

## WSR 21-04-032

## EXPEDITED RULES

## DEPARTMENT OF ECOLOGY

[Order 20-06—Filed January 26, 2021, 11:43 a.m.]

Title of Rule and Other Identifying Information: Chapter 173-422 WAC, Motor vehicle emission inspection; and chapter 173-422A WAC, Motor vehicle emission inspection.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of ecology proposes to repeal these two rules because the statutory authority for the motor vehicle emission inspection program ended January 1, 2020.

Reasons Supporting Proposal: This repeal will eliminate possible confusion over obsolete rules.

In 2005, the legislature phased out emission testing in Clark, King, Pierce, Snohomish and Spokane counties on January 1, 2020 (RCW 70A.25.100 (section 6, chapter 295, Laws of 2005)). Washington's emission check program ended after thirty-eight years so vehicle owners are no longer required to have their vehicle's emissions tested before renewing their registration.

Statutory Authority for Adoption: Chapter 70A.25 RCW, Motor vehicle emission control, specifically RCW 70A.25.100 (section 6, chapter 295, Laws of 2005) - formerly RCW 70.120.170(6).

Statute Being Implemented: Chapter 70A.25 RCW, Motor vehicle emission control.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Elena Guilfoil, Lacey, 360-407-6855.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: In 2005, the legislature established the end date of January 1, 2020, for the motor vehicle emission inspection program (RCW 70A.25.100 (section 6, chapter 295, Laws of 2005)). The statutory authority was not replaced by another statute.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Katie Wolt, Agency Rules Coordinator, Department of Ecology, Governmental Relations, P.O. Box 47600, Olympia, WA 98503-7600, phone 360-407-6998, email rulemaking@ecy.wa.gov, AND RECEIVED BY April 5, 2021.

January 26, 2021  
Heather R. Bartlett  
Deputy Director

**OTS-2691.1**REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-422-010	Purpose.
WAC 173-422-020	Definitions.
WAC 173-422-030	Vehicle emission inspection requirement.
WAC 173-422-031	Vehicle emission inspection schedules.
WAC 173-422-035	Registration requirements.
WAC 173-422-040	Noncompliance areas.
WAC 173-422-050	Emission contributing areas.
WAC 173-422-060	Gasoline vehicle emission standards.
WAC 173-422-065	Diesel vehicle exhaust emission standards.
WAC 173-422-070	Gasoline vehicle exhaust emission testing procedures.
WAC 173-422-075	Diesel vehicle inspection procedure.
WAC 173-422-090	Exhaust gas analyzer specifications.
WAC 173-422-095	Exhaust opacity testing equipment.
WAC 173-422-100	Testing equipment maintenance and calibration.
WAC 173-422-120	Quality assurance.
WAC 173-422-130	Inspection fees.
WAC 173-422-145	Fraudulent certificates of compliance/acceptance.
WAC 173-422-160	Fleet and diesel owner vehicle testing requirements.
WAC 173-422-170	Exemptions.
WAC 173-422-175	Fraudulent exemptions.
WAC 173-422-190	Emission specialist authorization.
WAC 173-422-195	Listing of authorized emission specialists.

**OTS-2692.1**REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-422A-010	Purpose.
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WAC 173-422A-020	Definitions.
WAC 173-422A-030	Vehicle emission test requirements and testing schedule for private and United States government vehicles.
WAC 173-422A-040	Emission test schedule for state and local government vehicles.
WAC 173-422A-050	Emission test areas.
WAC 173-422A-060	Exemptions.
WAC 173-422A-100	Gasoline vehicle emission test standards.
WAC 173-422A-110	Gasoline vehicle emission testing procedures.
WAC 173-422A-120	Gasoline vehicle emission testing equipment specifications.
WAC 173-422A-200	Exhaust emission test standards for diesel vehicles.
WAC 173-422A-210	Test procedure for diesel vehicles.
WAC 173-422A-220	Diesel vehicle testing equipment specifications.
WAC 173-422A-300	Testing equipment maintenance and calibration.
WAC 173-422A-310	Quality assurance.
WAC 173-422A-320	Test fees.
WAC 173-422A-340	Authorized testers.
WAC 173-422A-400	Emission specialist authorization.
WAC 173-422A-410	Requirements for listing businesses with authorized emission specialists.
WAC 173-422A-500	Civil penalty.

**WSR 21-04-041**  
**EXPEDITED RULES**  
**BUILDING CODE COUNCIL**  
[Filed January 27, 2021, 8:28 a.m.]

Title of Rule and Other Identifying Information: WAC 51-50-008, 51-51-008, 51-52-008, 51-54A-008, and 51-56-008 noting the effective date.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Permanently modifies the codes' effective dates to reflect the extension contained in emergency rule WSR 20-19-094.

Reasons Supporting Proposal: This is clerical. The emergency rule put the effective date at February 1, 2021.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: RCW 19.27.031 and 19.27.074.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Stoyan Bumbalov, 1500 Jefferson Street S.E., Olympia, WA 98504, 360-407-9277; and Enforcement: Local jurisdictions having authority.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The change has no material effect. It modifies the codes' effective dates to reflect the date in the emergency order which will have passed prior to this document being posted.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Stoyan Bumbalov, State Building Code Council, 1500 Jefferson Street S.E., Olympia, WA 98504, phone 360-407-9277, email Stoyan.bumbalov@des.wa.gov, AND RECEIVED BY May 4, 2021.

January 26, 2021  
Diane Glenn  
Council Chair

**OTS-2642.1**

AMENDATORY SECTION (Amending WSR 20-01-090, filed 12/12/19, effective 7/1/20)

**WAC 51-50-008 Implementation.** The *International Building Code* adopted under chapter 51-50 WAC shall become effective in all counties and cities of this state on (~~July 1, 2020~~) February 1, 2021.

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-01-090, § 51-50-008, filed 12/12/19, effective 7/1/20; WSR 16-03-064, § 51-50-008, filed 1/19/16, effective 7/1/16. Statutory Authority: RCW 19.27.031 and chapters 19.27 and 34.05 RCW. WSR 13-04-067, § 51-50-008, filed 2/1/13, effective 7/1/13. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 10-03-097, § 51-50-008, filed 1/20/10, effective 7/1/10. Statutory Authority: RCW 19.27.074, 19.27.020, and chapters 70.92, 19.27, and 34.05 RCW. WSR 07-01-091, § 51-50-008, filed 12/19/06, effective 7/1/07. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 04-01-108, § 51-50-008, filed 12/17/03, effective 7/1/04.]

#### OTS-2643.1

AMENDATORY SECTION (Amending WSR 20-03-023, filed 1/6/20, effective 7/1/20)

**WAC 51-51-008 Implementation.** The *International Residential Code* adopted by chapter 51-51 WAC shall become effective in all counties and cities of this state on (~~July 1, 2020~~) February 1, 2021.

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-03-023, § 51-51-008, filed 1/6/20, effective 7/1/20; WSR 16-03-025, § 51-51-008, filed 1/11/16, effective 7/1/16. Statutory Authority: RCW 19.27.031 and chapters 19.27 and 34.05 RCW. WSR 13-04-068, § 51-51-008, filed 2/1/13, effective 7/1/13. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 10-03-098, § 51-51-008, filed 1/20/10, effective 7/1/10. Statutory Authority: RCW 19.27.074, 19.27.020, and chapters 19.27 and 34.05 RCW. WSR 07-01-090, § 51-51-008, filed 12/19/06, effective 7/1/07. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 04-01-109, § 51-51-008, filed 12/17/03, effective 7/1/04.]

#### OTS-2644.1

AMENDATORY SECTION (Amending WSR 20-03-041, filed 1/8/20, effective 7/1/20)

**WAC 51-52-008 Implementation.** The *International Mechanical Code* adopted by chapter 51-52 WAC shall become effective in all counties and cities of this state on (~~July 1, 2020~~) February 1, 2021.

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-03-041, § 51-52-008, filed 1/8/20, effective 7/1/20; WSR 16-01-148, § 51-52-008, filed 12/21/15, effective 7/1/16. Statutory Authority: RCW 19.27.031, 19.27.074 and chapters 19.27 and 34.05 RCW. WSR 13-04-053, § 51-52-008, filed 2/1/13, effective 7/1/13. Statutory Authority: RCW 19.27.190, 19.27.074, 19.27.031 and chapters 19.27 and 34.05 RCW. WSR 10-03-099, § 51-52-008, filed 1/20/10, effective 7/1/10. Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. WSR 07-01-092, § 51-52-008, filed 12/19/06, effective 7/1/07. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 04-01-104, § 51-52-008, filed 12/17/03, effective 7/1/04.]

### OTS-2645.1

AMENDATORY SECTION (Amending WSR 19-24-058, filed 11/27/19, effective 7/1/20)

**WAC 51-54A-008 Implementation.** The *International Fire Code* adopted by chapter 51-54A WAC shall become effective in all counties and cities of this state on (~~July 1, 2020~~) February 1, 2021.

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 19-24-058, § 51-54A-008, filed 11/27/19, effective 7/1/20; WSR 16-03-055, § 51-54A-008, filed 1/16/16, effective 7/1/16. Statutory Authority: RCW 19.27A.031, 19.27.074 and chapters 19.27 and 34.05 RCW. WSR 13-04-063, § 51-54A-008, filed 2/1/13, effective 7/1/13.]

### OTS-2646.1

AMENDATORY SECTION (Amending WSR 20-02-072, filed 12/26/19, effective 7/1/20)

**WAC 51-56-008 Implementation.** The Uniform Plumbing Code adopted by chapter 51-56 WAC shall become effective in all counties and cities of this state on (~~July 1, 2020~~) February 1, 2021.

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-02-072, § 51-56-008, filed 12/26/19, effective 7/1/20; WSR 16-02-044, § 51-56-008, filed 12/30/15, effective 7/1/16. Statutory Authority: RCW 19.27.074 and 19.27.031 and chapters 19.27 and 34.05 RCW. WSR 13-04-054, § 51-56-008, filed 2/1/13, effective 7/1/13; WSR 10-03-101, § 51-56-008, filed 1/20/10, effective 7/1/10. Statutory Authority: RCW 19.27.190, 19.27.020 and chapters 19.27 and 34.05 RCW. WSR 07-01-094, § 51-56-008, filed 12/19/06, effective 7/1/07. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 04-01-110, § 51-56-008, filed 12/17/03, effective 7/1/04; WSR 02-01-114, § 51-56-008, filed 12/18/01, effective 7/1/02.]

## WSR 21-04-069

## EXPEDITED RULES

## DEPARTMENT OF HEALTH

[Filed January 29, 2021, 11:07 a.m.]

Title of Rule and Other Identifying Information: WAC 246-08-400 Health care providers charging for searching and duplicating health care records. The department of health (DOH) is proposing amendments to correct a typographical error in this rule.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule is to amend an inaccurately referenced RCW citation and to ensure the rule maintains its accuracy and clarity as statutes are updated.

Reasons Supporting Proposal: The definition of "reasonable fee" in RCW 70.02.010 requires the fee amount to be adjusted every two years. WAC 246-08-400 referenced these adjustments by stating the specific fees that may be charged. The current rule cites RCW 70.02.010 and a specific subsection for the definition of "reasonable fee." As other amendments to the law are made the subsections may change more frequently than the requirement to adjust the fee. The proposed rule amends the language so that frequent formatting updates to the statute will no longer impact the rule. The proposed amendment continues to reference RCW 70.02.010 but no longer references the specific subsection and does not change the meaning or intent of the rule.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 70.02.010.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DOH, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Julianne Kolln, 111 Israel Road, Tumwater, WA 98501, 360-236-4878.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed rule corrects a typographical error and clarifies the language of this rule without changing its effect.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Julianne Kolln, DOH, P.O. Box 47850, Olympia, WA 98540-7850, phone 360-236-4878, fax 360-236-2901, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY April 5, 2021.

January 29, 2021  
Jessica Todorovich  
Chief of Staff  
for Umair A. Shah, MD, MPH  
Secretary

## OTS-2824.1

AMENDATORY SECTION (Amending WSR 20-10-025, filed 4/27/20, effective 5/28/20)

**WAC 246-08-400 Health care providers charging for searching and duplicating health care records.** ((RCW 70.02.010(38) allows health care providers to charge fees)) A health care provider may charge a reasonable fee as defined in RCW 70.02.010 for searching and duplicating health care records. In accordance with RCW 70.02.010 the fees a provider may charge cannot exceed the fees listed below:

(1) Copying charge per page:

(a) No more than one dollar and twenty-four cents per page for the first thirty pages;

(b) No more than ninety-four cents per page for all other pages.

(2) Additional charges:

(a) The provider can charge a twenty-eight dollar clerical fee for searching and handling records;

(b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.

(3) HIPAA covered entities as defined in 45 C.F.R. Sec. 103 may not charge fees or costs that are not authorized by, or are prohibited by, Federal HIPAA regulation 45 C.F.R. Sec. 164.

[Statutory Authority: RCW 70.02.010(38) and 43.70.040. WSR 20-10-025, § 246-08-400, filed 4/27/20, effective 5/28/20. Statutory Authority: RCW 70.02.010(37) and 43.70.040. WSR 17-17-019, § 246-08-400, filed 8/7/17, effective 9/7/17; WSR 15-14-073, § 246-08-400, filed 6/26/15, effective 7/27/15. Statutory Authority: RCW 70.02.010(15) and 43.70.040. WSR 13-14-092, § 246-08-400, filed 7/1/13, effective 8/1/13; WSR 11-12-027, § 246-08-400, filed 5/24/11, effective 7/1/11; WSR 09-13-102, § 246-08-400, filed 6/17/09, effective 7/1/09; WSR 07-12-029, § 246-08-400, filed 5/30/07, effective 7/1/07. Statutory Authority: RCW 70.02.010(14) and 43.70.040. WSR 06-11-166, § 246-08-400, filed 5/24/06, effective 6/24/06. Statutory Authority: RCW 70.02.010(12) and 43.70.040. WSR 05-12-013, § 246-08-400, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 70.02.010(12), 43-70-040 [43.70.040] and 70.02.900. WSR 03-14-036, § 246-08-400, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 70.02.010 and 43.70.040. WSR 01-16-009, § 246-08-400, filed 7/19/01, effective 8/19/01; WSR 99-13-083, § 246-08-400, filed 6/14/99, effective 7/15/99. Statutory Authority: RCW 70.02.010(12) and 43.70.040. WSR 97-12-087, § 246-08-400, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040 and 70.02.101(12). WSR 95-20-080, § 246-08-400, filed 10/4/95, effective 11/4/95.]