority: RCW 51.16.035, 51.16.100, 51.04.020(1). WSR 10-18-024, § 296-17A-4904, filed 8/24/10, effective 10/1/10. Statutory Authority: RCW 51.16.035, 51.16.100, and 2007 c 324. WSR 07-24-045, § 296-17A-4904, filed 12/1/07, effective 1/1/09. WSR 07-01-014, recodified as § 296-17A-4904, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-653, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-653, filed 8/28/98, effective

10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-653, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-653, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-653, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-653, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

WAC 296-17A-4907 Classification 4907.

~~((Classification 4907 Offender work opportunity~~

~~Applies to offenders in custody of the state, city, or county, when the offenders perform work in a tax reduction industry to provide goods or services only (of any type) to tax-supported entities, non-profit corporations, or private contractors. Goods produced by a tax reduction industry are used by a public agency or nonprofit corporation. Tax reduction industries provide basic work training and experience which qualify offenders for better work within the prison, jail, or in the public community. Work is performed at the prison, jail, or at a separate location.~~

~~This classification excludes work performed by offenders under a free venture enterprise contract with a private business (profit or nonprofit) which is to be reported separately in the classification applicable to the work being performed.~~

~~For administrative purposes, classification 4907 is divided into the following subclassifications:~~

~~**4907-00 Class 2 Offender work opportunity — State**~~

~~**4907-01 Offender work opportunity — City**~~

~~**4907-02 Offender work opportunity — County**~~))

4907-00 Offenders working in class 2 industry opportunity - State

Applies to:

Offenders in custody of the state, when the offenders perform work in a class 2 tax reduction industry as part of an inmate work program.

Exclusions:

• Work performed by offenders under a free venture enterprise contract with a private business (private or nonprofit), is classified in the applicable classification of the work being performed.

• Work performed by offenders in a class 4 community work industry is classified in 4908.

4907-01 Offenders working in class 2 industry opportunity - City

Applies to:

Offenders in custody of the city, when the offenders perform work in a class 2 tax reduction industry as part of an inmate work program.

Exclusions:

• Work performed by offenders under a free venture enterprise contract with a private business (private or nonprofit), is classified in the applicable classification of the work being performed.

• Work performed by offenders in a class 4 community work industry is classified in 4908.

4907-02 Offender working in class 2 industry opportunity - County

Applies to:

Offenders in custody of the county, when the offenders perform work in a class 2 tax reduction industry as part of an inmate work program.

Exclusions:

- Work performed by offenders under a free venture enterprise contract with a private business (private or nonprofit), is classified in the applicable classification of the work being performed.
- Work performed by offenders in a class 4 community work industry is classified in 4908.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-4907, filed 7/5/16, effective 1/1/17. WSR 07-01-014, recodified as § 296-17A-4907, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-656, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-656, filed 11/27/85, effective 1/1/86; Order 73-22, § 296-17-656, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-5003 Classification 5003.

~~((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).)~~

5003-01 Log hauling by contractor**Applies to:**

Contractors 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.

Exclusions:

- Hauling of logs from a log storage yard to a shipping destination is classified in 1102.
- Log hauling by employees of a logging company is classified in 5003-02.

5003-02 Log truck drivers, N.O.C.

Applies to:

Employees of a logging company who haul the company's own logs from a logging side to a mill or storage yard. If the log truck driver has other duties during their work shift that are subject to the logging classification 5001, then the hauling of logs must be reported in classification 5001 (WAC 296-17-31018 Exception classification).

Exclusions:

- Hauling of logs from a log storage yard to a shipping destination is classified in 1102.
- Log hauling by a log hauling contractor is classified in 5003-01.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-5003, filed 8/19/14, effective 9/19/14. WSR 07-01-014, recodified as § 296-17A-5003, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-66001, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-66001, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-66001, filed 11/30/83, effective 1/1/84; WSR 80-17-016 (Order 80-23), § 296-17-66001, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 78-12-043 (Order 78-23), § 296-17-66001, filed 11/27/78, effective 1/1/79.]

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

WAC 296-17A-5004 Classification 5004.

~~((to be assigned only by the reforestation underwriter))~~

~~**Special note:** Classification 5004, and related classifications 1007 and 5006, cover various activities associated with the management of forests, range, or timber land. These classifications are also assigned to establishments engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation establishments assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.~~

~~**Applies to:**~~

- ~~• Establishments engaged in forestry and timber land management services.~~
- ~~• Work conducted in the forest or timber land generally associated with the overall care of these lands.~~

~~**Work in this classification includes:**~~

- ~~• Employees of contractors and of land owners;~~
- ~~• Manual crew labor; and~~
- ~~• All field crew supervisors and foremen assigned to oversee work covered by this classification, including internal quality control audits, regardless of whether their assigned duties include manual labor.~~

~~**What activities are not included in this classification?**~~

~~• Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, and forest firefighting (report in classification 5006);~~

~~• Forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest firefighting, slashing, pile burning, roadside brushing, roadway dust/mud control (report in classification 5006);~~

~~• Logging operations (report in classification 5001);~~

~~• Logging road construction (report in classification 6902);~~

~~• Identifying volume and species of trees in a section of timber land or a forest (report in classification 1007);~~

~~• Auditing parcels planted by a tree planting contractor for quality control purposes (report in classification 1007);~~

~~• Conducting environmental studies (report in classification 1007); and~~

~~• Testing growing techniques and similar activities (report in classification 1007).~~

For administrative purposes classification 5004 is divided into the following subclassifications:

~~5004-13 Tree planting services~~

~~This subclassification is limited to planting trees in a forest (reforestation) or in privately owned timbered land. This is done to reestablish a tree population after logging or a fire.~~

~~5004-14 Tree thinning services including forest trail construction and brush clearing, N.O.C.~~

~~This subclassification is limited to employees of an employer engaged in:~~

~~• The removal of unmarketable trees with a chain saw, machete, or pruning loppers;~~

~~• Brush clearing;~~

~~• Manual tree slashing; and~~

~~• Constructing walking paths or trails.~~

~~These activities are done to reduce competition of the remaining trees for water and nutrients, to eliminate fire hazard and to provide trails for management and recreational use.~~

~~This subclassification includes manual conifer release and pruning services. This classification excludes chemical conifer release (report in classification 5004-18 if using a backpack method, or 5006-08 if using a truck).~~

~~5004-18 Miscellaneous forestry services, N.O.C.~~

~~This subclassification is for miscellaneous manual labor on forest or timber land such as, but not limited to:~~

~~• Manual forest firefighting;~~

~~• Animal damage control;~~

~~• Beaver trapping;~~

~~• Chemical spraying;~~

~~• Fertilizer services;~~

~~• Cone picking;~~

~~• Hydro seeding;~~

~~• Stream restoration;~~

~~• Habitat development;~~

~~• Tree netting.~~

~~This classification excludes manual conifer release (report in classification 5004-14).)~~

5004-13 Tree planting services (to be assigned only by the reforestation underwriter)

Special note: Classification 5004, and related classifications 1007 and 5006, cover various activities associated with the management of forests, range, or timber land. These classifications are also assigned to businesses engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation businesses assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.

Applies to:

Businesses planting trees in a forest (reforestation) or in privately owned timbered land. This is done to reestablish a tree population after logging or a fire. These businesses are engaged in forestry and timber land management services, and the work conducted is generally associated with the overall care of these lands.

Work in this classification includes, but not limited to:

- Employees of contractors and of land owners;
- Manual crew labor; and
- All field crew supervisors and foremen assigned to oversee work covered by this classification, including internal quality control audits, regardless of whether their assigned duties include manual labor.

Work activities in this classification includes:

- Planting trees.

Exclusions:

- Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, and forest firefighting are classified in 5006;
- Forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest firefighting, slashing, pile burning, roadside brushing, roadway dust/mud control are classified in 5006;
- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;
- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities is classified in 1007.

5004-14 Tree thinning services (to be assigned only by the reforestation underwriter)

Special note: Classification 5004, and related classifications 1007 and 5006, cover various activities associated with the management of forests, range, or timber land. These classifications are also assigned to businesses engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation businesses assigned to classifications 1007, 5004, and 5006 re-

port work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.

Applies to:

Businesses who have employees engaged in tree thinning services, including forest trail construction and brush clearing, in a forest (reforestation) or in privately owned timbered land. These businesses are engaged in forestry and timber land management services, and the work conducted is generally associated with the overall care of these lands.

Work in this classification includes, but not limited to:

- Employees of contractors and of land owners;
- Manual crew labor; and
- All field crew supervisors and foremen assigned to oversee work covered by this classification, including internal quality control audits, regardless of whether their assigned duties include manual labor.

Work activities in this classification includes:

- Removal of unmarketable trees with a chain saw, machete, or pruning loppers;
- Pruning trees;
- Brush clearing;
- Manual tree slashing; and
- Constructing walking paths or trails.

These manual conifer release activities are done to reduce competition of the remaining trees for water and nutrients, to eliminate fire hazard and to provide trails for management and recreational use.

Exclusions:

- Chemical conifer release, if using a backpack method, is classified in 5004-18;
- Chemical conifer release, if using a truck, is classified in 5006-08;
- Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, and forest firefighting are classified in 5006;
- Forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest firefighting, slashing, pile burning, roadside brushing, roadway dust/mud control are classified in 5006;
- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;
- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities is classified in 1007.

5004-18 Miscellaneous forestry services, N.O.C. (to be assigned only by the reforestation underwriter)

Special note: Classification 5004, and related classifications 1007 and 5006, cover various activities associated with the management of forests, range, or timber land. These classifications are also assigned to businesses engaged in erosion control projects and fish and

wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation businesses assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.

Applies to:

Businesses performing miscellaneous manual labor on forest or timber land. These businesses are engaged in forestry and timber land management services, and the work conducted is generally associated with the overall care of these lands.

Work in this classification includes, but not limited to:

- Employees of contractors and of land owners;
- Manual crew labor; and
- All field crew supervisors and foremen assigned to oversee work covered by this classification, including internal quality control audits, regardless of whether their assigned duties include manual labor.

Work activities in this classification includes, but not limited to:

- Manual forest firefighting;
- Animal damage control;
- Beaver trapping;
- Chemical spraying;
- Fertilizer services;
- Cone picking;
- Hydro seeding;
- Stream restoration;
- Habitat development;
- Tree netting.

Exclusions:

- Manual conifer release is classified in 5004-14;
- Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, and forest firefighting are classified in 5006;
- Forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest firefighting, slashing, pile burning, roadside brushing, roadway dust/mud control are classified in 5006;
- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;
- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities is classified in 1007.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-02-060, § 296-17A-5004, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-5004, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-66002, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-66002, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-66002, filed 5/31/96, effective

7/1/96. Statutory Authority: RCW 51.04.020(1), 51.16.035, 51.12.070 and 51.16.060. WSR 92-18-065, § 296-17-66002, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-66002, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-66002, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-66002, filed 11/30/83, effective 1/1/84; WSR 81-24-042 (Order 81-30), § 296-17-66002, filed 11/30/81, effective 1/1/82.]

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

WAC 296-17A-5006 Classification 5006.

~~((to be assigned only by the reforestation underwriter))~~

~~**Special note:** Classification 5006, and related classifications 1007 and 5004, cover various activities associated with the management of forests, range or timber land. These classifications are also assigned to establishments engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation establishments assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.~~

~~**Applies to:**~~

- ~~• Establishments engaged in forestry and timber land management services;~~
- ~~• Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, chemical conifer release and forest firefighting.~~

~~**Work in this classification includes:**~~

- ~~• Machinery operations;~~
- ~~• Employees of contractors and of land owners.~~

~~**What activities are not included in this classification?**~~

- ~~• Manual crew operations and labor such as, but not limited to, tree planting and tree thinning (report in 5004);~~
- ~~• Work conducted in the forest or timber land generally associated with the overall care of these lands (report in 5004);~~
- ~~• Logging operations (report in classification 5001);~~
- ~~• Logging road construction (report in classification 6902);~~
- ~~• Identifying volume and species of trees in a section of timber land or a forest (report in classification 1007);~~
- ~~• Auditing parcels planted by a tree planting contractor for quality control purposes (report in classification 1007);~~
- ~~• Conducting environmental studies (report in classification 1007); and~~
- ~~• Testing growing techniques and similar activities (report in classification 1007).~~

~~For administrative purposes classification 5006 is divided into the following subclassifications:~~

~~**5006-02 Forestry machine work — Forest firefighting**~~

~~This subclassification is limited to employees engaged in forest firefighting using equipment such as, but not limited to, water tanker trucks, bulldozers and loaders.~~

5006-08 Miscellaneous forestry services, N.O.C.

~~This subclassification is for miscellaneous machine work on forest or timber lands such as, but not limited to:~~

- ~~• Brush clearing;~~
- ~~• Chemical spraying;~~
- ~~• Dust control;~~
- ~~• Forest trail construction;~~
- ~~• Scarifying;~~
- ~~• Slash burning;~~
- ~~• Slash piling;~~
- ~~• Slope grooming;~~
- ~~• Stream restoration;~~
- ~~• Hydro seeding;~~
- ~~• Erosion control.~~

~~Equipment could include, but is not limited to, tanker trucks, bulldozers, and loaders.)~~

5006-02 Forestry machine work - Forest firefighting

(to be assigned only by the reforestation underwriter)

Special note: Classification 5006, and related classifications 1007 and 5004, cover various activities associated with the management of forests, range or timber land. These classifications are also assigned to establishments engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation establishments assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.

Applies to:

Businesses engaged in forest firefighting using machinery equipment.

Work in this classification includes:

- Machinery operations; and
- Employees of contractors and of landowners.

Types of equipment includes, but is not limited to:

- Bulldozers;
- Loaders; and
- Water tank trucks.

Exclusions:

- Manual crew operations and labor such as, but not limited to, tree planting, tree thinning, and manual forest firefighting are classified in 5004;
- Work conducted in the forest or timber land generally associated with the overall care of these lands is classified in 5004;
- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;
- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities are classified in 1007.

5006-08 Miscellaneous forestry services, N.O.C.**Applies to:**

Businesses engaged in miscellaneous machine work on forest or timber lands.

Work in this classification includes, but is not limited to:

- Brush clearing;
- Chemical spraying;
- Dust control;
- Erosion control;
- Forest trail construction;
- Hydro seeding;
- Scarifying;
- Slash burning;
- Slash piling;
- Slope grooming; and
- Stream restoration.

Types of equipment includes, but is not limited to:

- Bulldozers;
- Loaders; and
- Tanker trucks.

Exclusions:

- Manual crew operations and labor such as, but not limited to, tree planting and tree thinning are classified in 5004;
- Work conducted in the forest or timber land generally associated with the overall care of these lands is classified in 5004;
- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;
- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities are classified in 1007.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-02-060, § 296-17A-5006, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-5006, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-66004, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-66004, filed 5/31/96, effective 7/1/96.]

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

WAC 296-17A-5106 Classification 5106.

~~((5106-08 Blacksmithing; vehicle spring or auto bumper: Manufacturing~~

~~Applies to establishments engaged in blacksmithing, or in manufacturing leaf springs or bumpers for vehicles. Blacksmithing is the hammering of metal heated in a forge to shape either with hand tools or with a steam or air hammer. The force of the blow is controlled by the operator and the desired size or shape is produced between flat~~

dies like a hammer and anvil. Incidental welding, grinding, tempering and sharpening may also be involved. Spring manufacturing contemplated by this classification are known as leaf springs and are used in vehicles. To make leaf springs or bumpers, steel is rolled, sheared or stamped to size, bent to shape and then tempered to produce the required degree of elasticity.

This classification excludes the manufacture of wire springs, such as for wire mattresses or bed springs, which is to be reported separately in classification 3402.

5106-09 Tool forging: Hot forming or stamping

Applies to establishments engaged in the manufacture of products such as, but not limited to, forging tools, hand tools such as wrenches or levels, and small machine tools such as twist drills, chisel bits, dies, or jigs, by hot forming or stamping. Tool forging by hot forming or stamping involves heating metal in a furnace or hearth, then beating or hammering the heated metal into desired shapes with large drop hammers or rams. After forging is completed, goods are finished with typical machine shop equipment. Finishing processes may involve cutting, turning, shaping, heat treating, drilling, milling, grinding, tapping and finishing by assembling, polishing, buffing, painting or plating.

This classification excludes establishments engaged in the manufacture of tools by machining operations which are to be reported separately in the applicable machining classification.

5106-10 Forging works; drop or machine

Applies to establishments engaged in the manufacture of products such as, but not limited to, engine parts, hooks, and chains by drop or machine forging. Forgings are produced by drop or trip hammers or forming presses. Drop or machine forging differs from blacksmithing or hammer forging in that closed impression dies are used. The forgings are produced by impact or pressure which forces the metal to conform to the shape of the die, one half of which is carried by the ram while the other half is held stationary on the anvil block. Trimming is done by the trimmer dies in a separate press which removes the surplus metal that squeezes out between the two sections of the forging die.))

5106-10 Forging works, tool forging, blacksmithing, or vehicle spring or auto bumper: Manufacturing

Applies to businesses engaged in:

- Forging works by drop or machine forging;
- Tool forging, usually by hot forming or stamping;
- Blacksmithing;
- Vehicle spring or auto bumper manufacturing.

Products manufactured include, but are not limited to:

- Bumpers or leaf springs for vehicles;
- Chains;
- Engine parts;
- Forging tools;
- Hand tools including, but not limited to, wrenches or levels;
- Hooks;
- Small machine tools including, but not limited to, twist drills, chisel bits, dies, or jigs.

Work processes/activities include, but are not limited to:

- Blacksmithing: Hammering of metal heated in a forge to shape with hand tools or with a steam or air hammer;

- Hot forming or stamping: Heating metal in a furnace or hearth, then beating or hammering the heated metal into desired shapes with large drop hammers or rams;
- Drop or machine forging: Forgings are produced by impact or pressure which forces the metal to conform to the shape of the die;
- Trimming with trimmer dies to remove the surplus metal that squeezes out between the two sections of the forging die;
- Welding, grinding, tempering, and sharpening;
- Finishing processes may involve cutting, turning shaping, heat-treating, drilling, milling, grinding, tapping, assembling, polishing, buffing, painting or plating; and
- Manufacture of leaf springs or bumpers: Steel is rolled, sheared or stamped to size, bent to shape and then tempered to produce the required degree of elasticity.

Machinery and equipment used include, but are not limited to:

- Drop or trip hammers;
- Forming presses;
- Furnace or hearth (forge);
- Hand tools;
- Large drop hammers or rams;
- Machine shop equipment;
- Steam or air hammer.

Exclusions:

- Manufacture of wire springs, such as for wire mattresses or bed springs, is classified in 3402.
- Manufacture of tools by machining operations is classified in the applicable metal machining classification.

[WSR 07-01-014, recodified as § 296-17A-5106, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-666, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-666, filed 11/27/85, effective 1/1/86; WSR 82-24-047 (Order 82-38), § 296-17-666, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-666, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

WAC 296-17A-6109 Classification 6109.

~~((Medical and health services N.O.C.~~

~~Applies to licensed medical practitioners, medical or treatment clinics, and other health practices not providing overnight care or residency. Medical and health services examine, test, diagnose, refer, consult, and treat patients for all types of diseases, conditions, maladies, injuries, syndromes, addictions, and disorders.~~

~~Classification 6109 includes:~~

- ~~• All work performed at clinics;~~
- ~~• Employees of a clinic visiting patients at home, or in other care-related facilities such as hospitals or nursing homes;~~
- ~~• Clerical office and sales personnel, whether working at a clinic or in a separate business office.~~

~~Occupations typically reported in classification 6109 include employment such as:~~

- ~~Acupuncturists;~~
- ~~Alternative medicine practitioners;~~
- ~~Chiropractors;~~
- ~~Counselors;~~
- ~~Dental assistants;~~
- ~~Dental technicians;~~
- ~~Dentists;~~
- ~~Dieticians;~~
- ~~Eyewear technicians;~~
- ~~Foot massagers;~~
- ~~Hygienists;~~
- ~~Laboratory technicians;~~
- ~~Licensed massage therapists;~~
- ~~Medical billers;~~
- ~~Midwives;~~
- ~~Naturopaths;~~
- ~~Nurse practitioners;~~
- ~~Nurses;~~
- ~~Occupational therapists;~~
- ~~Ophthalmologists;~~
- ~~Optometrists;~~
- ~~Orthotic technicians;~~
- ~~Pharmacists;~~
- ~~Phlebotomists;~~
- ~~Physical therapists;~~
- ~~Physicians;~~
- ~~Prosthetic technicians;~~
- ~~Psychiatrists;~~
- ~~Psychologists;~~
- ~~Radiologists;~~
- ~~Receptionists;~~
- ~~Reflexologists;~~
- ~~Respiratory therapists;~~
- ~~Speech therapists;~~
- ~~Surgeons;~~
- ~~X-ray technicians.~~

~~Special note:~~ ~~Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification representing the nature of the organization's business.~~

~~Classification 6109 excludes:~~

- ~~Firms providing medical services treating animals, which are classified in **6107-01**;~~
- ~~Firms providing medical care, therapy, and nursing services whose principal business is treating patients in their homes, which are classified in **6110-00**;~~
- ~~Firms providing in-home personal care and chore services which are classified in **6511**;~~
- ~~Personal care and chore service employees employed by the person being cared for, who are classified in **6510** or **6512**, and dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified **6303-21**;~~
- ~~Medical facilities that include overnight acute care, recovery, and rehabilitation, which are classified in **6105**, **6120**, and **6121**;~~

- ~~Medical facilities providing care in state licensed convalescent and nursing homes, which are classified in **6108-00**;~~
- ~~Long term residential facilities providing personal care services with less than acute care medical services, which are classified in **6509**.~~

~~For administrative purposes, classification **6109** is divided into the following subclassification(s):~~

- ~~**6109-00 Physicians and medical clinics, N.O.C.**~~
- ~~**6109-01 Dental clinics**~~
- ~~**6109-02 Chiropractors**~~
- ~~**6109-04 Naturopaths**~~
- ~~**6109-08 Physical, occupational, respiratory, and speech therapists**~~
- ~~**6109-09 Eye clinics**~~
- ~~**6109-10 Licensed mental health practitioners; psychologists and psychiatrists**~~
- ~~**6109-12 Clinics for nutrition, diet, or weight loss**~~
- ~~**6109-13 Childbirth classes**~~
- ~~**6109-14 Orthotic and prosthesis clinics**~~
- ~~**6109-15 Midwife services**~~
- ~~**6109-16 Licensed massage therapy, reflexology, and nonlicensed massage services**~~
- ~~**6109-17 Radiology and MRI referral clinics))**~~

6109-00 Physicians, surgeons, and medical clinics, N.O.C.

Applies to:

- Licensed medical practitioners such as physicians and surgeons, not covered by another classification (N.O.C.).
- Medical clinics not covered by another classification (N.O.C.).

Medical practices include, but are not limited to:

- General medicine;
- Ophthalmology - Specializes in diagnosis and treatment of diseases and injuries of the eyes;
- Specialized medicine;
- Surgery centers.

Work activities include, but are not limited to:

- Administer or prescribe treatments and drugs;
- Analyze reports and findings of tests and examinations;
- Billing;
- Diagnose and treat diseases and injuries;
- Inoculate and vaccinate patients;
- House or emergency calls to attend to patients unable to visit the office;
- Plan and perform surgeries;
- Reception;
- Refer patients to a medical specialist or other practitioners for specialized treatment.

Occupations include, but are not limited to:

- Clerical office personnel;
- Laboratory technicians;
- Nurse practitioners;
- Nurses;
- Ophthalmologists;
- Pharmacists;
- Phlebotomists;

- Physicians;
- Sales personnel;
- Surgeons;
- X-ray technicians.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

6109-01 Dentists and dental clinics

Applies to:

- Dental clinics or offices;
- Licensed dental practitioners;
- Oral surgery clinics or offices.

Work activities include, but are not limited to:

- Billing;
- Cleaning teeth;
- Examination of teeth and gums to determine condition; diagnosis of disease, injuries, or malformation;
- Extractions;
- Fillings;
- House or emergency calls to attend to patients unable to visit the office;
- Instruction on oral and dental hygiene and preventative care;
- Oral surgery;
- Reception;
- Root canals;
- Tooth replacement.

Occupations include, but are not limited to:

- Clerical office personnel;
- Dental assistants;
- Dental hygienists;
- Dental technicians;
- Dentists;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

• Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.

6109-02 Chiropractors, N.O.C.**Applies to:**

Chiropractic medical practices not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Billing;
- Diagnose and treat musculoskeletal conditions of the spinal column and extremities to prevent disease and correct abnormalities of the body believed to be caused by interference with the nervous system;
- House or emergency calls to attend to patients unable to visit the office;
- Manipulation of the spinal column and extremities to adjust, align, or correct abnormalities caused by neurologic and kinetic articular dysfunction;
- Reception.

Occupations include, but are not limited to:

- Chiropractors;
- Clerical office personnel;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

6109-04 Naturopaths, N.O.C.**Applies to:**

Naturopathic medicine practices not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Billing;
- Diagnose, treat, and care for patients, using a system of practices that bases treatment of physiological functions and abnormal conditions on natural laws governing the human body;
- House or emergency calls to attend to patients unable to visit the office;

- Reception;
- Relying on natural remedies such as, but not limited to, acupuncture, sunlight supplemented with diet, and naturopathic corrections and manipulations.

Occupations include, but are not limited to:

- Acupuncturists;
- Clerical office personnel;
- Naturopathic and alternative health practitioners;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the nature of the organization's business.

Exclusions:

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

6109-08 Physical, occupational, respiratory, and speech therapists, N.O.C.

Applies to:

Businesses engaged in the practice of physical, occupational, respiratory or speech therapy not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Billing;
- House or emergency calls to attend to patients unable to visit the office;
- Maintain optimum performance of patients by using exercise, massage, heat, light, water, electricity, and specific therapeutic apparatus, or by participation in medically oriented rehabilitative programs, including educational, occupational, and recreational activities;
- Treating and rehabilitating people with physical or mental disabilities by developing and restoring functions or preventing loss of capacities.

Occupations include, but are not limited to:

- Clerical office personnel;
- Physical therapists plan and administer medically prescribed physical therapy treatment for patients suffering from injuries, or muscle, nerve, joint and bone diseases, to restore function, relieve pain, and prevent disability;
- Occupational therapists plan, organize, and conduct occupational therapy programs to facilitate development and rehabilitation of people living with mental, physical, or emotional disabilities;
- Respiratory therapists administer respiratory therapy care and life support to patients with deficiencies and abnormalities of the cardiopulmonary system, under the supervision of physicians and by prescription;
- Sales personnel;
- Speech therapists specialize in diagnosis and treatment of speech and language problems and engage in scientific study of human communication.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the nature of the organization's business.

Exclusions:

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

6109-09 Eye clinics

Applies to:

- Eye clinics not covered by another classification (N.O.C.).
- Eye clinics may specialize in the type of services provided, such as contact lenses, low vision aids, or vision therapy, or in the treatment of specific groups such as children or elderly patients.

Work activities include, but are not limited to:

- Billing;
- Examining patients' eyes to determine the nature and degree of vision problems or eye diseases;
- House or emergency calls to attend to patients unable to visit the office;

- May specialize in the type of services provided, such as contact lenses, low vision aids, or vision therapy, or in the treatment of specific groups such as children or elderly patients;
- Performing various tests to determine visual acuity and perception and to diagnose diseases and other abnormalities, such as glaucoma and color blindness,
- Prescribing corrective lenses or procedures;
- Reception.

Occupations include, but are not limited to:

- Clerical office personnel;
- Opticians;
- Optometrists;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Optometrists employed by optical goods stores are classified in 6308.
- Ophthalmology practices are classified in 6109-00.
- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.

6109-10 Licensed mental health practitioners; psychologists and psychiatrists

Applies to:

Businesses engaged in the practice of diagnosing and treating patients with mental, emotional, or behavioral disorders not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Billing;
- Diagnose or evaluate mental and emotional disorders of individuals and administer programs of treatment utilizing a variety of psychotherapeutic methods which can include medication;
- House or emergency calls to attend to patients unable to visit the office;
- Interview patients in clinics, hospitals, prisons, and other institutions, and study medical and social case histories;
- Organize data obtained from the patient, relatives, and other sources, concerning the patient's family, medical history, and the onset of symptoms.

Occupations include, but are not limited to:

- Clerical office personnel;
- Counselors;
- Psychiatrists;
- Psychologists;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

6109-12 Nutrition, diet, or weight loss clinics, N.O.C.**Applies to:**

Businesses engaged as nutrition, diet, or weight loss clinics not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Billing;
- House or emergency calls to attend to patients unable to visit the office;
- Programs to help clients achieve healthy and permanent weight loss through healthy eating habits;
- Programs based on behavior modification theory;
- Private counseling or group support meetings and seminars to educate individuals about their eating habits and proper eating patterns;
- Publish newsletters or other forms of literature for the benefit of their clients;
- Reception;
- Selling vitamin supplements or a line of food products to be used by their clients.

Occupations include, but are not limited to:

- Clerical office personnel;
- Dieticians;
- Nutritionists;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Worker hours doing exercise programs such as personal fitness training or aerobic exercise instruction are reported separately in the applicable classification.
- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.

- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

6109-13 Childbirth classes

Applies to:

Businesses providing childbirth education for expectant parents.

Services include, but are not limited to:

- Breathing and relaxing techniques instructions;
- Education on what to expect during pregnancy;
- Literature and movies may be provided in addition to oral instruction;
- Massage therapy instructions.

Occupations include, but are not limited to:

- Billing personnel;
- Childbirth instructors;
- Clerical office personnel;
- Receptionists;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

6109-14 Orthotic and Prosthetic clinics

Applies to:

Businesses operating as orthotic or prosthetic clinics which fit and prepare orthopedic braces and prosthetics under the direction of and in consultation with physicians.

Orthotists work includes, but is not limited to:

- Examine and evaluate the patient's needs in relation to disease and functional loss;
- Assist in the design of an orthopedic brace;

- Select materials, make cast measurements, model modifications and layouts;
- Evaluate the brace on a patient, make adjustments to ensure correct fit, and instruct the patient in its use;
- House or emergency calls to attend to patients unable to visit the office.

Prosthetists work includes, but is not limited to:

- Care to patients with partial or total absence of a limb;
- Planning fabrication of, writing specifications for, and fitting the prosthesis under the guidance of and in consultation with a physician;
- House or emergency calls to attend to patients unable to visit the office.

Occupations include, but are not limited to:

- Billing personnel;
- Clerical office personnel;
- Orthotists;
- Prosthetists;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Manufacturing of orthopedic braces, splints or prostheses are classified in the applicable classification.
- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

6109-15 Midwife services

Applies to:

Businesses engaged in the practice of midwifery.

Work activities include, but are not limited to:

- Billing;
- Caring for women undergoing medically uncomplicated pregnancy and low risk labor and delivery;
- Delivery may take place in a clinic setting or in the expectant mother's home;
- Reception.

Occupations include, but are not limited to:

- Clerical office personnel;
- Midwives;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to

provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.

6109-16 Licensed massage therapy, reflexology, and foot massage services

Applies to:

- Businesses providing reflexology or foot massage services.
- Businesses of licensed practitioners who are engaged in the practice of massage therapy. Some massage therapists work in conjunction with physicians or sports teams, or at hospitals, rehabilitation facilities or convalescent homes.

Work activities include, but are not limited to:

- Billing;
- Determining the modality to be used, such as deep-muscle work, trigger-point therapy, or joint rotation;
- Determine the nature of the massage; relaxation, correction, or to relieve a medical problem, reviewing medical reports;
- House or emergency calls to attend to patients unable to visit the office;
- Reception.

Occupations include, but are not limited to:

- Clerical office personnel;
- Massage therapists;
- Reflexologists;
- Sales personnel.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Massage therapists employed by a health club, gymnasium, sauna, or bath house are classified in 6204.
- Massage therapists employed by a salon or other business are classified in 6501.
- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.

- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

6109-17 Radiology and MRI referral clinics

Applies to:

Businesses engaged in the practice of radiology and/or magnetic resonance imaging.

Work activities include, but are not limited to:

- Administer radiopaque substances by injection, orally, or as enemas, to render internal structures and organs visible on X-ray films or fluoroscopic screens;
- Billing;
- Diagnose and treat diseases of the human body using X-ray and radioactive substances;
- Examine the internal structures and functions of the organ systems and make diagnoses after correlating the X-ray findings with other examinations and tests;
- Magnetic resonance imaging technologists to operate magnetic resonance imaging equipment which produces cross-sectional images (photographs) of a patient's body for diagnostic purposes;
- Reception.

Occupations include, but are not limited to:

- Clerical office personnel;
- Nurses;
- Radiologists;
- Sales personnel;
- Technologists.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

Exclusions:

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-6109, filed 7/5/16, effective 1/1/17; WSR 15-02-060, § 296-17A-6109, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodi-

filed as § 296-17A-6109, filed 12/8/06, effective 12/8/06; WSR 00-14-052, § 296-17-686, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-686, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-686, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 94-12-063, § 296-17-686, filed 5/30/94, effective 6/30/94; WSR 93-12-093, § 296-17-686, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. WSR 87-24-060 (Order 87-26), § 296-17-686, filed 12/1/87, effective 1/1/88; WSR 87-12-032 (Order 87-12), § 296-17-686, filed 5/29/87, effective 7/1/87; WSR 85-24-032 (Order 85-33), § 296-17-686, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-686, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-686, filed 11/30/83, effective 1/1/84; WSR 81-24-042 (Order 81-30), § 296-17-686, filed 11/30/81, effective 1/1/82; Order 73-22, § 296-17-686, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

WAC 296-17A-6204 Classification 6204.

~~((Gyms, fitness centers, martial arts training, baths or saunas~~

~~Classification 6204 applies to businesses that offer activities and services for recreation, health, and fitness. Gyms typically include cardio workout machines, weight equipment, free weights, bicycle machines, and studio space for group exercise sessions and classes. These facilities may also offer additional items such as running tracks, tennis and racket ball courts, pools, tanning rooms, massage, saunas, baths, and gymnastic equipment. There may also be some retail sales and limited food and beverage services.~~

~~Businesses in this classification sometimes advertise as day spas. This classification includes day spas offering a soaking pool, bath, hot tub, sauna, or steam rooms. Businesses with these spa features may also offer aromatherapy, mud baths, body wrap, rub down, massage, or other personal beauty services.~~

~~**Occupations reported in this classification may include:**~~

~~Activity directors;
Personal trainers;
Instructors;
Facility managers;
Lifeguards;
Cleaning staff;
Massage therapists;
Spa attendants;
Estheticians;
Nutritional counselors;
Child care providers;
Food and beverage service workers;
Front desk staff;
Grounds keepers;
Maintenance personnel;
Scuba diving instructors providing lessons in a swimming pool,
even if not employed by pool facility.~~

~~This classification excludes:~~

- ~~• Day spas or beauty shops which do not offer baths, soaking pools, or hot tubs that are reported separately in classification **6501**;~~
- ~~• Massage therapy businesses which are reported separately in classification **6109**;~~
- ~~• Golf courses which are reported separately in classification **6206**;~~
- ~~• Clubs that offer members' fine dining, lounges, bars, conference rooms, and other services in addition to the athletic facilities, which are reported separately in classification **6205**;~~
- ~~• Dance schools which are reported separately in classifications **6103** and **6104**;~~
- ~~• Ski resorts which are reported separately in classification **6705**;~~
- ~~• Scuba diving instruction not taking place in pools which is reported in classification **0202**;~~
- ~~• Swim instructors employed by organizations that have no facility or pool who are to be reported in classification **6103**.~~

For administrative purposes, classification **6204** is divided into the following subclassification(s):

6204-00 Baths, hot tubs, saunas, steam rooms

6204-04 Exercise facilities, gyms, fitness and martial arts centers, N.O.C.)

6204-00 Baths, hot tubs, saunas, steam rooms

Applies to:

Businesses operating baths, hot tubs, day spas, saunas, or steam rooms.

Services include, but are not limited to:

- Aromatherapy;
- Baths;
- Body shampoos;
- Body wraps;
- Hot tubs;
- Jetted bathtubs;
- Mud baths;
- Rub downs;
- Saunas;
- Soaking pools;
- Steam rooms;
- Tanning beds/booths; and
- Other personal beauty services.

Occupations may include, but are not limited to:

- Cleaning staff;
- Estheticians;
- Facility managers;
- Front desk staff;
- Groundskeepers;
- Instructors;
- Maintenance personnel;
- Massage therapists; and
- Spa attendants.

Exclusions:

- Day spas or beauty shops which do not offer baths, soaking pools, or hot tubs classified in 6501.
- Massage therapy businesses classified in 6109.

6204-04 Exercise facilities, gyms, fitness, and martial arts centers, not covered by another classification (N.O.C.).

Applies to:

Businesses operating exercise facilities, gyms, fitness, or martial arts centers.

Exercise facilities may include, but are not limited to:

- Body toning and nautilus equipment;
- Cardio workout equipment;
- Free weights and weight machines;
- Gymnasiums;
- Handball courts;
- Jogging tracks;
- Racquetball courts;
- Squash courts;
- Swimming pools; and
- Tennis courts.

Classes may include, but are not limited to:

- Aerobic;
- Gymnastic;
- Martial arts;
- Nutrition counseling; and
- Physical fitness goal instruction.

Amenities may include, but are not limited to:

- Child care;
- Food and beverage services;
- Locker rooms;
- Massages;
- Pro shops;
- Saunas;
- Showers;
- Tanning booths;
- Towel service; and
- Whirlpools.

Occupations may include, but are not limited to:

- Activity directors;
- Child care providers;
- Cleaning staff;
- Esthetician;
- Facility managers;
- Food and beverage service workers;
- Front desk staff;
- Groundskeepers;
- Instructors;
- Lifeguards;
- Maintenance personnel;
- Massage therapists;
- Nutritional counselors;
- Personal trainers;
- Scuba diving instructors providing lessons in a swimming pool, even if not employed by pool facility; and
- Spa attendant.

Exclusions:

- Massage therapy businesses classified in 6109.
- Golf courses classified in 6206.
- Clubs that offer members' fine dining, lounges, bars, conference rooms, and other services in addition to the athletic facilities, classified in 6205.
- Dance schools classified in 6103 and 6104.
- Ski resorts classified in 6705.
- Worker hours for scuba diving instruction not taking place in pools must be reported separately in classification 0202.
- Worker hours for swim instructors employed by organizations that have no facility or pool report separately in classification 6103.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-6204, filed 7/5/16, effective 1/1/17; WSR 15-02-060, § 296-17A-6204, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-6204, filed 12/8/06, effective 12/8/06; WSR 00-14-052, § 296-17-690, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-690, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 93-12-093, § 296-17-690, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-690, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-690, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-690, filed 11/30/83, effective 1/1/84; WSR 81-24-042 (Order 81-30), § 296-17-690, filed 11/30/81, effective 1/1/82; Order 73-22, § 296-17-690, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 15-11-063, filed 5/19/15, effective 7/1/15)

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 296-17A-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 3701.)~~

6207-00 Traveling carnivals and amusement rides

Applies to:

Businesses engaged in operating traveling carnivals, operating mechanical and nonmechanical amusement rides, and automobile, motorcycle, and monster truck stunt shows.

Work activities include, but are not limited to:

- Driving and mechanical work;
- Transporting the equipment or rides between locations;
- Setting up, maintaining, and tearing down the rides, structures, and equipment;
- Setting up or tearing down temporary structures such as, but not limited to:
 - Aid rooms;
 - Concession booths;
 - Food booths;
 - Game booths;
 - Souvenir booths;
 - Mobile offices; and
 - Ticket booths.

Exclusions:

• Worker hours for office clerical employees assigned to a permanent office location with no outside duties are reported separately in classification 4904 provided all conditions of the general reporting rules covering standard exception employees have been met.

• Worker hours for traveling clerical employees who work out of a mobile office, ride operators, game attendants, ticket sellers/takers, and maintenance of facilities are reported separately in classification 6208.

• Worker hours for permanent shop employees, and those employees assigned to the shop during the winter quartering period, are reported separately in classification 5206-79 provided the conditions set forth in WAC 296-17A-5206 and 296-17-31018 have been met.

• Businesses operating mechanical or nonmechanical rides at permanent locations are classified in 6208.

• Businesses operating video or amusement game arcades at permanent locations, not in connection with an amusement park, are classified in 6406.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017, Multiple classifications.

6207-01 Rodeos and traveling circuses

Applies to:

Businesses engaged in operating a traveling circus or the production of rodeos.

Work activities include, but are not limited to:

- Animal handling;
- Arena work;
- Circus performing;
- Driving;
- First aid;
- Gate opening;
- Preparing, operating, and maintaining equipment and facilities;
- Rodeo clown work;
- Setting up or tearing down mechanical and nonmechanical rides;
- Setting up or tearing down temporary structures such as, but not limited to:
 - Aid rooms;
 - Bleachers;
 - Concession booths;
 - Enclosures;
 - Mobile offices; and
 - Ticket booths.
- Ticket sellers/takers;
- Trainers; and
- Traveling clerical employees.

Exclusions:

• Worker hours for office clerical employees assigned to a permanent office location with no outside duties are reported separately in classification 4904 provided all conditions of the general reporting rules covering standard exception employees have been met.

• Stock handlers who contract with a rodeo producer to supply rodeo animals are classified in 7302.

Special note: Classifications 6208 and 5206 do not apply to rodeo and traveling circus operations.

6207-04 Fireworks exhibition

Applies to:

Businesses engaged in producing pyrotechnic exhibitions.

Work activities include, but are not limited to:

- Cleaning up;
- Igniting the fireworks;
- Purchasing ready-made fireworks;

- Setting up displays; and
- Using timing fuses.

Exclusions:

- Businesses manufacturing fireworks are classified in 3701.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-11-063, § 296-17A-6207, filed 5/19/15, effective 7/1/15; WSR 14-17-085, § 296-17A-6207, filed 8/19/14, effective 9/19/14; WSR 13-11-128, § 296-17A-6207, filed 5/21/13, effective 7/1/13. WSR 07-01-014, recodified as § 296-17A-6207, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-693, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-693, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-693, filed 5/31/96, effective 7/1/96; WSR 86-12-041 (Order 86-18), § 296-17-693, filed 5/30/86, effective 7/1/86; WSR 85-24-032 (Order 85-33), § 296-17-693, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-693, filed 2/28/85, effective 4/1/85; Order 77-27, § 296-17-693, filed 11/30/77, effective 1/1/78; Order 73-22, § 296-17-693, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

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 296-17A-5206 have been met.)~~

6208-00 Permanent site for amusement parks, exhibition caves or caverns, boat rentals, and kiddie rides

Applies to:

- Amusement parks and kiddie rides located on a permanent site.
- Businesses that operate a park with water and the business does recreational boat rentals.
- Operating exhibition caves or caverns.

Activities and services offered include, but are not limited to:

- Amusement and kiddie rides;
- Ball throwing;
- Boat rental - Row, paddle, rubber, or similar water craft for recreational purposes;
- Bowling lanes;
- Bumper boats;
- Food and beverage operations;

- Miniature golf;
- Ring toss;
- Shooting air rifles; and
- Water slides.

Work activities include, but are not limited to:

- Game attendants;
- Gate attendants;
- Maintenance of the facilities;
- Ride operators; and
- Selling/taking tickets.

Exclusions:

• Worker hours for setting up, tearing down, or delivering rides, games, and temporary structures must be reported separately in classification 6207.

• Worker hours for office clerical employees assigned to a permanent office location with no outside duties are reported separately in classification 4904 provided all conditions of the general reporting rules covering standard exception employees have been met.

• Businesses engaged in marinas and boat house operations with incidental boat rentals are classified in 3414.

• Businesses engaged in motorized sport vehicles sales or rental with incidental rental of jet skis, boats, canoes, or kayaks are classified in 3309.

• Retail sporting good stores with incidental rentals of items such as, but not limited to, canoes, kayaks, paddle boards, or paddle boats are classified in 6406.

• Businesses engaged in the rental of sporting goods such as, but not limited to, canoes, kayaks, paddle boards, or paddle boats are classified in 6406.

6208-01 Miniature golf courses, shooting galleries, batting cages and ranges

Applies to:

Businesses engaged in operating indoor or outdoor activities such as, but not limited to:

- Air rifles and firearms shooting ranges;
- Archery ranges;
- Axe throwing ranges;
- Ball ranges;
- Batting cages;
- Golf driving ranges;
- Laser tag facilities;
- Miniature golf courses;
- Paint ball facilities; and
- War games facilities.

Work activities include, but are not limited to:

- Food and beverage operations;
- Maintenance of the facilities; and
- Selling tickets.

Exclusions:

• Driving ranges operating in conjunction with a golf course are classified in 6206.

• Ball ranges, archery ranges, miniature golf courses, or air rifle ranges operated in conjunction with an amusement park are classified in 6208-00.

6208-04 Fairs, shows, and exhibitions, N.O.C.**Applies to:**

Businesses 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:

- Animal shows (pet or livestock);
- Art shows;
- Community fairs;
- Flower shows; and
- Trade shows.

Work activities include, but are not limited to:

- Arranging for a facility and utilities;
- Coordinating exhibitors;
- Food and beverage operations;
- Judging entries;
- Maintenance of the facilities;
- Providing security;
- Selling tickets;
- Setting up or tearing down temporary booths; and
- Showing animals in an arena.

Exclusions:

• Independent exhibitors and concessionaires that rent space at the site are classified in the applicable classification for the business.

• Worker hours engaged in raising or care of animals are reported separately in the applicable classifications.

6208-09 Race tracks**Applies to:**

Businesses engaged in the operation of race tracks such as, but not limited to:

- Drag racing;
- Go-cart;
- Horse;
- Motorcycle; and
- Stock car.

Work activities include, but are not limited to:

- Booking events;
- Coordinating participants;
- Food and beverage operations;
- Maintenance of the facilities;
- Security; and
- Selling tickets.

Exclusions:

• Worker hours for pari-mutuel clerks at a horse racing track and cashiers with no other duties are reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met.

• Worker hours handling horses or vehicles are classified in the applicable classification to the work being performed.

6208-11 Carnival operations, N.O.C.**Applies to:**

Businesses operating a carnival who are not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Game attendants;
- Maintenance of the facilities;
- Ride operators;
- Ticket sellers/takers; and
- Traveling clerical workers who work out of a mobile office.

Exclusions:

- Worker hours for office clerical employees with no outside duties are reported separately in classification 4904 provided all conditions of the general reporting rules covering standard exception employees have been met.
- Worker hours for driving, setting up, tearing down, delivering of all mechanical and nonmechanical rides, games, and concession booths or stands, mobile offices, aid rooms, ticket booths, and all other temporary structures for a traveling carnival must be reported separately in classification 6207.
- Worker hours of employees of carnival operations assigned to work in food booths are reported separately in classification 3905.
- Worker hours of employees of carnival operations assigned to work in souvenir or gift shops are reported separately in classification 6406 provided they have no other duties.

Special Note: Worker hours for shop employees, assigned to a permanent office location are reported separately in classification 5206-79 provided the conditions set forth in WAC 296-17A-5206 and 296-17-31018 have been met.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017, Multiple classifications.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-6208, filed 8/19/14, effective 9/19/14. WSR 07-01-014, recodified as § 296-17A-6208, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-694, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 51.16.035, 51.04.020. WSR 00-14-052, § 296-17-694, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-694, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-694, filed 5/31/96, effective 7/1/96; WSR 86-12-041 (Order 86-18), § 296-17-694, filed 5/30/86, effective 7/1/86; WSR 85-24-032 (Order 85-33), § 296-17-694, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-694, filed 2/28/85, effective 4/1/85; WSR 81-24-042 (Order 81-30), § 296-17-694, filed 11/30/81, effective 1/1/82; Order 76-36, § 296-17-694, filed 11/30/76; Order 73-22, § 296-17-694, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 15-19-081, filed 9/15/15, effective 10/16/15)

WAC 296-17A-6301 Classification 6301.

~~((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. See 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~~))

6301-00 Sales personnel: Vehicles and marine pleasure craft

Applies to:

Businesses having sales employees, not covered by another classification assigned to the employer's account, who are engaged in selling and/or leasing new and/or used vehicles.

Vehicles can include, but are not limited to:

- Automobiles;

- Boats and other marine pleasure craft;
- Campers;
- Mobile homes;
- Motorcycles;
- Other all-terrain vehicles;
- Recreational vehicles;
- Trucks.

Work activities are limited to duties such as:

- Activities allowed by WAC 296-17A-4904 (clerical office);
- Arranging for delivery of purchased vehicles;
- Completing paperwork;
- Sales training;
- Showing and demonstrating vehicles;
- Test driving.

Work areas can include:

- Areas allowed for office work in WAC 296-17A-4904;
- Sales lots and other sales display areas;
- Vehicle/water craft for a test drive or instruction.

Special note: This 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.

Exclusions:

- Workers engaged in vehicle repair or maintenance work must be reported in classification 3309, 3411, or 3414 as applicable.
- Dealership employees responsible for transporting vehicles (such as cars purchased at an auction) must be reported in classification 3411.

6301-06 Instructors of driving schools

Applies to:

Instructors of driving schools.

Work activities are limited to duties such as:

- Activities allowed by WAC 296-17A-4904 (clerical office);
- Demonstrating driving techniques; and
- Observing student drivers.

Work areas can include:

- Areas allowed for office work in WAC 296-17A-4904;
- Vehicle for a test drive or instruction.

Special note: This 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.

Exclusions:

- Classroom instructors or administrators at driving schools performing no work inside vehicles, must be reported in classification 6103.
- Workers engaged in vehicle repair or maintenance work must be reported in classification 3309, 3411, or 3414 as applicable.

• Vehicle driving instructors employed by high schools, are classified in 6104.

6301-07 Limousine drivers

Applies to:

Drivers of businesses engaged in providing limousine services to others.

Limousine services include luxury transportation for special occasions such as, but not limited to:

- Birthday parties;
- Concerts;
- Corporate business functions;
- Dances;
- Sporting events;
- Weddings.

Work areas can include:

- Areas allowed for office work in WAC 296-17A-4904;
- Operating a "special occasion" limousine.

Clients usually travel in groups from two to 10. 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.

Special note: This 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.

Exclusions:

- Workers engaged in vehicle repair or maintenance work must be reported in classification 3309, 3411, or 3414 as applicable.
- Airport limousine services or similar shuttle type operations are classified in 1407.
- On call taxi-type services are classified in 1401.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-19-081, § 296-17A-6301, filed 9/15/15, effective 10/16/15; WSR 14-17-085, § 296-17A-6301, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.16.100. WSR 11-24-022, § 296-17A-6301, filed 11/30/11, effective 1/1/12. Statutory Authority: RCW 51.16.035, 51.16.100, and 2007 c 324. WSR 07-24-045, § 296-17A-6301, filed 12/1/07, effective 1/1/08. WSR 07-01-014, recodified as § 296-17A-6301, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-696, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-696, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-696, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-696, filed 11/30/83, effective 1/1/84; WSR 82-24-047 (Order 82-38), § 296-17-696, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-696, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 19-11-109, filed 5/21/19, effective 7/1/19)

WAC 296-17A-6303 Classification 6303.

~~((Sales personnel with outside duties, messengers, insurance producers or surplus line brokers, social workers and dieticians 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; and~~
- ~~• Estimating (nonconstruction) or appraising.~~

~~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**;~~
- ~~• Businesses engaged in providing inspections and valuations exclusively for insurance companies which are to be reported separately in classification **4903**;~~
- ~~• 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 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 services agencies. These agencies provide care for the elderly, or individuals who need the continuous care and supervision that hospitals and nursing facilities provide, or people living with disabilities. Duties in this classification include teaching people with physical or developmental disabilities in their own homes to manage daily living skills to care for themselves, and assessing clients to determine level of care needed.~~

~~Note: Employees working in this classification are only assessing level of need, and teaching clients how to perform duties and tasks; they do not provide direct care to individuals.~~

~~Teaching duties of social workers could include teaching clients to:~~

- ~~• Shop for groceries;~~
- ~~• Dress and use proper hygiene;~~
- ~~• Use public transportation;~~
- ~~• Attend medical appointments or go to work;~~
- ~~• Cook meals;~~
- ~~• Write checks;~~
- ~~• Budget finances;~~
- ~~• Do laundry;~~
- ~~• Access recreational or social activities.~~

~~Patients are referred to dietitians (also called nutritionists) by the patients' physicians. The dietitian assesses the patient's current nutritional status, and then develops a food plan to meet the patient's needs.~~

~~**Classification 6303-21 excludes:**~~

~~• Direct care of clients, such as: Cooking, cleaning, transporting and physically assisting clients, which is to be reported in the applicable classification;~~

~~• Nursing and home therapy services which are classified in 6110-00;~~

~~• Domestic servants who are classified in 6510;~~

~~• Chore workers who are classified in 6511;~~

~~• Home care services provided through the consumer directed employer program, which are classified in 6512-00.~~

~~**Special note:** Subclassification 6303-21 should be assigned only to accounts that also have classifications 6110, 6511, or both.)~~

6303-00 Sales personnel with outside duties, messengers, N.O.C.

Applies to:

Workers 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.

Sales personnel work activities are limited to duties such as:

- Activities allowed by WAC 296-17A-4904 (office workers);
- Completing correspondence;
- Estimating (nonconstruction) or appraising;
- Performing public relations duties for employers' business;
- Placing orders;
- Servicing existing accounts;
- Showing, selling, and explaining products or services in a showroom or other location away from employer's premises;
- Soliciting new customers by telephone or in person;
- Traveling to or from meeting or training locations.

Messengers work activities are limited to duties such as:

- Activities allowed by WAC 296-17A-4904 (office workers);
- Delivering interoffice mail;
- Making deposits;
- Similar duties that are exclusively for the administration of the employer's business.

Special notes: Hands on training outside of a classroom setting must be reported in the applicable basic classification. For example, a karate instructor is reported in classification 6204, not 6303.

Classification 6303 is a standard exception classification as described in WAC 296-17-31018 Exception classifications. 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.

Care must be taken to:

• Look beyond job titles such as salesperson 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.

Exclusions:

• Workers that deliver products or merchandise or stock shelves are classified as applicable.

• Workers that demonstrate or deliver machinery or equipment are classified as applicable.

- Workers that drive for a service that transports or chauffeurs others are classified as applicable.
- Specialty services merchandising products in stores are classified in 0607-19.
- Collection agencies or public relations agencies are classified in 5301.
- Sales personnel engaged in home or door-to-door sales are classified in 6309.
- Retail product demonstrators are reported as required by WAC 296-17-31018(3) and 296-17A-6406.
- Businesses engaged in providing inspection and valuations exclusively for insurance companies are classified in 4903.
- Businesses engaged in process serving and legal messenger services are classified in 6601.
- Messenger services who are classified in 1101.
- Directly supervising workers who perform activities or have exposures excluded from classification 6303.

6303-03 Insurance sales personnel and claims adjusters

Applies to:

Insurances sales personnel and claims adjustors with outside duties.

Work activities are limited to duties such as:

- Activities allowed by WAC 296-17A-4904 (office workers);
- Estimating (nonconstruction) or appraising;
- Going to the scene of an accident or catastrophe to assess damage;
- Selling insurance policies at their place of business or at the client's home, or other location.

Special notes: 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 and 48.17.010. To elect coverage these individuals must submit a completed elective coverage form to the department.

Classification 6303 is a standard exception classification as described in WAC 296-17-31018 Exception classifications. 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.

Care must be taken to:

- Look beyond job titles such as salesperson. Job titles do not ensure the work satisfies the restrictions for classification 6303.
- Ensure standard exceptions are permitted. Some basic classifications include sales work.

Exclusions:

- Businesses providing inspections and valuations exclusively for insurance companies are classified in 4903.
- Construction estimators are reported as required by WAC 296-17-31018(3) and 296-17A-4911.
- Directly supervising workers who perform activities or have exposures excluded from classification 6303.

6303-21 Home health care services: Social workers and dietitians

Applies to:

Social workers and dietitians, also called nutritionists, employed by home health care services. These businesses provide care for the elderly, people living with disabilities, or individuals who need the continuous care and supervision that hospitals and nursing facilities provide.

Work activities are limited to duties such as:

- Activities allowed by WAC 296-17A-4904 (office workers);
- 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. Workers subject to this classification do no cooking;
- Providing counseling or verbal direction;
- Teaching the elderly or physically or developmentally disabled individuals in their own home to manage daily living skills such as caring for themselves, laundry, dressing, cooking, shopping, using public transportation, budget, finances, access recreational or social activities, and going to the doctor.

Special notes: Classification 6303 is a standard exception classification as described in WAC 296-17-31018 Exception classifications. 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.

Care must be taken to look beyond job titles such as social worker. Job titles do not ensure the work satisfies the restrictions for classification 6303;

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.**

Exclusions:

- Direct care of clients, such as: Cooking, cleaning, transporting, and physically assisting clients, is classified in the applicable classification.
- Workers that demonstrate or deliver machinery or equipment are classified in the applicable classification.
- Nursing and home health care services are classified in 6110.
- Therapy services are classified in 6109 or 6110, as applicable.
- Domestic servants or workers are classified in 6510.
- Home care services provided through the consumer directed employer program are classified in 6512.
- Chore workers are classified in 6511.
- Directly supervising workers who perform activities or have exposures excluded from classification 6303.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 19-11-109, § 296-17A-6303, filed 5/21/19, effective 7/1/19; WSR 16-14-085, § 296-17A-6303, filed 7/5/16, effective 1/1/17; WSR 15-11-063, § 296-17A-6303, filed 5/19/15, effective 7/1/15; WSR 14-17-085, § 296-17A-6303, filed 8/19/14, effective 9/19/14; WSR 13-08-063, § 296-17A-6303, filed 4/1/13, effective 1/1/14. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.16.100. WSR 12-11-109, § 296-17A-6303, filed 5/22/12, effective 7/1/12. Statutory Authority: RCW 51.16.035, 51.16.100, 51.04.020(1). WSR 10-18-024, § 296-17A-6303, filed 8/24/10,

effective 10/1/10. Statutory Authority: RCW 51.16.035, 51.16.100, and Title 51 RCW. WSR 09-20-039, § 296-17A-6303, filed 9/30/09, effective 1/1/10. WSR 07-01-014, recodified as § 296-17A-6303, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 05-23-161, § 296-17-698, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-698, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-698, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-698, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-698, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-698, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-698, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035. WSR 79-12-086 (Order 79-18), § 296-17-698, filed 11/30/79, effective 1/1/80; Order 76-36, § 296-17-698, filed 11/30/76; Order 73-22, § 296-17-698, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 18-05-080, filed 2/20/18, effective 1/1/19)

WAC 296-17A-6306 Classification 6306. Classification **6306** applies to retail and wholesale sales, rental, and rent-to-own of new, used, or refurbished:

- Furniture for home and office;
- Billiard or pool tables;
- Household appliances such as refrigerators, freezers, stoves, range tops, trash compactors, washing machines, and clothes dryers;
- Pianos and organs;
- Audio visual equipment for indoor or outdoor events such as a seminar or concert including microphones, projectors, screens, sound systems, lights, and other incidental items;
- Large home entertainment systems and big screen televisions;
- Outside television antennas and/or satellite dish receiving units;
- Medical durable goods such as, hospital beds, wheelchairs, lift chairs, and similar patient appliances;
- Motorized exercise equipment; weight sets.

Stores that primarily sell items listed above often also sell or rent other goods such as:

- Lamps;
- Bedding and pillows;
- Floor and window coverings;
- Framed pictures;
- Art pieces and sculptures;
- Counter top appliances, such as mixers, blenders, microwave ovens, toasters and espresso machines.

Employee duties include:

- Cashiering;
- Fitting and demonstration;
- Delivery and setup of merchandise described by classification **6306**;
- Most simple setup and installation and assembly work, such as connecting stereo components together, installing software, assembling a furniture kit for in-store display, or plugging in appliances;

- Incidental repair of furniture and equipment sold or rented by the store;
- Incidental repair and/or tuning of instruments sold by the store;
- Inventorying;
- Merchandising and stocking of store;
- Piano tuning;
- Packaging, addressing, and mailing articles for shipment;
- Receiving and shipping merchandise at store's loading ramp;
- Sales work inside store;
- Store security and surveillance.

Excluded activities requiring additional classifications: See **WAC 296-17-31017** Multiple classifications, for reporting and recordkeeping requirements. Classification **6306** excludes the following activities or operations:

- Worker hours engaged in out-of-store appliance or equipment repair, which are reported separately in classification **0607**.
- Worker hours engaged in carpet installation, which are reported separately in classification **0502**.
- Worker hours engaged in installation requiring low voltage wiring, which are reported separately in classification **0608**.
- Worker hours engaged in installation requiring electrical wiring within buildings, which are reported separately in classification **0601**.
- Worker hours engaged in installation requiring plumbing licenses, which are reported separately in classification **0306**.
- Worker hours engaged in pharmacy activities, which are reported separately in classification **6406**.
- Worker hours engaged in installation and assembly of modular office furniture and cubicle dividers, which are reported separately in classification **2002**.

Excluded operations: Classification **6306** excludes:

- Stores selling any type of motorized boats or vehicles (other than durable medical goods), which are assigned to the applicable classification.
- Stores selling tires or parts for motorized vehicles, which are assigned to the applicable classification.
- Stores primarily selling merchandise included in classification **6406**, but also selling some merchandise belonging in classification **6306**, which are classified in **6309**.
- Stores primarily selling merchandise belonging in a higher rated classification, which are assigned the applicable classification.
- Firms whose principal operations are installing low voltage electrical wiring for audio visual equipment or home theaters, which are classified in **0608** (even if they also sell the equipment or maintain a minimal inventory).
- Firms engaged in furniture refurbishing and subsequent sales, which are classified in **3603** and **3808**.
- Firms engaged in medical oxygen tank rental and delivery, which are classified in **6406** and **1101**.
- Piano tuning businesses not also engaged in the sale of pianos, which are classified in **4107**.
- Stores renting a variety of equipment, party goods, inflatable tents, games, or other party supplies, which are classified in **1106**.
- Stores that sell wind, string, brass, and percussion musical instruments and no pianos or organs, which are classified in **6411**.

• Firms engaged in reconditioning of organs and pianos and subsequent sales, which are classified in **2906**.

For administrative purposes, classification **6306** is divided into the following subclassification(s):

6306-00 Furniture stores

6306-01 Rental and rent-to-own furniture stores, and durable medical stores

6306-02 Household appliances, entertainment and home theater systems, big screen television stores

6306-03 Piano and organ stores

~~((6306-04)) 6306-06 Office furniture stores~~

~~((6306-05 Entertainment and home theater systems, big screen television stores))~~

6306-07 Audio/visual equipment rental and services

[Statutory Authority: RCW 51.16.035. WSR 18-05-080, § 296-17A-6306, filed 2/20/18, effective 1/1/19. Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-6306, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 51.16.035, 51.16.100, and Title 51 RCW. WSR 09-20-039, § 296-17A-6306, filed 9/30/09, effective 1/1/10. WSR 07-01-014, recodified as § 296-17A-6306, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-701, filed 6/6/06, effective 7/7/06; WSR 05-12-031, § 296-17-701, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-701, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-701, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-701, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-701, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-701, filed 11/30/83, effective 1/1/84; Order 76-36, § 296-17-701, filed 11/30/76; Order 75-38, § 296-17-701, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-701, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 18-05-080, filed 2/20/18, effective 1/1/19)

WAC 296-17A-6504 Classification 6504. ~~((Classification 6504 applies to stores primarily selling used merchandise that has been donated. Items for sale include:~~

- ~~• Clothing;~~
- ~~• Household appliances;~~
- ~~• Toys;~~
- ~~• Housewares;~~
- ~~• Furniture;~~
- ~~• Tools.~~

~~Work contemplated by this classification includes, but is not limited to:~~

- ~~• Collection of items from locations away from the store;~~
- ~~• Conditioning used merchandise (conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture);~~
- ~~• Stocking and cleaning the store;~~
- ~~• Cashiering.~~

~~**Excluded activities requiring additional classifications.** See WAC 296-17-31017 Multiple classifications, for reporting and recordkeeping~~

requirements. Classification ~~6504~~ excludes the following activities or operations:

- ~~Nonstore employees of a charitable organization, are classified according to the overall nature and operations of the organization.~~

~~**Excluded operations:** Classification ~~6504~~ excludes:~~

- ~~Firms engaged in repairing and selling used appliances, which are classified in ~~0607~~;~~

- ~~Stores selling antiques, which are classified in ~~6309~~.~~

~~For administrative purposes, this classification is divided into the following subclassifications:~~

~~**6504-00 Thrift stores operated by charitable or other not-for-profit organizations**~~

~~**6504-01 For-profit thrift stores**)~~

6504-00 Thrift stores operated by charitable or other nonprofit organizations

Applies to:

Nonprofit businesses operating stores primarily selling used merchandise that has been donated.

Items for sale include, but are not limited to:

- Clothing;
- Furniture;
- Household appliances;
- Housewares;
- Tools; and
- Toys.

Work activities include, but are not limited to:

- Cashiering;
- Collection of items from locations away from the store;
- Conditioning used merchandise (conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture); and
- Stocking and cleaning the store.

Exclusions:

- Nonstore employees of a charitable organization, are classified according to the overall nature and operations of the organization.

- Businesses repairing and selling used appliances are classified in 0607.

- Stores selling antiques are classified in 6309.

6504-01 For-profit thrift stores

For-profit businesses operating stores primarily selling used merchandise that has been donated.

Items for sale include, but are not limited to:

- Clothing;
- Furniture;
- Household appliances;
- Housewares;
- Tools; and
- Toys.

Work activities include, but are not limited to:

- Cashiering;
- Collection of items from locations away from the store;

- Conditioning used merchandise (conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture); and
- Stocking and cleaning the store.

Exclusions:

- Nonstore employees of a charitable organization, are classified according to the overall nature and operations of the organization.
- Businesses repairing and selling used appliances are classified in 0607.
- Stores selling antiques are classified in 6309.

[Statutory Authority: RCW 51.16.035. WSR 18-05-080, § 296-17A-6504, filed 2/20/18, effective 1/1/19. WSR 07-01-014, recodified as § 296-17A-6504, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-717, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-717, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-717, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-717, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-717, filed 2/28/85, effective 4/1/85; WSR 81-24-042 (Order 81-30), § 296-17-717, filed 11/30/81, effective 1/1/82; Order 73-22, § 296-17-717, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 17-10-059, filed 5/2/17, effective 1/1/18)

WAC 296-17A-6509 Classification 6509.**~~((6509 Assisted living and group homes~~**

~~Classification 6509 applies to facilities with residents who do not require 24-hour nursing care, but often need some degree of medical monitoring and oversight, personal care, treatment, training, or supervision. Residents may need assistance due to illness, advanced age, physical or mental disabilities, dementia, homelessness or youth at risk, mental health concerns, or chemical dependency. Facilities in this classification generally provide residents a meal plan, but may also provide laundry, housekeeping, van or bus service, life or work skills training, therapy, recreational activities, social services, or even amenities such as barbers or beauticians. Most facilities in this classification are inspected and licensed by the department of social and health services (DSHS), or the department of health (DOH).~~

~~Examples of facilities in classification 6509 include:~~

- ~~• Adult family homes;~~
- ~~• Assisted living facilities;~~
- ~~• Continuing care retirement communities;~~
- ~~• Enhanced services facilities;~~
- ~~• Homeless shelters;~~
- ~~• Independent living centers;~~
- ~~• Intermediate care facilities;~~
- ~~• Hospice care centers;~~
- ~~• Residential treatment facilities;~~
- ~~• Retirement communities;~~
- ~~• Safe houses for victims of domestic violence;~~
- ~~• Transitional housing (halfway houses) for persons previously in a treatment facility or incarcerated.~~

~~**Note:** Some residences included in classification **6509**, such as a retirement community, may not require any special facilities license from DSHS or DOH.~~

~~Types of workers employed in assisted living and group homes often include, but are not limited to:~~

- ~~• Activity directors;~~
- ~~• Caregivers;~~
- ~~• Cooks and chefs;~~
- ~~• Counselors;~~
- ~~• Dietary aides;~~
- ~~• Dietitians;~~
- ~~• Dishwashers;~~
- ~~• Drivers;~~
- ~~• Janitors;~~
- ~~• Housekeepers;~~
- ~~• Laundry workers;~~
- ~~• Lawn care workers;~~
- ~~• Maintenance personnel;~~
- ~~• Nurses;~~
- ~~• Nurses' aides and assistants;~~
- ~~• Resident assistants;~~
- ~~• Social workers;~~
- ~~• Therapists and therapists' assistants;~~
- ~~• Wait staff.~~

~~Medical services provided to residents in classification **6509** may include:~~

- ~~• Assessments for mental health, chemical abuse, or basic skills;~~
- ~~• Checking and monitoring for wellness;~~
- ~~• Dispensing medicine;~~
- ~~• Rehabilitative therapies;~~
- ~~• Physical examinations.~~

~~Personal care provided to residents may include assistance with:~~

- ~~• Bathing;~~
- ~~• Brushing teeth or hair;~~
- ~~• Dressing;~~
- ~~• Feeding;~~
- ~~• Shaving.~~

~~**Note:** Some residences may offer additional services such as hair-cuts, pedicures, manicures, hairstyling, eye and hearing exams, and other services not normally associated with care facilities. These services are often performed by independent contractors.~~

~~This classification excludes:~~

~~• DSHS licensed nursing homes and skilled nursing facilities that are reported in classification **6108**.~~

~~• Fraternity or sorority houses that are reported in classification **6205**.~~

~~• Home care providers working in their clients' homes who are to be reported in classification **6511** or **6512**.~~

~~• Home health and nursing providers working in their clients' homes who are reported in classification **6110**.~~

~~• Retirement communities without any services or meal plans. Generally these are apartment buildings or condominiums that simply restrict the occupants to age fifty-five or above, and are classified in **4910**.~~

~~For administrative purposes, classification **6509** is divided into the following subclassification(s):~~

~~6509-04 Adult family homes, group homes, treatment centers, safe houses, shelters, halfway houses, and similar facilities not specifically assigned to another subclassification, N.O.C.~~

~~6509-07 Assisted living facilities, and retirement and continuing care communities.))~~

6509-04 Adult family homes, group homes, treatment centers, safe houses, shelters, halfway houses, and similar facilities not specifically assigned to another subclassification, N.O.C.

Applies to:

Businesses and facilities with residents who do not require 24-hour nursing care, but often need some degree of medical monitoring and oversight, personal care, treatment, training, or supervision. Residents may need assistance due to illness, advanced age, physical or mental disabilities, dementia, homelessness or youth at risk, mental health concerns, or chemical dependency.

Most facilities in this classification are inspected and licensed by the department of social and health services (DSHS), or the department of health (DOH).

Note: Some facilities included in classification 6509, such as a retirement community, may not require any special facilities license from DSHS or DOH.

Facilities include, but are not limited to:

- Adult family homes;
- Enhanced services facilities;
- Homeless shelters;
- Hospice care centers;
- Independent living centers;
- Intermediate care facilities;
- Residential treatment facilities;
- Safe houses for victims of domestic violence;
- Transitional housing (halfway houses) for persons previously in a treatment facility or incarcerated; and
- Similar facilities not specifically assigned to another classification.

Occupations include, but are not limited to:

- Activity directors;
- Caregivers;
- Cooks and chefs;
- Counselors;
- Dietary aides;
- Dietitians;
- Dishwashers;
- Drivers;
- Housekeepers;
- Janitors;
- Laundry workers;
- Lawn care workers;
- Maintenance personnel;
- Nurses;
- Nurses' aides and assistants;
- Resident assistants;
- Social workers;
- Therapists and therapists' assistants; and
- Wait staff.

Medical services provided to residents may include, but are not limited to:

- Assessments for mental health, chemical abuse, or basic skills;
- Checking and monitoring for wellness;
- Dispensing medicine;
- Physical examinations; and
- Rehabilitative therapies.

Services may include assistance with:

- Bathing;
- Brushing teeth or hair;
- Dressing;
- Feeding; and
- Shaving.

Note: Some facilities may offer additional services such as haircuts, pedicures, manicures, hairstyling, eye and hearing exams, and other services not normally associated with care facilities. These services are often performed by independent contractors.

Exclusions:

- DSHS licensed nursing homes and skilled nursing facilities are classified in 6108.
- Fraternity or sorority houses are classified in 6205.
- Home care providers working in their clients' homes are classified in 6511 or 6512.
- Home health and nursing providers working in their clients' homes are classified in 6110.
- Retirement communities without any services or meal plans, such as apartment buildings or condominiums that simply restrict the occupants to age 55 or above, are classified in 4910.

6509-07 Assisted living facilities, and retirement and continuing care communities**Applies to:**

Businesses and facilities with residents who do not require 24-hour nursing care, but often need some degree of medical monitoring and oversight, personal care, treatment, training, or supervision. Residents may need assistance due to illness, advanced age, physical or mental disabilities, dementia, homelessness or youth at risk, mental health concerns, or chemical dependency.

Most facilities in this classification are inspected and licensed by the department of social and health services (DSHS), or the department of health (DOH).

Note: Some facilities included in classification 6509, such as a retirement community, may not require any special facilities license from DSHS or DOH.

Facilities include, but are not limited to:

- Assisted living facilities;
- Continuing care communities; and
- Retirement communities.

Occupations include, but are not limited to:

- Activity directors;
- Caregivers;
- Cooks and chefs;
- Counselors;
- Dietary aides;
- Dietitians;
- Dishwashers;
- Drivers;

- Housekeepers;
- Janitors;
- Laundry workers;
- Lawn care workers;
- Maintenance personnel;
- Nurses;
- Nurses' aides and assistants;
- Resident assistants;
- Social workers;
- Therapists and therapists' assistants; and
- Wait staff.

Medical services provided to residents may include, but are not limited to:

- Assessments for mental health, chemical abuse, or basic skills;
- Checking and monitoring for wellness;
- Dispensing medicine;
- Physical examination; and
- Rehabilitative therapies.

Services may include assistance with:

- Bathing;
- Brushing teeth or hair;
- Dressing;
- Feeding; and
- Shaving.

Note: Some facilities may offer additional services such as haircuts, pedicures, manicures, hairstyling, eye and hearing exams, and other services not normally associated with care facilities. These services are often performed by independent contractors.

Exclusions:

- DSHS licensed nursing homes and skilled nursing facilities are classified in 6108.
- Fraternity or sorority houses are classified in 6205.
- Home care providers working in their clients' homes are classified in 6511 or 6512.
- Home health and nursing providers working in their clients' homes are classified in 6110.
- Retirement communities without any services or meal plans, such as apartment buildings or condominiums that simply restrict the occupants to age 55 or above, are classified in 4910.

[Statutory Authority: RCW 51.16.035 and WAC 296-17-31029. WSR 17-10-059, § 296-17A-6509, filed 5/2/17, effective 1/1/18. Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-6509, filed 8/19/14, effective 9/19/14. WSR 07-01-014, recodified as § 296-17A-6509, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-722, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 91-12-014, § 296-17-722, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-722, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-722, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-722, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 19-11-109, filed 5/21/19, effective 7/1/19)

WAC 296-17A-6511 Classification 6511.

~~((Chore services/home care assistants~~

~~**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 consumer directed employer program (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**~~

~~Applies to organizations providing two or more services to support the local community and people in need. See subclassifications 1501-20, 4904-20, and 5308-20 for other community action organization classifications. If the entity provides only chore services, then 6511-00 applies.)~~)

6511-00 Chore services/home care assistants

Applies to:

Businesses providing chore services/home care assistants to private individuals.

Some common terms to describe these types of services include supported living, tenant support, and intensive tenant support services.

Chore services performed by the chore workers/home care assistants include, but are not limited to:

- Companionship;
- General household chores;
- Meal planning and preparation;
- Personal care, such as bathing, body care, dressing, and help with ambulating; and
- Shopping and errands, either with or without the client.

Additional work activities included in this classification are:

- House sitting;
- Organizing homes prior to customers having an estate auction or putting a home on the market;
- Packing up senior homes;
- Pet sitting; and
- Supervising visits between children and parents, including transporting the child.

Exclusions:

- Businesses organizing homes and also conducting estate auctions are classified in 6603.
- Social workers and dieticians employed by home health care service businesses are classified in 6303-21. Workers for businesses in classification 6303-21 are **teaching** people living with physical or developmental disabilities living in their own home how to manage daily living skills, such as caring for themselves, dressing, cooking, etc. Workers for businesses in classification 6511 are performing this work as a service to individuals.
- Worker hours for individuals working under a welfare special works training program are reported separately in classification 6505.
- Businesses engaged in residential cleaning or janitorial services are classified in 6602.
- Skilled or semiskilled nursing care is classified in 6110.
- Home health care providers covered under the consumer directed employer program are classified in 6512.
- Businesses engaged in the moving and storage of household furnishings are classified in 6907.
- Businesses engaged in staging services are classified in 0607.
- Any construction related work is classified in the applicable construction classification.

6511-20 Community action organizations - Chore services/home care assistants

Applies to:

Community action organizations providing two or more services to support the local community and people in need. Chore services/home care assistants provide services to private individuals. See subclassifications 1501-20, 4904-20, and 5308-20 for other community action organization classifications. If the organization provides only chore services, then 6511-00 applies.

Some common terms to describe these types of services include supported living, tenant support, and intensive tenant support services.

Chore services performed by the chore workers/home care assistants of community action organizations include, but are not limited to:

- Companionship;
- General household chores;
- Meal planning and preparation;
- Personal care, such as bathing, body care, dressing, and help with ambulating; and
- Shopping and errands, either with or without the client.

Additional work activities included in this classification are:

- House sitting;
- Organizing homes prior to customers having an estate auction or putting a home on the market;
- Packing up senior homes;
- Pet sitting; and
- Supervising visits between children and parents, including transporting the child.

Exclusions:

- Businesses organizing homes and also conducting estate auctions are classified in 6603.
- Social workers and dieticians employed by home health care service businesses are classified in 6303-21. Workers for businesses in classification 6303-21 are **teaching** people living with physical or developmental disabilities living in their own home how to manage daily living skills, such as caring for themselves, dressing, cooking, etc. Workers for businesses in classification 6511 are performing this as a service to individuals.
- Worker hours for individuals working under a welfare special works training program are reported separately in classification 6505.
- Businesses engaged in residential cleaning or janitorial services are classified in 6602.
- Skilled or semiskilled nursing care is classified in 6110.
- Home health care providers covered under the consumer directed employer program are classified in 6512.
- Businesses engaged in the moving and storage of household furnishings are classified in 6907.
- Businesses engaged in staging services are classified in 0607.
- Any construction related work is classified in the applicable construction classification.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 19-11-109, § 296-17A-6511, filed 5/21/19, effective 7/1/19; WSR 17-11-120, § 296-17A-6511, filed 5/23/17, effective 7/1/17; WSR 14-17-085, § 296-17A-6511, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 51.16.035, 51.16.100, and 51.04.020(1). WSR 10-16-121, § 296-17A-6511, filed 8/3/10, effective 10/1/10. Statutory Authority: RCW 51.16.035 and 51.16.100. WSR 07-12-047, § 296-17A-6511, filed

5/31/07, effective 7/1/07. WSR 07-01-014, recodified as § 296-17A-6511, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-72202, filed 6/6/06, effective 1/1/07. Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 04-18-025, § 296-17-72202, filed 8/24/04, effective 10/1/04. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-72202, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-72202, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-72202, filed 8/28/98, effective 10/1/98.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

WAC 296-17A-6607 Classification 6607.

~~((6607-00 Card rooms; bingo parlors or casinos~~

~~Applies to establishments engaged in operating card rooms, bingo parlors, or casinos. To qualify for this classification, card rooms must be run as a separate operation when located in a tavern or restaurant that has a license to sell spirits or hard liquor. Bingo parlors and casinos are usually operated by Native American tribal organizations or by nonprofit organizations to raise funds for charity. This classification applies to any workers these organizations employ to operate bingo or casino games.~~

~~This classification includes employment such as:~~

- ~~• Callers;~~
- ~~• Card dealers;~~
- ~~• Food and beverage operations;~~
- ~~• Game attendants and helpers;~~
- ~~• Janitorial and maintenance staff;~~
- ~~• Money collectors;~~
- ~~• Security floor managers.~~

~~**Special note:** Coverage for Native American tribes conducting a bingo operation is subject to jurisdictional policy.~~

~~**6607-01 Billiard or pool halls**~~

~~Applies to establishments engaged in operating billiard or pool halls. This classification could apply to the operation of a billiard or pool hall in connection with another enterprise, such as a bowling alley or skating rink, but only if it is conducted as a separate and distinct operation.~~

~~This classification includes employment such as:~~

- ~~• Counter personnel who collect money for the rental of billiard and pool equipment;~~
- ~~• Food and beverage operations;~~
- ~~• Janitorial and maintenance staff;~~
- ~~• Rackers.~~

~~**This classification excludes:**~~

- ~~• Billiard or pool tables that are provided as part of a bowling center, tavern, or restaurant operation which are to be reported separately in the applicable classification.~~

~~**6607-02 Recreational, social or community centers, N.O.C.**~~

~~Applies to establishments engaged in operating recreational, social or community centers not covered by another classification (N.O.C.) such as:~~

- ~~• Adult social establishments;~~
- ~~• Community centers for minors;~~
- ~~• Senior centers.~~

~~These organizations may target a particular age or cultural group. Organizations may provide educational workshops, social interaction, drug prevention programs, crafts and limited physical recreational activities. This classification includes food or beverage operations provided by the center. Organizations in classification 6607 do not require membership fees as opposed to clubs in classification 6205 that charge a fee for membership.~~

~~This classification excludes:~~

- ~~• YMCAs and boys/girls clubs which are to be reported separately in classification 6203;~~
- ~~• Fitness centers and gymnasiums which are to be reported separately in classification 6204;~~
- ~~• Clubs, N.O.C., such as fraternal organizations, which are to be reported separately in classification 6205; and~~
- ~~• Municipal community centers which are to be reported separately in the applicable classification.~~

~~**Special note:** While subclassification 6607-02 also applies to adult day care services, it should not be added to any account with classifications 6509 (adult family homes and assisted living facilities) or 6108 (nursing homes), unless the adult day care is operated as an independent enterprise as described in WAC 296-17-31017. Adult day care services are considered incidental and included in the basic classification for employers providing care services that include overnight stays.~~

~~6607-03 Indoor playgrounds~~

~~Applies to establishments that provide indoor entertainment centers for children. Generally these operations include a playground area consisting of play toys and equipment that may include:~~

- ~~• Ball bins;~~
- ~~• Interconnecting tubes;~~
- ~~• Ladders;~~
- ~~• Slides;~~
- ~~• Roller slides;~~
- ~~• Water and/or air beds.~~

~~The equipment is typically made of plastic, rubber, and/or plexiglass. Video games may also be available on the premises but generally they are maintained by the game vendor.~~

~~This classification includes employment such as:~~

- ~~• Child day care service where parents can leave children at the playground for a specific period of time;~~
- ~~• Facilitating parties;~~
- ~~• Light cleaning such as dusting tubes, vacuuming and cleaning the snack area;~~
- ~~• Selling tickets;~~
- ~~• Snack bar operations;~~
- ~~• Supervising the playground area.~~

~~The more involved janitorial duties are usually contracted out to a private janitorial firm.~~

~~**This classification excludes:**~~

~~• Child day care services not part of an indoor playground operations which are to be reported separately in classifications 6103 and 6104;~~

~~• Amusement parks, permanently located kiddie rides, and establishments which provide adult or family sports entertainment, which may include batting cages and miniature golf, which are to be reported separately in classification 6208; and~~

~~• Establishments engaged in providing gymnastic training to children which are to be reported separately in classification 6204.~~

6607-04 Indoor simulated golfing

Applies to establishments engaged in providing computer simulated indoor golf facilities to the public. The operation consists of separate cubicles which house a computer simulated screen and a play area. Customers select a particular course from a list of available courses which are generally exact replicas of famous courses throughout the world. The player hits a golf ball against a canvas screen inside the cubicle; a computer measures the speed and direction of the ball and simulates the shot so the player can view the results on the screen. Facilities may provide a small putting area, a snack area with limited seating, and/or the sale of golf shirts and memorabilia.

This classification includes employment such as:

- Food and beverage operations;
- Light janitorial work;
- Monitoring facilities;
- Selling memorabilia;
- Setting up computers and collecting the admission price.

This classification excludes miniature golf courses and driving ranges which are reported separately in classification 6208.)

6607-00 Bingo parlors, card rooms, casinos, indoor simulated golf, pool halls

Applies to:

- Billiard halls;
- Bingo parlors;
- Card rooms;
- Casinos;
- Indoor simulated golf; and
- Pool halls.

Businesses providing indoor simulated golf may also have a small putting area in addition to computer simulated golf screens and playing area.

Note: This classification may only be assigned to businesses such as restaurants, taverns, and bowling alleys if they are operated as a separate enterprise. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

Special note: Coverage for Native American tribes operating casinos or other businesses is subject to jurisdictional policy.

Occupations include, but are not limited to:

- Callers;
- Card dealers;
- Cashiers;
- Food and beverage operations;
- Game attendants and helpers;
- Janitorial and maintenance staff;
- Rackers; and
- Security.

Exclusion:

• Miniature golf courses and driving ranges are classified in 6208.

6607-02 Recreational, social, or community centers, N.O.C.

Applies to:

Businesses engaged in operating recreational, social, or community centers not covered by another classification (N.O.C.) such as:

- Adult day cares;
- Community centers for minors; and
- Senior centers.

Businesses in classification 6607 do not require membership fees as opposed to clubs in classification 6205 that charge a fee for membership.

Note: This classification may only be assigned to businesses such as adult family homes and assisted living facilities if they are operated as a separate enterprise. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

Services provided include, but are not limited to:

- Age-specific activities;
- Crafts;
- Culturally specific activities;
- Drug prevention programs;
- Educational workshops;
- Food or beverage operations;
- Limited physical recreational activities; and
- Social interaction.

Exclusions:

- Adult family homes and assisted living facilities are classified in 6509.
- Clubs, N.O.C., such as fraternal organizations, are classified in 6205.
- Fitness centers and gymnasiums are classified in 6204.
- Municipal community centers are classified in the applicable municipal classification.
- Nursing homes are classified in 6108.
- YMCAs and boys/girls clubs are classified in 6203.

6607-03 Indoor playgrounds

Applies to:

Indoor playgrounds for children.

Playground areas include, but are not limited to:

- Ball bins;
- Interconnecting tubes;
- Ladders;
- Slides;
- Trampolines; and
- Water and/or air beds.

Video games may also be available on the premises but are often maintained by the game vendor.

Duties include, but are not limited to:

- Child day care service where parents can leave children at the playground for a specific period of time;
- Facilitating parties;
- Food or beverage operations;
- Janitorial cleaning and maintenance;
- Selling tickets; and
- Supervising the playground area.

Exclusions:

- Amusement parks, permanently located kiddie rides, and businesses which provide adult or family sports entertainment, which may include batting cages and miniature golf, are classified in 6208.
- Businesses providing gymnastic training to children, gyms, fitness and martial arts centers are classified in 6204.
- Child daycares not part of indoor playground operations are classified in 6103 and 6104.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-6607, filed 7/5/16, effective 1/1/17. WSR 07-01-014, recodified as § 296-17A-6607, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-729, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. WSR 00-14-052, § 296-17-729, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-729, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-729, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-729, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-729, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

WAC 296-17A-6707 Classification 6707.

~~((Classification 6707 professional and semiprofessional sports teams; contact sports~~

~~Applies to professional and semiprofessional athletes engaged in contact sports. It also includes:~~

- ~~• Coaches;~~
- ~~• Managers;~~
- ~~• Officials, such as referees.~~

~~It excludes:~~

~~• Employees of athletic teams who care for the team, its equipment, and operate its facilities, who are reported in classification 6706;~~

~~• Athletes, coaches, managers, and officials engaged in professional **noncontact** sports who are reported in classification 6809;~~

~~• Coaches, managers, and officials for amateur sports.~~

~~For administrative purposes, classification 6707 is separated into the following subclassifications:~~

~~**6707-00 Football teams and other contact sports, N.O.C., such as wrestling, roller derbies, and the martial arts**~~

~~**6707-01 Hockey teams.**)~~

6707-00 Football teams and other contact sports, N.O.C., such as wrestling, roller derbies, and the martial arts

Applies to:

Professional and semiprofessional football teams and other **contact** sports not covered by another classification (N.O.C.).

Contact sports include, but are not limited to:

- Football;
- Martial arts;

- Roller derbies; and
- Wrestling.

Occupations in this classification include:

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

Exclusions:

- Worker hours caring for the team, its equipment, and operating its facility are reported separately in classification 6706.
- Athletes, coaches, managers, and officials of professional **non-contact** sports are classified in 6809.
- Coaches and managers for amateur sports teams are classified in 6706.
- Officials for amateur sports events are classified in 6103.

6707-01 Hockey teams

Applies to:

Professional and semiprofessional **contact hockey teams.**

Occupations in this classification include:

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

Exclusions:

- Worker hours caring for the team, its equipment, and operating its facility are reported separately in classification 6706.
- Athletes, coaches, managers, and officials of professional **non-contact** sports are classified in 6809.
- Coaches and managers for amateur sports teams are classified in 6706.
- Officials for amateur sports events are classified in 6103.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-02-060, § 296-17A-6707, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-6707, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-738, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-738, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-738, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-738, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035. WSR 79-12-086 (Order 79-18), § 296-17-738, filed 11/30/79, effective 1/1/80; Order 74-40, § 296-17-738, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-738, filed 11/9/73, effective 1/1/74.]

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

WAC 296-17A-6801 Classification 6801.

~~((6801-00 Scheduled airlines -- Flight crews~~

~~Applies to members of flight crews employed by establishments operating scheduled airlines. A scheduled airline will have published fares, definite dates, routes, and times for plane departures and arrivals. Flight crews include, but are not limited to, pilots, copilots, navigators and flight attendants.~~

~~This classification excludes ground crew operations and ticket sellers who handle baggage who are to be reported separately in classification 6802 and clerical, information, reservation clerks and ticket sellers with no other duties who may be reported separately in classification 4904.~~

6801-01 Hot air balloon -- Flight crew

~~Applies to members of flight crews employed by establishments operating hot air balloon rides.~~

~~This classification excludes ground crew operations which are to be reported separately in classification 6802.)~~ **6801-00 Airlines, scheduled - Flight crews**

Applies to:

Members of flight crews employed by businesses operating scheduled airlines.

Scheduled airlines will have:

- Published fares;
- Definite dates;
- Routes; and
- Time for departure and arrivals.

Flight crews include, but are not limited to:

- Pilots;
- Co-pilots;
- Navigators; and
- Flight attendants.

Exclusions:

• Worker hours for ground crews and ticket sellers who handle baggage are reported separately in 6802.

Ticket sellers, information and reservation clerks, and clerical personnel with duties and exposures to hazards limited to those described in classification 4904 may be reported separately in classification 4904.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017, Multiple classifications.

6801-01 Hot air balloon - Flight crew

Applies to:

Members of flight crews employed by businesses operating hot air balloon rides.

Exclusions:

- Worker hours for ground crews are reported separately in 6802.

[WSR 07-01-014, recodified as § 296-17A-6801, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-741, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-741, filed 5/31/96, effective 7/1/96; WSR 87-24-060 (Order 87-26), § 296-17-741, filed 12/1/87, effective 1/1/88; WSR 85-24-032 (Order 85-33), § 296-17-741, filed 11/27/85, effective 1/1/86; Order 73-22, § 296-17-741, filed 11/9/73, effective 1/1/74.]

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

WAC 296-17A-6802 Classification 6802.

~~((6802-00 Airlines, scheduled - Ground crew operations~~

~~Applies to all ground crew employees of establishments operating scheduled airlines. A scheduled airline will have published fares, definite dates, routes, and times for plane departures and arrivals. Ground crew operations include, but are not limited to, all baggage handlers, ticket sellers who handle baggage and maintenance of the aircraft.~~

~~This classification excludes members of the flight crew who are to be reported separately in classification 6801 and ticket sellers, information and reservation clerks and clerical personnel with no other duties who may be reported separately in classification 4904.~~

6802-01 Hot air balloon - Ground crew operations

Applies to ground crew operations of establishments operating hot air balloon rides. Duties include but are not limited to preparing the balloon for flight, hooking the gondola to the balloon and handling the tether lines.

~~This classification excludes members of the flying crew who are to be reported separately in classification 6801.)~~ **6802-00 Airlines, scheduled - Ground crew operations**

Applies to:

Members of ground crews employed by businesses operating scheduled airlines.

Scheduled airlines will have:

- Published fares;
- Definite dates;
- Routes; and
- Time for departure and arrivals.

Ground crews include, but are not limited to:

- Baggage handlers;
- Ticket sellers who handle baggage; and
- Maintenance of the aircraft.

Exclusions:

• Worker hours for flight crews are reported separately in 6801. Ticket sellers, information and reservation clerks, and clerical personnel with duties and exposures to hazards limited to those described in classification 4904 may be reported separately in classification 4904.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017, Multiple classifications.

6802-01 Hot air balloon - Ground crew operations

Applies to:

Ground crew operations of businesses operating hot air balloon rides.

Duties include, but are not limited to:

- Preparing the balloon for flight;
- Hooking the gondola to the balloon;
- Handling the tether lines; and
- Driving pick-up vehicle to landing site.

Exclusions:

- Worker hours for flight crews are reported separately in 6801.

[WSR 07-01-014, recodified as § 296-17A-6802, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-742, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-742, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-742, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-742, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-742, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

WAC 296-17A-6809 Classification 6809.

~~((Classification 6809 professional and semiprofessional sports teams; noncontact sports~~

~~Applies to professional and semiprofessional athletes engaged in noncontact sports. It also includes:~~

- ~~Coaches;~~
- ~~Managers;~~
- ~~Officials, such as referees.~~

~~It excludes:~~

~~• Employees of athletic teams who care for the team, its equipment, and operate its facilities, who are reported in classification 6706;~~

~~• Athletes, coaches, managers, and officials engaged in professional **contact** sports who are reported in classification 6707;~~

- ~~Coaches, managers, and officials for amateur sports.~~

~~For administrative purposes, classification 6809 is separated into the following subclassifications:~~

~~**6809-00 Professional and semiprofessional baseball teams**~~

~~**6809-01 Professional and semiprofessional basketball teams**~~

~~**6809-02 Professional and semiprofessional soccer teams and other non-contact sports, N.O.C., such as lacrosse, skiing, and curling.))**~~

~~**6809-00 Baseball teams; professional and semiprofessional**~~

Applies to:

Professional and semiprofessional baseball teams.

Occupations in this classification include:

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

Exclusions:

• Worker hours caring for the team, its equipment, and facility operations are reported separately in classification 6706.

• Athletes, coaches, managers, and officials of professional **contact** sports are classified in 6707.

• Coaches and managers for amateur sports teams are classified in 6706.

- Officials for amateur sports events are classified in 6103.

6809-01 Basketball teams; professional and semiprofessional**Applies to:**

Professional and semiprofessional basketball teams.

Occupations in this classification includes:

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

Exclusions:

- Worker hours caring for the team, its equipment, and facility operations are reported separately in classification 6706.
- Athletes, coaches, managers, and officials of professional **contact** sports are classified in 6707.
- Coaches and managers for amateur sports teams are classified in 6706.
- Officials for amateur sports events are classified in 6103.

6809-02 Soccer teams and other noncontact sports teams N.O.C.; professional and semiprofessional**Applies to:**

Professional and semiprofessional soccer teams and other **noncontact** sports teams not covered by another classification (N.O.C.).

Noncontact sports include, but are not limited to:

- Curling;
- Field hockey;
- Lacrosse;
- Skiing; and
- Soccer.

Occupations in this classification includes:

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

Exclusions:

- Worker hours caring for the team, its equipment, and facility operations are reported separately in classification 6706.
- Athletes, coaches, managers, and officials of professional **contact** sports are classified in 6707.
- Coaches and managers for amateur sports teams are classified in 6706.
- Officials for amateur sports events are classified in 6103.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-02-060, § 296-17A-6809, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-6809, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-745, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-745, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-745, filed 11/30/83, effective 1/1/84; Order 77-10, § 296-17-745, filed 5/31/77; Order 74-40, § 296-17-745, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-745, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-18-085, filed 9/6/16, effective 10/7/16)

WAC 296-17A-6901 Classification 6901.

(Volunteers

~~Applies to the medical aid coverage for volunteers of state agencies, municipal corporations, political subdivisions, private nonprofit charitable organizations, and student volunteers and/or unpaid students as defined in chapter 51.12 RCW.~~

~~• Medical aid coverage is mandatory for volunteers of state agencies.~~

~~• Medical aid coverage is optional for volunteers of cities, counties, towns, special districts, municipal corporations, political subdivisions, private nonprofit charitable organizations, and for qualifying student volunteers and/or unpaid students as defined in chapter 51.12 RCW.~~

~~This classification excludes:~~

~~• Volunteer law enforcement officers of cities, towns, counties and taxing districts for whom medical aid only coverage has been elected who are to be reported separately in classification 6906; and~~

~~• Volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils for whom full coverage has been elected who are to be reported separately in classification 6905.~~

~~**Special note:** See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements. To elect coverage for qualified volunteers, employers or charitable organizations must submit a completed Application for Elective Coverage of Excluded Employment form to the department. State Fund workers' compensation is not provided to volunteer firefighters covered by chapter 41.24 RCW, nor to emergency services workers covered by chapter 38.52 RCW.~~

~~**For administrative purposes, classification 6901 is divided into the following subclassifications:**~~

~~**6901-00 Volunteers of state agencies, cities, counties, towns, municipal corporations, political subdivisions, or private nonprofit charitable organizations**~~

~~**6901-01 Student volunteers, unpaid students**~~

~~A student volunteer is defined as a student who is:~~

~~• Currently enrolled in a public or private K-12 school or state public or private institution of higher education; and~~

~~• Participating as a student volunteer in a program authorized by the school; and~~

~~• Performing duties for the employer without receiving wages for their volunteer services. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages.~~

~~An unpaid student is defined as a student who is:~~

~~• Currently enrolled in a state public or private institution of higher education; and~~

~~• Participating in an unpaid work-based learning program (including cooperative education, clinical experience, and internship programs) authorized by the school; and~~

~~• Performing duties for the employer without receiving wages for their services; and~~

~~• Receiving credit towards completing the school program, certification, or degree from an institution of higher education. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages. Credit towards completing the school program, certification, or degree are not considered wages.))~~

6901-00 Volunteers of state agencies, cities, counties, towns, municipal corporations, political subdivisions, or private nonprofit charitable organizations

Applies to:

~~• Volunteers of cities, counties, towns, municipal corporations, political subdivisions, or private nonprofit charitable organizations with medical aid coverage. Medical aid coverage is **optional** for volunteers of cities, counties, towns, special districts, municipal corporations, political subdivisions, and private nonprofit charitable organizations.~~

~~• Volunteers of state agencies with medical aid coverage. Medical aid coverage is **mandatory** for volunteers of state agencies.~~

Exclusions:

~~• Volunteer law enforcement officers of cities, towns, counties and taxing districts that have elected medical aid only coverage are classified in 6906.~~

~~• Volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils that have elected full coverage are classified in 6905.~~

~~**Special note:** See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements. To elect coverage for qualified volunteers, employers or charitable organizations must submit a completed Application for Elective Coverage of Excluded Employments form to the department. State Fund workers' compensation is not provided to volunteer firefighters covered by chapter 41.24 RCW, nor to emergency services workers covered by chapter 38.52 RCW.~~

6901-01 Student volunteers, unpaid students

Applies to:

~~Student volunteers and/or unpaid students of employers that have elected medical aid coverage. Medical aid coverage is **optional** for student volunteers and/or unpaid students as defined in chapter 51.12 RCW.~~

A student volunteer is defined as a student who is:

~~• Currently enrolled in a public or private K-12 school or state public or private institution of higher education;~~

~~• Participating as a student volunteer in a program authorized by the school; and~~

~~• Performing duties for the employer without receiving wages for their volunteer services. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages.~~

An unpaid student is defined as a student who is:

~~• Currently enrolled in a state public or private institution of higher education;~~

- Participating in an unpaid work-based learning program (including cooperative education, clinical experience, and internship programs) authorized by the school;
- Performing duties for the employer without receiving wages for their services; and
- Receiving credit towards completing the school program, certification, or degree from an institution of higher education. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages. Credit towards completing the school program, certification, or degree are not considered wages.

Exclusions:

- Volunteer law enforcement officers of cities, towns, counties and taxing districts that have elected medical aid only coverage are classified in 6906.
- Volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils that have elected full coverage are classified in 6905.

Special note: See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements. To elect coverage for qualified volunteers, employers must submit a completed Application for Elective Coverage of Excluded Employments form to the department. State Fund workers' compensation is not provided to volunteer firefighters covered by chapter 41.24 RCW, nor to emergency services workers covered by chapter 38.52 RCW.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-18-085, § 296-17A-6901, filed 9/6/16, effective 10/7/16. WSR 07-01-014, recodified as § 296-17A-6901, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-746, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-746, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-746, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-746, filed 11/30/83, effective 1/1/84; Order 77-27, § 296-17-746, filed 11/30/77, effective 1/1/78; Emergency Order 77-25, § 296-17-746, filed 12/1/77; Order 75-28, § 296-17-746, filed 8/29/75, effective 10/1/75.]

AMENDATORY SECTION (Amending WSR 17-11-120, filed 5/23/17, effective 7/1/17)

WAC 296-17A-6906 Classification 6906.

(~~Volunteer law enforcement officers~~)

~~Applies to medical aid coverage for volunteer law enforcement officers of cities, towns, counties, taxing districts, Native American tribal councils, and state agencies for whom these entities have elected coverage for medical aid only. Duties of law enforcement officers include, but are not limited to:~~

- ~~• Directing traffic;~~
- ~~• Patrolling by motor vehicle, motorcycle, bicycle, on foot or horseback;~~
- ~~• Preventing crimes;~~
- ~~• Investigating disturbances of the peace;~~

- ~~Arresting violators;~~
- ~~Conducting criminal investigations;~~
- ~~Giving first aid;~~
- ~~Guarding persons detained at the police station; and~~
- ~~Other similar activity conducted within the course of official duties.~~

This classification excludes:

- ~~Salaried law enforcement officers;~~
- ~~Volunteer law enforcement officers for whom the cities, towns, counties, taxing districts or Native American tribal councils have elected full coverage, who are to be reported separately in classification 6905;~~
- ~~Volunteer law enforcement officers for whom the state agencies have elected full coverage who are to be reported separately in classification 7103;~~
- ~~Student volunteers and/or unpaid students as defined in chapter 51.12 RCW for whom the cities, towns, counties, taxing districts, or Native American tribal councils have elected medical aid coverage, or for whom state agencies must provide coverage, who are to be reported separately in classification 6901.~~

For other operations of cities, towns, counties, taxing districts, or state government, see chapter 296-17A WAC classifications: 0803, 1301, 1501, 1507, 4902, 4906, 5305, 5306, 5307, 6901, 6904, 6905, 7103, and 7201.

Special note: This coverage is required for volunteer law enforcement officers of state agencies. This coverage is optional for volunteer law enforcement officers of cities, towns, counties, taxing districts, and Native American tribal councils; to elect coverage for volunteer law enforcement officers, the city, town, county, taxing district, or Native American tribal council must submit a completed Application for Elective Coverage of Excluded Employments to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included. See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements.

For administrative purposes, classification ~~6906~~ is divided into the following subclassifications:

~~6906-00 Volunteer law enforcement officers of cities and towns – Medical aid only~~
~~6906-01 Volunteer law enforcement officers of counties, taxing districts and Native American tribal councils – Medical aid only~~
~~6906-02 Volunteer law enforcement officers of state agencies – Medical aid only~~)

~~6906-00 Volunteer law enforcement officers of cities and towns – Medical aid only~~

Applies to:

Volunteer law enforcement officers of cities and towns that have elected coverage for medical aid only.

Work activities include, but are not limited to:

- Arresting violators;
- Conducting criminal investigations;
- Directing traffic;
- Giving first aid;
- Guarding persons detained at the police station;

- Investigating disturbances of the peace;
- Patrolling by motor vehicle, motorcycle, bicycle, on foot or horseback;
- Preventing crimes; and
- Other similar activity conducted within the course of official duties.

Exclusions:

- Salaried law enforcement officers of cities and towns are classified in 6905.
- Volunteer law enforcement officers of cities, towns, counties, taxing districts or Native American tribal councils that have elected full coverage, are classified in 6905.
- Volunteer law enforcement officers of state agencies that have elected full coverage are classified in 7103.
- Student volunteers and/or unpaid students, as defined in chapter 51.12 RCW, of cities, towns, counties, taxing districts, or Native American tribal councils that have elected medical aid coverage are classified in 6901.
- Student volunteers and/or unpaid students, as defined in chapter 51.12 RCW, of state agencies that must provide medical aid coverage are classified in 6901.

For other operations of cities, towns, counties, taxing districts, or state government, see chapter 296-17A WAC classifications: 0803, 1301, 1501, 1507, 4902, 4906, 5305, 5306, 5307, 6901, 6904, 6905, 7103, and 7201.

Special note: Medical aid coverage is required for volunteer law enforcement officers of state agencies. This coverage is optional for volunteer law enforcement officers of cities, towns, counties, taxing districts, and Native American tribal councils. To elect coverage for volunteer law enforcement officers, the city, town, county, taxing district, or Native American tribal council must submit a completed Application for Elective Coverage of Excluded Employments form to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included. See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements.

6906-01 Volunteer law enforcement officers of counties, taxing districts and Native American tribal councils - Medical aid only

Applies to:

Volunteer law enforcement officers of counties, taxing districts, and Native American tribal councils that have elected coverage for medical aid only.

Work activities include, but are not limited to:

- Arresting violators;
- Conducting criminal investigations;
- Directing traffic;
- Giving first aid;
- Guarding persons detained at the police station;
- Investigating disturbances of the peace;
- Patrolling by motor vehicle, motorcycle, bicycle, on foot or horseback;
- Preventing crimes; and

• Other similar activity conducted within the course of official duties.

Exclusions:

• Salaried law enforcement officers of counties, taxing districts, and Native American tribal councils are classified in 6905.

• Salaried law enforcement officers of state agencies are classified in 7103.

• Volunteer law enforcement officers of cities, towns, counties, taxing districts or Native American tribal councils that have elected full coverage are classified in 6905.

• Volunteer law enforcement officers of state agencies that have elected full coverage are classified in 7103.

• Student volunteers and/or unpaid students, as defined in chapter 51.12 RCW, of cities, towns, counties, taxing districts, or Native American tribal councils that have elected medical aid coverage are classified in 6901.

• Student volunteers and/or unpaid students, as defined in chapter 51.12 RCW, of state agencies that must provide medical aid coverage are classified in 6901.

For other operations of cities, towns, counties, taxing districts, or state government, see chapter 296-17A WAC classifications: 0803, 1301, 1501, 1507, 4902, 4906, 5305, 5306, 5307, 6901, 6904, 6905, 7103, and 7201.

Special note: Medical aid coverage is required for volunteer law enforcement officers of state agencies. This coverage is optional for volunteer law enforcement officers of cities, towns, counties, taxing districts, and Native American tribal councils. To elect coverage for volunteer law enforcement officers, the city, town, county, taxing district, or Native American tribal council must submit a completed Application for Elective Coverage of Excluded Employments form to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included. See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements.

6906-02 Volunteer law enforcement officers of state agencies - Medical aid only

Applies to:

Volunteer law enforcement officers of state agencies that have not elected full coverage.

Work activities include, but are not limited to:

• Arresting violators;
• Conducting criminal investigations;
• Directing traffic;
• Giving first aid;
• Guarding persons detained at the police station;
• Investigating disturbances of the peace;
• Patrolling by motor vehicle, motorcycle, bicycle, on foot or horseback;

• Preventing crimes; and
• Other similar activity conducted within the course of official duties.

Exclusions:

• Salaried law enforcement officers.

- Volunteer law enforcement officers of cities, towns, counties, taxing districts or Native American tribal councils that have elected full coverage are classified in 6905.
 - Volunteer law enforcement officers of state agencies that have elected full coverage are classified in 7103.
 - Student volunteers and/or unpaid students as defined in chapter 51.12 RCW of cities, towns, counties, taxing districts, or Native American tribal councils that have elected medical aid coverage, or for whom state agencies must provide coverage, are classified in 6901.
- For other operations of cities, towns, counties, taxing districts, or state government, see chapter 296-17A WAC classifications: 0803, 1301, 1501, 1507, 4902, 4906, 5305, 5306, 5307, 6901, 6904, 6905, 7103, and 7201.

Special note: This coverage is required for volunteer law enforcement officers of state agencies. This coverage is optional for volunteer law enforcement officers of cities, towns, counties, taxing districts, and Native American tribal councils. To elect coverage for volunteer law enforcement officers, the city, town, county, taxing district, or Native American tribal council must submit a completed Application for Elective Coverage of Excluded Employments form to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included. See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 17-11-120, § 296-17A-6906, filed 5/23/17, effective 7/1/17; WSR 16-18-085, § 296-17A-6906, filed 9/6/16, effective 10/7/16. WSR 07-01-014, recodified as § 296-17A-6906, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.04.020. WSR 00-14-052, § 296-17-751, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-751, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-751, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-751, filed 11/30/83, effective 1/1/84; Order 77-27, § 296-17-751, filed 11/30/77, effective 1/1/78; Emergency Order 77-25, § 296-17-751, filed 12/1/77.]

WSR 22-21-118
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 18, 2022, 8:20 a.m., effective January 1, 2023]

Effective Date of Rule: January 1, 2023.

Purpose: The department of labor and industries (L&I) has adopted a 17 percent fee increase for funding of a new conveyance management system (CMS). The fee increase is divided into two 8.5 percent fee increases, effective January 1, 2023, and January 1, 2024. The fees include licensing, permits, inspections, and other services for conveyances.

The fee increase is necessary to fund a new CMS. CMS is the database used to provide permitting, inspection, and other information. Our current system is aging, failing, and no longer meets the service needs of customers or staff. The new CMS is expected to go live in January 2024.

On May 17, 2022, L&I filed a CR-102 proposed rule making (WSR 22-11-069) for a single 17 percent fee increase. The purpose was to ensure adequate funding for the new CMS to go live in mid-2023. The CMS project team has updated the project schedule with a new go-live date for CMS of January 2024. As a result, the single 17 percent increase has instead been divided into two 8.5 percent fee increases for fiscal years 2023 and 2024.

Citation of Rules Affected by this Order: Amending WAC 296-96-00922, 296-96-01005, 296-96-01010, 296-96-01025, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01055, 296-96-01057, 296-96-01060, and 296-96-01065.

Statutory Authority for Adoption: Chapter 70.87 RCW.

Adopted under notice filed as WSR 22-11-069 on May 17, 2022.

Changes Other than Editing from Proposed to Adopted Version:

WAC 296-96-00922 Licensing fees.

- Added language to specify the fiscal years and effective dates of the updated elevator licensing fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01005 Obtaining permits.

- Amended subsection (2)(c) of the permit fees by removing the existing fee and adding "as follows" for the addition of new subparagraphs.
- Added new subsections (2)(c)(i) and (ii) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01010 Installation and alteration permit fees.

- Added language to specify the fiscal years and effective dates of the updated elevator permit fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01025 Permit fees for personnel and material hoists.

- Amended language by removing the existing permit fee and adding "as follows" for the addition of new subsections.
- Added new subsections (1) and (2) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01027 Permit fee refunds.

- Amended language by removing the existing permit refund fee and adding "as follows" for the addition of new subsections.
- Added new subsections (1) and (2) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01030 Plan approval.

- Amended language by removing the existing plan approval fee and adding "are as follows" for the addition of new subsections.
- Added new subsections (1) and (2) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01035 Inspection fees.

- Amended subsection (1) by removing the existing inspection fee, adding "as follows" for the addition of new subsections, and re-locating existing language for how the fees apply to new subsections (1)(a) and (b).
- Added new subsections (1)(a) and (b) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.
- Amended numbering of existing subsections and subparagraphs for formatting.
- Amended subsection (2) by removing the existing inspection fee for personnel hoists or material hoists, adding "as follows" for the addition of new subsections, and relocating existing language for how the fees apply to new subsections (2)(a) and (b).
- Added new subsections (2)(a) and (b) that specifies the fiscal year and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.
- Amended subsection (3)(a) by removing the existing fee for on-site variance inspections, adding "as follows" for the addition of new subsections, and relocating existing language for how the fees apply to new subsections (3)(a)(i) and (ii).
- Added new subsections (3)(a)(i) and (ii) to specify the fiscal year and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.
- Amended subsection (3)(b) by removing the existing fee for variances without inspection, adding "as follows" for the addition of new subsections, and relocating existing language for how the fee applies "per conveyance" to new subsections (3)(b)(i) and (ii).
- Added new subsections (3)(b)(i) and (ii) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.
- Amended subsection (4) by removing the existing fee for red-tag status and adding "as follows" for the addition of new subsections.
- Added new subsections (4)(a) and (b) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.
- Amended subsection (5) by removing the existing fees for decommission inspections and adding "as follows" for the addition of new subsections.

- Added new subsections (5) (a) and (b) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.
- Amended subsection (6) by removing the existing fee for voluntary inspections, removing existing language of "will be" for clarity, adding "is as follows" for the addition of new subsections, and relocating existing language for how the fee applies to new subsections (6) (a) and (b).
- Added new subsections (6) (a) and (b) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01040 Construction-use inspection fee.

- Amended subsection (1) by removing the existing fees for construction-use inspections and adding "is as follows" for the addition of new subsections.
- Added new subsections (1) (a) and (b) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01045 Residential elevator inspection and fees.

- Amended subsection (3) to specify the fiscal years and effective dates of the updated residential inspection fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01055 Technical services and consultations.

- Amended language by removing the existing fee for technical services and consultations, adding "as follows" for the addition of new subsections, and relocating existing language for how the fees apply to new subsections (1) and (2).
- Added new subsections (1) and (2) to specify the fiscal years and effective dates of the updated fees and add new fee amounts for two 8.5 percent increases.

WAC 296-96-01057 Accident investigations.

- Amended language by removing the existing fee for accident investigations, adding "as follows" for the addition of new subsections, and relocating existing language for how the fees apply to new subsections (1) and (2).
- Added new subsections (1) and (2) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two 8.5 percent increases.

WAC 296-96-01060 Inspections after normal business hours.

- Amended subsection (3) by removing the existing fees for after-hour inspections, adding "as follows" for the addition of new subsections, and relocating existing language for how the fees apply to new subsections (3) (a) and (b).
- Added new subsection (3) (a) and (b) to specify the fiscal years and effective dates of the updated fees and add new fee amounts for two 8.5 percent increases.

WAC 296-96-01065 Annual operating permit fees.

- Amended language by removing a reference to the fee table for rule clarity, adding new language to specify the fiscal years and

effective dates of the updated permit fees, and adding new fee amounts for two 8.5 percent increases.

Although changes were made to the proposed rule, the adopted rule is not substantially different under RCW 34.05.340.

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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 13, 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 13, Repealed 0.

Date Adopted: October 18, 2022.

Joel Sacks
Director

OTS-3713.3

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-00922 Licensing fees. The following are the department's elevator license fees for FY23, effective January 1, 2023, and FY24, effective January 1, 2024:

Type of Fee	Period Covered by Fee	Dollar Amount of FY23 Fee	Dollar Amount of FY24 Fee
Elevator contractor/mechanic application fee (not required for renewal of valid license)	Per application	(\$74.10) \$80.40	\$86.70
Elevator contractor/ mechanic examination fee	Per application	(\$223.70) 242.70 ***	\$261.70
Reciprocity application fee	Per application*	(\$74.10) \$80.40	\$86.70
Elevator mechanic license	2 years	(\$149.00) \$161.65	\$174.30
Elevator contractor license	2 years	(\$149.00) \$161.65	\$174.30
Temporary elevator mechanic license application fee (not required for renewal)	Per application	(\$74.10) \$80.40	\$86.70
Temporary elevator mechanic license	1 year	(\$149.00) \$161.65	\$174.30
Emergency elevator mechanic license	30 days	(\$36.80) \$39.90	\$43.00
Elevator mechanic/contractor timely renewal fee	2 years	(\$149.00) \$161.65	\$174.30
Elevator mechanic/contractor late renewal fee	2 years	(\$298.50) \$323.85	\$349.20
Temporary elevator mechanic timely renewal fee	1 year	(\$149.00) \$161.65	\$174.30
Temporary elevator mechanic late renewal fee	1 year	(\$298.50) \$323.85	\$349.20
Training provider application/renewal fee	2 years	(\$149.00) \$161.65	\$174.30
Continuing education course fee by approved training provider	1 year**	Not applicable	<u>Not applicable</u>

Type of Fee	Period Covered by Fee	Dollar Amount of FY23 Fee	Dollar Amount of FY24 Fee
Replacement of any licenses		((\$22.10)) <u>\$23.95</u>	<u>\$25.80</u>
Refund processing fee		((\$44.40)) <u>\$48.15</u>	<u>\$51.90</u>

* Reciprocity application is only allowed for applicants who are applying for licensing based upon possession of a valid license that was obtained in state(s) with which the department has a reciprocity.

** This fee is paid directly to the continuing education training course provider approved by the department.

*** This fee may be collected by an outside vendor for some exams and may differ from the fee shown above.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-00922, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-00922, filed 8/31/21, effective 10/1/21; WSR 19-24-086, § 296-96-00922, filed 12/3/19, effective 12/3/19. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-00922, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-068, § 296-96-00922, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-00922, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-00922, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-00922, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-00922, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-00922, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-00922, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01005 Obtaining permits. (1) See WAC 296-96-01000 for the permit process.

(2) Construction and alteration permits are valid for one year from the date of issue. However, permits may be renewed if:

(a) Application for a renewal permit is submitted before the current permit expires;

(b) The department approves the request for a renewal permit; and

(c) A renewal fee (~~(of \$67.20)~~) is paid to the department for each permit renewed(~~(~~+~~)~~) as follows:

(i) For FY23, effective January 1, 2023: \$72.90.

(ii) For FY24, effective January 1, 2024: \$78.60.

(3) If the permit has expired the applicant shall reapply for a new permit.

(4) See WAC 296-96-01006 for work requiring a permit.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01005, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01005, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01005, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01005, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd

sp.s. c 4. WSR 14-06-041, § 296-96-01005, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01005, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01005, filed 5/22/07, effective 6/30/07. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-01005, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-96-01005, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01005, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01010 Installation and alteration permit fees. Permit fees are based on the total cost of the conveyance or alteration and the labor to install or alter the conveyance. The following permit fees apply to the construction, alteration, or relocation of all conveyances except personnel and material hoists (see WAC 296-96-01025). The fees for FY23, effective January 1, 2023, and FY24, effective January 1, 2024, are as follows:

TOTAL COST OF INSTALLATION OR ALTERATION	FY 23 FEE	FY 24 FEE
\$0 to and including \$1,000	((\$74.10)) \$80.40	\$86.70
\$1,001 to and including \$5,000	((\$111.50)) \$120.95	\$130.40
\$5,001 to and including \$7,000	((\$186.20)) \$202.00	\$217.80
\$7,001 to and including \$10,000	((\$223.70)) \$242.70	\$261.70
\$10,001 to and including \$15,000	((\$298.50)) \$323.85	\$349.20
OVER \$15,000 for installation only*.....	((\$417.90)) \$453.40 plus	\$488.90 plus
OVER \$15,000 for alteration only*.....	((\$298.50)) \$323.85	\$349.20
*Each additional \$1,000 or fraction thereof.....	((\$10.10)) \$10.95	\$11.80

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01010, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01010, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01010, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01010, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01010, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c

50. WSR 12-06-065, § 296-96-01010, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01010, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01010, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01010, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01010, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-01010, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01010, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01010, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01010, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01025 Permit fees for personnel and material hoists.

The fee for each personnel hoist or material hoist installation is (~~(\$298.50)~~) as follows:

(1) For FY23, effective January 1, 2023: \$323.85.

(2) For FY24, effective January 1, 2024: \$349.20.

See WAC 296-96-01035(2) for requirements for jumps.

Note: An operating certificate is also required for these types of conveyances.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01025, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01025, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01025, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01025, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01025, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01025, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01025, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01025, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01025, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01027 Permit fee refunds. The initial installation permit fees are refundable minus a processing fee if the installation work has not been performed. No refunds will be issued for expired permits. All requests for refunds shall be submitted in writing to the elevator section and shall identify the specific permits and the reasons for which the refunds are requested.

The processing fee for each refund is (~~(\$44.40)~~) as follows:

- (1) For FY23, effective January 1, 2023: \$48.15.
- (2) For FY24, effective January 1, 2024: \$51.90.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01027, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01027, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01027, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01027, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01027, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01027, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01027, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01027, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01027, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01027, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-01027, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01027, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01027, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01027, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01030 Plan approval. Prior to the start of construction and the issuance of a permit, the applicant shall submit to the department for approval a permit application and plans for new installations or major alterations. To be approved, the plan shall comply with the latest adopted applicable standard and applicable Washington

Administrative Code (WAC). In addition, the plans shall include all information necessary to determine whether each installation/alteration complies with all applicable codes. The permit holder shall keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan shall be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for processing the applications (~~are \$36.80~~) for each installation/major alteration are as follows:

- (1) For FY23, effective January 1, 2023: \$39.90.
- (2) For FY24, effective January 1, 2024: \$43.00.

Exception: Residential incline chair lifts will not require plan review. Equipment shall be listed and labeled by a product testing laboratory which is accredited by the department and plans supplied by the manufacturer shall be on-site. If the equipment is not listed and labeled as per RCW 19.28.010 it shall be field evaluated or replaced with equipment that is listed and labeled by a product testing laboratory which is accredited by the department. The department may request additional information as deemed necessary to determine if lifts comply with current codes and testing standards. Governor overspeed safety testing shall be verified by manufacturer's documentation (see A18.1 Requirement 9.9.3). The test results certified by, a nationally recognized testing laboratory (NRTL). Certification shall be provided at time of application.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01030, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01030, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01030, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01030, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01030, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01030, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01030, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01030, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01030, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01030, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-96-01030, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01030, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01030, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01030, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01035 Inspection fees. The initial inspection of construction, alteration or relocation of a conveyance is included with the permit fee. Once the department has approved the initial installation of the conveyance, a temporary 30-day operating certificate will be issued. Prior to the expiration of the 30-day temporary operating certificate, the application for an annual operating certificate and the appropriate fees shall be paid to the department. Once the department has received the appropriate fees and application the owner will be issued the first annual operating certificate. The owner or owner's representative will receive an invoice from the department for renewal. The owner is required to renew the annual operating certificate yearly.

The following inspections require an additional inspection fee:

(1) **Reinspection.** If a conveyance does not pass an initial inspection and an additional inspection is required, the fee for each reinspection of a conveyance is (~~(\$149.00)~~) as follows:

(a) For FY23, effective January 1, 2023: \$161.65 per conveyance plus (~~(\$72.30)~~) \$78.45 per hour for each hour in addition to the first hour.

(b) For FY24, effective January 1, 2024: \$174.30 per conveyance plus \$84.50 per hour for each hour in addition to the first hour.

The department may waive reinspection fees.

(2) **Inspecting increases in the height (jumping) of personnel and material hoists.**

The fee for inspecting an increase in the height (jumping) of each personnel hoist or material hoist is (~~(\$149.00)~~) as follows:

(a) For FY23, effective July 1, 2023: \$161.65 plus (~~(\$74.10)~~) \$80.40 per hour for each hour in addition to two hours.

(b) For FY24, effective July 1, 2024: \$174.30 plus \$86.70 per hour for each hour in addition to two hours.

This fee is for inspections occurring during regular working hours.

(c) The permit holder may be allowed to operate a hoist prior to the jump inspection if:

(~~(a)~~) (i) The electrical limits will not allow the lift to operate above the previously inspected landing; and

(~~(b)~~) (ii) The state elevator inspector is contacted, agrees and can schedule an inspection within three days.

(3) **Variance inspections.**

(a) The fee for an on-site variance inspection is (~~(\$223.70)~~) as follows:

(i) For FY23, effective July 1, 2023: \$242.70 per conveyance plus (~~(\$74.10)~~) \$80.40 per hour for each hour in addition to two hours.

(ii) For FY24, effective July 1, 2024: \$261.70 per conveyance plus \$86.70 per hour for each hour in addition to two hours.

This fee is for inspections occurring during regular working hours.

(b) The fee for a variance that does not require an on-site inspection is (~~(\$74.10)~~) as follows:

(i) For FY23, effective July 1, 2023: \$80.40 per conveyance.

(ii) For FY24, effective July 1, 2024: \$86.70 per conveyance.

The individual requesting the variance shall provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an

on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in (a) of this subsection will apply.

(4) **"Red tag" status fee.** The annual fee for a conveyance in "Red tag" status is (~~(\$36.80)~~) as follows:

(a) For FY23, effective July 1, 2023: \$39.90.

(b) For FY24, effective July 1, 2024: \$43.00.

Note: The department shall be provided with written approval from the building official, indicating that the conveyance is not required for building occupancy, when applying to have the conveyance placed in voluntary red tag status.

(5) **Decommission inspection.** The fee for performing a decommission inspection is (~~(\$74.10)~~) as follows:

(a) For FY23, effective July 1, 2023: \$80.40.

(b) For FY24, effective July 1, 2024: \$86.70.

Once the decommission inspection has been performed and approved, the conveyance will no longer require annual inspections until such time that the conveyance is brought back into service. Prior to operating the conveyance, a new inspection and annual operating permit shall be obtained.

(6) **Voluntary inspections by request.** The owner or potential purchaser of a building within the department's jurisdiction may request a voluntary inspection of a conveyance. The fee for this inspection (~~(will be \$149.00)~~) is as follows:

(a) For FY23, effective July 1, 2023: \$161.65 per conveyance and (~~(\$74.10)~~) \$80.40 per hour for each hour in addition to two hours plus the standard per diem and mileage allowance granted to department inspectors.

(b) For FY24, effective July 1, 2024: \$174.30 per conveyance and \$86.70 per hour for each hour in addition to two hours plus the standard per diem and mileage allowance granted to department inspectors.

The owner/potential purchaser requesting the voluntary inspection will not be subject to any penalties based on the inspector's findings.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01035, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01035, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01035, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01035, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01035, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01035, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01035, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01035, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01035, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01035, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-01035, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002

c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01035, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01035, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01035, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01040 Construction-use inspection fee. (1) The fee for the inspecting and testing of elevators used for construction (~~is \$119.10~~), in addition to any other fees required in this chapter, is as follows:

(a) For FY23, effective July 1, 2023: \$129.20.

(b) For FY24, effective July 1, 2024: \$139.90.

This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department shall be conspicuously posted in the elevator.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01040, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01040, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01040, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01040, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01040, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01040, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01040, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01040, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01040, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01040, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01040, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01040, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01045 Residential elevator inspection and fees. (1) Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to installation, a licensed elevator contractor shall complete a permit application as described in WAC 296-96-01005 and pay the appropriate fee listed in WAC 296-96-01010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating certificate is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it. When an owner requests an inspection and an annual operating certificate, the ~~((following))~~ fee shall be paid prior to an inspection. The fees for FY23, effective January 1, 2023, and FY24, effective January 1, 2024, are as follows:

TYPE OF CONVEYANCE	FY23 FEE	FY24 FEE
Each inclined stairway chair lift in private residence	((<u>\$34.50</u>)) <u>\$37.40</u>	<u>\$40.30</u>
Each inclined wheel chair lift in a private residence	((<u>\$34.50</u>)) <u>\$37.40</u>	<u>\$40.30</u>
Each vertical wheel chair lift in a private residence	((<u>\$43.60</u>)) <u>\$47.30</u>	<u>\$51.00</u>
Each dumbwaiter in a private residence	((<u>\$34.50</u>)) <u>\$37.40</u>	<u>\$40.30</u>
Each inclined elevator at a private residence	((<u>\$123.80</u>)) <u>\$134.30</u>	<u>\$144.80</u>
Each private residence elevator ...	((<u>\$79.70</u>)) <u>\$86.45</u>	<u>\$93.20</u>
Duplication of a lost, damaged or stolen operating permit	((<u>\$14.40</u>)) <u>\$15.60</u>	<u>\$16.80</u>

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01045, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01045, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01045, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01045, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01045, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01045, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01045, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01045, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01045, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01045, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR

02-12-022, § 296-96-01045, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01045, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01045, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01055 Technical services and consultations. A person, firm, corporation, or governmental agency may request elevator field technical services from the department by paying a fee (~~of \$89.10~~) as follows:

(1) For FY23, effective July 1, 2023: \$96.65 per hour or any portion thereof (including travel time) plus the standard per diem and mileage allowance granted to department inspectors.

(2) For FY24, effective July 1, 2024: \$104.20 per hour or any portion thereof (including travel time) plus the standard per diem and mileage allowance granted to department inspectors.

These field technical services may include code evaluation, code consultation, plan examination, code interpretation, and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01055, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01055, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01055, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01055, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01055, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01055, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01055, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01055, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01055, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-96-01055, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01055, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01055, filed

5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01055, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01057 Accident investigations. The department shall investigate an injury-related accident reported by the owner or owner's duly authorized agent. The department may charge ((at)) a rate ((of \$89.10)) as follows:

(1) For FY23, effective July 1, 2023: \$96.65 per hour or portion thereof (including travel time) plus the standard per diem and mileage allowance granted to department inspectors.

(2) For FY24, effective July 1, 2024: \$104.20 per hour or portion thereof (including travel time) plus the standard per diem and mileage allowance granted to department inspectors.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01057, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01057, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01057, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01057, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01057, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01057, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01057, filed 11/30/07, effective 1/1/08.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01060 Inspections after normal business hours. An inspection outside of normal business hours and business days (i.e., Monday through Friday excluding holidays; 7:00 a.m. to 5:00 p.m.) may be requested under the following conditions:

(1) An inspector is available; and

(2) The inspection is authorized by the department.

(3) The minimum fee for an after-hours inspection is ((~~\$111.50 and \$111.50~~)) as follows:

(a) For FY23, effective July 1, 2023: \$120.95 and \$120.95 per hour for each hour in addition to the first hour plus the standard per diem and mileage allowance granted to department inspectors.

(b) For FY24, effective July 1, 2024: \$130.40 and \$130.40 per hour for each hour in addition to the first hour plus the standard per diem and mileage allowance granted to department inspectors.

(4) This fee is in addition to any other fees required for the project.

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01060, filed 2/15/22, effective 3/18/22; WSR 21-18-096, §

296-96-01060, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01060, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01060, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01060, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01060, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01060, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01060, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01060, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01060, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01060, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01060, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 22-05-076, filed 2/15/22, effective 3/18/22)

WAC 296-96-01065 Annual operating permit fees. An annual operating certificate will be issued to the building owner upon payment of the appropriate fee. The owner of record shall be invoiced by the department. If a change of ownership has occurred, it is the new owner's responsibility to ensure the department has the corrected information. ((Below is the fee structure table)) The fees for FY23, effective July 1, 2023, and FY24, effective July 1, 2024, are as follows:

TYPE OF CONVEYANCE	FY23 FEE	FY24 FEE
Each hydraulic elevator	((\$149.00)) \$161.65	\$174.30
Each roped-hydraulic elevator	((\$186.20)) \$202.00	\$217.80
plus for each hoistway opening in excess of two	((\$14.40)) \$15.60	\$16.80
Each cable elevator	((\$186.20)) \$202.00	\$217.80
plus for each hoistway opening in excess of two	((\$14.40)) \$15.60	\$16.80
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	((\$14.40)) \$15.60	\$16.80

TYPE OF CONVEYANCE	FY23 FEE	FY24 FEE
Each limited-use/limited-application (—LULA) elevator	(\$149.00) \$161.65	\$174.30
Each escalator	(\$123.70) \$134.20	\$144.70
Each dumbwaiter in other than a private residence	(\$79.70) \$86.45	\$93.20
Each material lift	(\$149.00) \$161.65	\$174.30
Each incline elevator in other than a private residence	(\$160.20) \$173.80	\$187.40
Each belt manlift	(\$149.00) \$161.65	\$174.30
Each stair lift in other than a private residence	(\$79.70) \$86.45	\$93.20
Each wheel chair lift in other than a private residence	(\$79.70) \$86.45	\$93.20
Each personnel hoist	(\$149.00) \$161.65	\$174.30
Each grain elevator personnel lift	(\$123.70) \$134.20	\$144.70
Each material hoist	(\$149.00) \$161.65	\$174.30
Each special purpose elevator .	(\$149.00) \$161.65	\$174.30
Each private residence elevator installed in other than a private residence	(\$149.00) \$161.65	\$174.30
Each casket lift	(\$123.70) \$134.20	\$144.70
Each sidewalk freight elevator	(\$123.70) \$134.20	\$144.70
Each hand-powered manlift or freight elevator	(\$83.80) \$90.90	\$98.00
Each boat launching elevator	(\$123.70) \$134.20	\$144.70
Each auto parking elevator . . .	(\$123.70) \$134.20	\$144.70
Each moving walk	(\$123.70) \$134.20	\$144.70
Duplication of a damaged, lost or stolen operating permit	(\$14.40) \$15.60	\$16.80

[Statutory Authority: Chapter 70.87 RCW. WSR 22-05-076, § 296-96-01065, filed 2/15/22, effective 3/18/22; WSR 21-18-096, § 296-96-01065, filed 8/31/21, effective 10/1/21. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01065, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01065, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01065, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01065, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01065, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27,

18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01065, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01065, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01065, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01065, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01065, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01065, filed 12/22/00, effective 1/22/01.]