

**WSR 22-11-033  
PROPOSED RULES  
LIQUOR AND CANNABIS  
BOARD**

[Filed May 11, 2022, 12:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-05-001.

Title of Rule and Other Identifying Information: New WAC

314-42-005 Electronic transmission of documents for service and filing. The Washington state liquor and cannabis board (WSLCB) proposes a new rule section allowing electronic transmission as additional means for service and filing of documents, consistent with RCW 34.05.010. The proposed rule defines "electronic transmission," outlines procedures for service and filing of documents by electronic transmission, and describes how the date and time of delivery or receipt will be determined.

Hearing Location(s): On June 22, 2022, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, WSLCB will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Board members, presenters, and staff will all participate remotely. The public may login using a computer or device, or call-in using a phone, to listen to the meeting through the Microsoft Teams application. The public may provide verbal comments during the specified public comment and rules hearing segments. For more information about board meetings, please visit <https://lcb.wa.gov/Boardmeetings/Boardmeetings>.

Date of Intended Adoption: No earlier than July 6, 2022.

Submit Written Comments to: Audrey Vasek, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov), fax 360-704-5027, by June 22, 2022.

Assistance for Persons with Disabilities: Contact Anita Bingham, ADA coordinator, human resources, phone 360-664-1739, fax 360-664-9689, TTY 711 or 1-800-833-6388, email [anita.bingham@lcb.wa.gov](mailto:anita.bingham@lcb.wa.gov), by June 15, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule proposal is to authorize electronic transmission for service and filing of documents, consistent with RCW 34.05.010 (6) and (19). The proposed rule adopts electronic transmission as an additional means for service and filing of documents, and authorizes electronic transmission as an approved method for service and filing wherever terms such as, but not limited to, "delivery," "service," "filing," "notice," "notification," "request," "letter," "in writing," "submit," and "received" are used throughout Title 314 WAC. "Electronic transmission" is defined as including, but not limited to, email, web portal, fax, or other similar methods. The proposed rule also outlines procedures for service and filing of documents by electronic transmission, and describes how the date and time of delivery or receipt will be determined.

Reasons Supporting Proposal: A new rule section authorizing service and filing of documents by electronic transmission is needed to streamline and modernize business and adjudicative processes and bring a consistent approach to this issue across the agency. This approach will benefit anyone that interacts with the agency, including but not limited to licensees, permit holders, and any other interested par-

ties. This approach will also reduce the risks and impacts to the agency technology systems modernization project.

Statutory Authority for Adoption: RCW 66.08.030, 34.05.010.

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

Name of Proponent: WSLCB, governmental.

Name of Agency Personnel Responsible for Drafting: Audrey Vasek, Policy and Rules Coordinator, 1025 Union Avenue, Olympia, WA 98501, 360-664-1758; Implementation: Becky Smith, Director of Licensing, 1025 Union Avenue, Olympia, WA 98501, 360-664-1753; and Enforcement: Chandra Brady, Director of Enforcement and Education, 1025 Union Avenue, Olympia, WA 98501, 360-664-1726.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules do not qualify as a type of rule requiring a cost-benefit analysis under RCW 34.05.328(5). WSLCB is not a listed agency under RCW 34.05.328 (5)(a)(i), so the cost-benefit analysis requirements in RCW 34.05.328 are not applicable to the proposed rules unless voluntarily applied or made applicable by the joint administrative rules review committee under RCW 34.05.328 (5)(a)(ii).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. Under the Regulatory Fairness Act in chapter 19.85 RCW, agencies are required to consider the costs that complying with proposed rules would impose on businesses. RCW 19.85.040 requires agencies to consider reporting, recordkeeping, and other compliance costs of the proposed rules, including costs of equipment, supplies, labor, professional services, and increased administrative costs, and whether compliance with the proposed rule will cause businesses to lose sales or revenue.

In this case, the agency does not anticipate that the proposed rules will impose any new reporting, recordkeeping, or other compliance costs specified in RCW 19.85.040 on businesses. The proposed rules authorize electronic transmission as an additional means for service and filing of documents, and do not limit or otherwise change existing options for service and filing. All other existing options for service and filing, such as by mail or in-person, would remain viable options.

With respect to filing documents, under the proposed rules businesses can continue filing documents with the agency using their existing preferred methods, such as by mail or in-person, and are not required to change any business practices or adopt new technologies in order to comply with the proposed rules. Therefore, these businesses would not have any new or increased costs of compliance.

Businesses that voluntarily decide to begin filing documents with the agency using electronic transmission are also not subject to any new or increased costs of compliance. The process for filing by electronic transmission does not require agency approval, application, or any special equipment, supplies, labor, or professional services. The proposed rules define "electronic transmission" as including, but not limited to, email, web portal, fax, or other similar methods. The technology for electronic transmission, such as email or fax, is readily available to all businesses throughout the state. Therefore, sending documents to a board-specified location through electronic transmission would not impose any new or increased costs of compliance on businesses that choose to do so.

With respect to service of documents, the proposed rules would provide the agency with the option to send documents by electronic transmission to the business's email address specified in the agency's records. Businesses would not be required to receive documents by electronic transmission, change any existing practices, or adopt any new technologies in order to receive documents from the agency. The agency would continue to serve documents to businesses that do not have an email address using existing nonelectronic methods, such as by mail or in person.

For these reasons, the agency estimates that the cost of compliance with the proposed rules is \$0. Businesses potentially impacted by the proposed rules include any business that files documents with the agency or is served documents by the agency, including but not limited to licensees, permit holders, and any other interested parties. Since the estimated cost of compliance (\$0) is less than any possible minor cost threshold as defined by RCW 19.85.020(2), the agency does not anticipate that the rule proposal will impose more-than-minor costs on any potentially impacted businesses.

May 11, 2022  
Ollie Garrett  
Acting Chair

#### OTS-3760.1

#### NEW SECTION

**WAC 314-42-005 Electronic transmission of documents for service and filing.** (1) Consistent with RCW 34.05.010, the board adopts electronic transmission as an additional means for service and filing of documents. "Electronic transmission" includes, but is not limited to, email, web portal, fax, or other similar methods.

(2) Electronic transmission is an approved method for service and filing of documents wherever terms such as, but not limited to, "delivery," "service," "filing," "notice," "notification," "request," "letter," "in writing," "submit," and "received" are used throughout Title 314 WAC.

(3) Service. Documents will be sent by electronic transmission to a person's email address as specified in the board's records. The date and time indicated on the electronic transmission from the board shall be evidence of the date and time of delivery.

(4) Filing. Documents received by electronic transmission to a board specified location will be deemed filed with the board the same day, excluding Saturdays, Sundays, and legal holidays. The deadline for documents filed with the board will be based on the date and time indicated on the filing document. If no specific time is indicated, the deadline will be 11:59 p.m. of the date indicated. The date and time indicated on the electronic transmission shall be evidence of the date and time of receipt.

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