

## WSR 22-11-009

## EXPEDITED RULES

## DEPARTMENT OF HEALTH

(Examining Board of Psychology)

[Filed May 6, 2022, 1:10 p.m.]

Title of Rule and Other Identifying Information: WAC 246-924-493 Probationary licensure requirements for psychologists. The examining board of psychology (board) is proposing a permanent amendment to remove an obsolete requirement for AIDS education, which is referenced in a repealed rule. This amendment is consistent with the repeal of statutory authority for AIDS education trainings by ESHB 1551 (chapter 76, Laws of 2020).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendment to WAC 246-924-493 is to align the rule with statutory amendments under ESHB 1551, which repealed the statutory requirement for health care professionals to complete AIDS education and training. Currently, WAC 246-924-493 requires out-of-state applicants to complete AIDS education under WAC 246-924-110, a rule which was repealed pursuant to ESHB 1551 under WSR 21-09-031 on April 12, 2021. Removing this requirement from WAC 246-924-493 will remove the obsolete reference to WAC 246-924-110, align the rule with statute, and complete the board's implementation of ESHB 1551.

Reasons Supporting Proposal: The current language of WAC 246-924-493 conflicts with statutory amendments made by ESHB 1551 and subsequent rule amendments to chapter 246-924 WAC made under WSR 21-09-031. Amending WAC 246-924-493 by expedited rule making to remove the obsolete requirement for AIDS education and training will align the rule with statute and the rest of chapter 246-924 WAC. Additionally, this amendment will provide clarity on licensure requirements for applicants seeking probationary licensure by the board.

Statutory Authority for Adoption: RCW 18.83.050.

Statute Being Implemented: ESHB 1551 (chapter 76, Laws of 2020).

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

Name of Proponent: Examining board of psychology, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Stacey Saunders, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2813.

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The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.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: The statutory authority for the rule requirement has been repealed. The proposed rule language will align with amendments made by ESHB 1551.

## 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 Stacey Saun-

ders, Department of Health, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2991, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY July 18, 2022.

May 5, 2022  
Florence Katz Burstein, Chair  
Examining Board of Psychology

## OTS-3685.1

AMENDATORY SECTION (Amending WSR 20-12-076, filed 6/1/20, effective 7/2/20)

**WAC 246-924-493 Probationary license.** (1) The department shall issue a probationary license to out-of-state applicants seeking licensure in Washington state as a psychologist according to the conditions and restrictions of the reciprocity program established in RCW 18.83.170 and this chapter.

(2) The out-of-state license must be from a state or territory identified on a list published by the department as eligible for reciprocity for the purposes of a probationary license for the practice of psychology.

(3) An initial probationary license is valid for one year. To receive an initial probationary license, an applicant must submit to the department a completed application to include:

- (a) Verification of their out-of-state license;
- (b) Proof of passing the jurisprudence exam according to WAC 246-924-070; and
- (c) The fee according to WAC 246-924-990.

(4) A probationary license may be renewed a single time and is valid for one year after the date of renewal. To renew a probationary license, an applicant must submit to the department a completed application to include:

- (a) Completion of four hours of education in ethics according to WAC 246-924-240;
- (b) Training in suicide assessment, treatment, and management according to WAC 246-924-990; and
- (c) ~~((AIDS education according to WAC 246-924-110; and~~  
~~(d))~~) The fee according to WAC 246-924-990.

(5) Continuing education. With the exception of the requirements in subsection (4) of this section, continuing education requirements will apply once a probationary licensee transitions to a full license.

(6) Supervised experience. If it is determined additional supervised experience is required for full licensure, the supervised experience hours must meet the requirements for postdoctoral supervised experience in WAC 246-924-059.

[Statutory Authority: 2019 c 351, 2019 c 444 and RCW 18.83.050. WSR 20-12-076, § 246-924-493, filed 6/1/20, effective 7/2/20.]

## WSR 22-11-021

## EXPEDITED RULES

## DEPARTMENT OF REVENUE

[Filed May 10, 2022, 9:20 a.m.]

Title of Rule and Other Identifying Information: WAC 458-20-217  
Lien for taxes.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In 2020, the legislature passed SSB 5628 (codified in Title 82.51 RCW), which imposes a heavy equipment rental tax and established those revenues as trust funds. This proposal amends WAC 458-20-217, the rule governing trust fund taxes, to include the heavy equipment rental tax.

Reasons Supporting Proposal: Updating this rule will provide accurate information to readers.

Statutory Authority for Adoption: RCW 82.01.060, 82.32.300.

Statute Being Implemented: RCW 82.51.010.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Ryan Bedford, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1552; Implementation and Enforcement: John Ryser, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

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

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process is appropriate for this rule update because the department is incorporating an additional statute by reference, as required by 2020 legislation.

## 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 Ryan Bedford, Department of Revenue, 6400 Linderson Way S.W., Tumwater, WA, phone 360-534-1552, fax 360-705-6733, email RyanB@dor.wa.gov, AND RECEIVED BY July 18, 2022.

May 10, 2022  
Atif Aziz  
Rules Coordinator

OTS-3756.2

AMENDATORY SECTION (Amending WSR 16-12-075, filed 5/27/16, effective 6/27/16)

**WAC 458-20-217 Lien for taxes.** (1) **Introduction.** This rule provides an overview of the administrative collection remedies and procedures available to the department of revenue (department) to collect unpaid and overdue tax liabilities. It discusses tax liens and the liens that apply to probate, insolvency, assignments for the benefit of creditors, bankruptcy and public improvement contracts. The rule also explains the personal liability of persons in control of collected but unpaid sales tax, spirits taxes, and heavy equipment rental tax. Although the department may use judicial remedies to collect unpaid tax, most of the department's collection actions are enforced through the administrative collection remedies discussed in this rule.

(2) **Tax liens.** The department is not required to obtain a judgment in court to have a tax lien. A tax lien is created when a warrant issued under RCW 82.32.210 is filed with a superior court clerk who enters it into the judgment docket. A copy of the warrant may be filed in any county in this state in which the department believes the taxpayer has real and/or personal property. The department is not required to give a taxpayer notice prior to filing a tax warrant. *Peters v Sjöholm*, 95 Wn.2d 871, 877, 631 P.2d 937 (1981) *appeal dismissed, cert. denied* 455 U.S. 914 (1982). The tax lien is an encumbrance on property. The department may enforce a tax lien by administrative levy, seizure or through judicial collection remedies.

(a) **Attachment of lien.** The filed warrant becomes a specific lien upon all personal property used in the conduct of the business and a general lien against all other real and personal property owned by the taxpayer against whom the warrant was issued.

(i) The specific lien attaches to all goods, wares, merchandise, fixtures, equipment or other personal property used in the conduct of the business of the taxpayer. Other personal property includes both tangible and intangible property. For example, the specific lien attaches to business assets such as accounts receivable, chattel paper, royalties, licenses and franchises. The specific lien also attaches to property used in the business which is owned by persons other than the taxpayer who have a beneficial interest, direct or indirect, in the operation of the business. (See subsection (3) of this rule for what constitutes a beneficial interest.) The lien is perfected on the date it is filed with the superior court clerk. The lien does not attach to property used in the business that was transferred prior to the filing of the warrant. It does attach to all property existing at the time the warrant is filed as well as property acquired after the filing of the warrant. No sale or transfer of such personal property affects the lien.

(ii) The general lien attaches to all real and personal nonbusiness property such as the taxpayer's home and nonexempt personal vehicles.

(b) **Lien priorities.** The department does not need to levy or seize property to perfect its lien. The lien is perfected when the warrant is filed. The tax lien is superior to liens that vest after the warrant is filed.

(i) The lien for taxes is superior to bona fide interests of third persons that vested prior to the filing of the warrant if such persons have a beneficial interest in the business.

(ii) The lien for taxes is also superior to any interest of third persons that vested prior to the warrant if the interest is a mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as the trustee for unsecured creditors of the taxpayer mentioned in the warrant.

(iii) In most cases, to have a vested or perfected security interest in personal property, the secured party must file a UCC financing statement indicating its security interest. RCW 62A.9-301. See RCW 62A.9-302 for the exceptions to this general rule. The financing statement must be filed prior to the filing of the tax warrant for the lien to be superior to the department's lien.

(c) **Period of lien.** A filed tax warrant creates a lien that is enforceable for the same period as a judgment in a civil case that is docketed with the clerk of the superior court. RCW 82.32.210(4). A judgment lien expires (~~ten~~) 10 years from the date of filing. RCW 4.56.310. The department may extend the lien for an additional (~~ten~~) 10 years by filing a petition for an order extending the judgment with the clerk of the superior court. The petition must be filed within (~~ninety~~) 90 days of the expiration of the original (~~ten-year~~) 10-year period. RCW 6.17.020.

(3) **Persons who have a beneficial interest in a business.** A third party who receives part of the profit, a benefit, or an advantage resulting from a contract or lease with the business has a beneficial interest in the operation of the business. A party whose only interest in the business is securing the payment of debt or receiving regular rental payments on equipment does not have a beneficial interest. Also, the mere loaning of money by a financial institution to a business and securing that debt with a UCC filing does not constitute a beneficial interest in the business. Rather, a party who owns property used by a delinquent taxpayer must also have a beneficial interest in the operation of that business before the lien will attach to the party's property. The definition of the term "beneficial interest" for purposes of determining lien priorities is not the same as the definition used for tax free transfers described in WAC 458-20-106.

(a) **Third party.** A third party is simply a party other than the taxpayer. For example, if the taxpayer is a corporation, an officer or shareholder of that corporation is a "third party" with a beneficial interest in the operation of the business. If the corporate insider has a security interest in property used by the business, the tax lien will be superior even if the corporate insider's lien was filed before the department's lien.

(b) **Beneficial interest of lessor.** In some cases a lessor or franchisor will have a beneficial interest in the leased or franchised business. For example, an oil company that leases a gas station and other equipment to an operator and requires the operator to sell its products is a third party with a beneficial interest in the business. Factors which support a finding of a beneficial interest in a business include the following:

(i) The business operator is required to pay the lessor or franchisor a percentage of gross receipts as rent;

(ii) The lessor or franchisor requires the business operator to use its trade name and restricts the type of business that may be operated on the premises;

(iii) The lease places restrictions on advertising and hours of operation; and/or

(iv) The lease requires the operator to sell the lessor's products.

(c) A third party who has a beneficial interest in a business with a filed lien is not personally liable for the amounts owing. Instead, the amount of tax, interest and penalties as reflected in the warrant becomes a specific lien upon the third party's property that is used in the business.

(4) **Notice and order to withhold and deliver.** A tax lien is sufficient to support the issuance of a writ of garnishment authorized by chapter 6.27 RCW. RCW 82.32.210(4). A tax lien also allows the department to issue a notice and order to withhold and deliver. A notice and order to withhold and deliver (order) is an administrative garnishment used by the department to obtain property of a taxpayer from a third party such as a bank or employer. See RCW 82.32.235. The department may issue an order when it has reason to believe that a party is in the possession of property that is or shall become due, owing or belonging to any taxpayer against whom a warrant has been filed.

(a) **Service of order.** The department may serve an order to withhold and deliver to any person, or to any political subdivision or department of the state. The order may be served by the sheriff or deputy sheriff of the county where service is made, by any authorized representative of the department, or by certified mail.

(b) **Requirement to answer order.** A person upon whom service has been made is required to answer the order in writing within (~~twenty~~) 20 days of service of the order. The date of mailing or date of personal service is not included when calculating the due date of the answer. All answers must be true and made under oath. If an answer states that it cannot presently be ascertained whether any property is or shall become due, owing, or belonging to such taxpayer, the person served must answer when such fact can be ascertained. RCW 82.32.235.

(i) If the person served with an order possesses property of the taxpayer subject to the claim of the department, the party must deliver the property to the department or its duly authorized representative upon demand. If the indebtedness involved has not been finally determined, the department will hold the property in trust to apply to the indebtedness involved or for return without interest in accordance with the final determination of liability or nonliability. In the alternative, the department must be furnished a satisfactory bond conditioned upon final determination of liability. RCW 82.32.235.

(ii) If the party upon whom service has been made fails to answer an order to withhold and deliver within the time prescribed, the court may enter a default judgment against the party for the full amount claimed owing in the order plus costs. RCW 82.32.235.

(c) **Continuing levy.** A notice and order to withhold and deliver constitutes a continuing levy until released by the department. RCW 82.32.237.

(d) **Assets that may be attached.** Both tangible assets, as a vehicle, and intangible assets may be attached. Examples of intangible assets that may be attached by an order to withhold and deliver include, but are not limited to, checking or savings accounts; accounts receivable; refunds or deposits; contract payments; wages and commissions, including bonuses; liquor license deposits; rental income; dealer reserve accounts held by service stations or auto dealers; and funds held in escrow pending sale of a business. Certain insurance proceeds are subject to attachment such as the cash surrender value of a poli-

cy. The department may attach funds in a joint account that are owned by the delinquent taxpayer. Funds in a joint account with the right of survivorship are owned by the depositors in proportion to the amount deposited by each. RCW 30.22.090. The joint tenants have the burden to prove the separate ownership.

(e) **Assets exempt from attachment.** Examples of assets which are not attachable include Social Security, railroad retirement, welfare, and unemployment benefits payable by the federal or state government.

(5) **Levy upon real and/or personal property.** The department may issue an order of execution, pursuant to a filed warrant, directing the sheriff of the county in which the warrant was filed to levy upon and sell the real and/or personal property of the taxpayer in that county. RCW 82.32.220. If the department has reason to believe that a taxpayer has personal property in the taxpayer's possession that is not otherwise exempt from process or execution, the department may obtain a warrant to search for and seize the property. A search warrant is obtained from a superior or district court judge in the county in which the property is located. See RCW 82.32.245.

(6) **Probate, insolvency, assignment for the benefit of creditors or bankruptcy.** In all of these cases or conditions, the claim of the state for unpaid taxes and increases and penalties thereon, is a lien upon all real and personal property of the taxpayer. RCW 82.32.240. All administrators, executors, guardians, receivers, trustees in bankruptcy, or assignees for the benefit of creditors are required to notify the department of such administration, receivership, or assignment within (~~sixty~~) 60 days from the date of their appointment and qualification. In cases of insolvency, this includes the duty of the person who is winding down the business to notify the department.

(a) The state does not have to take any action to perfect its lien. The lien attaches the date of the assignment for the benefit of creditors or of the initiation of the probate or bankruptcy. In cases of insolvency, the lien attaches at the time the business becomes insolvent. The lien, however, does not affect the validity or priority of any earlier lien that may have attached in favor of the state under any other provision of the Revenue Act.

(b) Any administrator, executor, guardian, receiver, or assignee for the benefit of creditors who does not notify the department as provided above is personally liable for payment of the taxes and all increases and penalties thereon. The personal liability is limited to the value of the property subject to administration that otherwise would have been available to pay the unpaid liability.

(c) In probate cases in which a surviving spouse or surviving domestic partner is separately liable for unpaid taxes and increases and penalties thereon, the department does not need to file a probate claim to protect the state's interest against the surviving spouse or surviving domestic partner. The department may collect from the separate property of the surviving spouse or surviving domestic partner and any assets formerly community property or property of the domestic partnership which become the property of the surviving spouse or the surviving domestic partner. If the deceased spouse or deceased domestic partner and/or the community or domestic partnership also was liable for the tax debt, the claim also could be asserted in the administration of the estate of the deceased spouse or deceased domestic partner.

(7) **Lien on retained percentage of public improvement contracts.** Every public entity engaging a contractor under a public improvement project of (~~thirty-five thousand dollars~~) \$35,000 or more, shall re-

tain five percent of the total contract price, including all change orders, modifications, etc. This retainage is a trust fund held for the benefit of the department and other statutory claimants. In lieu of contract retainage, the public entity may require a bond. All taxes, increases, and penalties due or to become due under Title 82 RCW from a contractor or the contractor's successors or assignees with respect to a public improvement contract of (~~thirty-five thousand dollars~~) \$35,000 or more shall be a lien upon the amount of the retained percentage withheld by the disbursing officer under such contract. RCW 60.28.040.

(a) **Priorities.** The employees of a contractor or the contractor's successors or assignees who have not been paid the prevailing wage under the public improvement contract have a first priority lien against the bond or retainage. The department's lien for taxes, increases, and penalties due or to become due under such contract is prior to all other liens. The amount of all other taxes, increases and penalties due from the contractor is a lien upon the balance of the retained percentage after all other statutory lien claims have been paid. RCW 60.28.040.

(b) **Release of funds.** Upon final acceptance by the public entity or completion of the contract, the disbursing officer shall contact the department for its consent to release the funds. The officer cannot make any payment from the retained percentage until the department has certified that all taxes, increases, and penalties due have been paid or are readily collectible without recourse to the state's lien on the retained percentage. RCW 60.28.050 and 60.28.051.

(8) **Personal liability for unpaid trust funds.** The retail sales tax (~~and~~), all spirits taxes under RCW 82.08.150, and the heavy equipment rental tax under chapter 82.51 RCW are to be held in trust. RCW 82.08.050 and 82.51.010. As a trust fund, the retail sales tax (~~and~~), spirits taxes, and the heavy equipment rental tax are not to be used to pay other corporate or personal debts.

Whenever the department has issued a warrant under RCW 82.32.210 for the collection of unpaid retail sales tax funds (~~or~~), spirits taxes funds, or heavy equipment rental tax funds collected and held in trust under RCW 82.08.050 from a limited liability business entity and that entity is terminated, dissolved, abandoned, or insolvent, RCW 82.32.145 authorizes the department to impose personal liability against any or all of the responsible individuals. For a responsible individual who is the current or a former chief executive or chief financial officer, personal liability may be imposed regardless of fault or whether the individual was or should have been aware of the unpaid retail sales tax (~~or~~), spirits taxes, or heavy equipment rental tax liability. Collection authority and procedures prescribed in chapter 82.32 RCW apply to the collection of personal liability assessments.

(a) **Responsible individual.**

(i) A responsible individual includes any current or former officer, manager, member, partner, or trustee of a limited liability business entity with an unpaid tax warrant issued by the department.

(A) "Officer" means any officer or assistant officer of a corporation, including the president, vice president, secretary, and treasurer.

(B) "Manager" has the same meaning as in RCW 25.15.005.

(C) "Member" has the same meaning as in RCW 25.15.005, except that the term only includes members of member-managed limited liability companies.

(ii) "Responsible individual" also includes any current or former employee or other individual, but only if the individual had the responsibility or duty to remit payment of the limited liability business entity's unpaid (~~sales~~) trust fund tax liability reflected in a tax warrant issued by the department.

(A) A responsible individual may have "control and supervision" of collected retail sales tax (~~tax~~), spirits taxes, or heavy equipment rental tax, or the responsibility to report the tax under corporate bylaws, job description, or other proper delegation of authority. The delegation of authority may be established by written documentation or by conduct.

(B) Except for the current or a former chief executive or chief financial officer of a limited liability business entity, a responsible individual must have significant but not necessarily exclusive control or supervision of the trust funds. Neither a sales clerk who only collects the tax from the customer nor an employee who only deposits the funds in the bank has significant supervision or control of the retail sales tax (~~tax~~), spirits taxes, or heavy equipment rental tax. An employee who has the responsibility to collect, account for, and deposit trust funds does not have significant supervision or control of the tax.

(C) A person is not required to be a corporate officer or have a proprietary interest in the business to be a responsible individual.

(D) A member of the board of directors, a shareholder, or an officer may have trust fund liability if that person has the authority and discretion to determine which corporate debts should be paid and approves the payment of corporate debts out of the collected retail sales (~~tax~~) tax, spirits taxes, or heavy equipment rental tax trust funds.

(E) More than one person may have personal liability for the trust funds if the requirements for liability are present for each person.

(iii) Whenever a limited liability business entity with an unpaid tax warrant issued against it by the department has one or more limited liability business entities as a member, manager, or partner, "responsible individual" also includes any current and former officers, members, or managers of the limited liability business entity or entities or of any other limited liability business entity involved directly in the management of the limited liability business entity with an unpaid tax warrant issued against it by the department.

**(b) Chief executive or chief financial officer.**

(i) For a responsible individual who is the current or a former chief executive or chief financial officer of a limited liability business entity, liability under this rule applies regardless of fault or whether the individual was or should have been aware of the unpaid retail sales tax (~~tax~~), spirits taxes, or heavy equipment rental tax liability of the limited liability business entity. There is no "willfully fails to pay" requirement for chief executive officers and chief financial officers.

(ii) A responsible individual who is the current or a former chief executive or chief financial officer is liable under this rule only for retail sales tax (~~tax~~), spirits taxes, or heavy equipment rental tax liability accrued during the period that he or she was the chief executive or chief financial officer. However, if the responsible individual had the responsibility or duty to remit payment of the limited liability business entity's retail sales tax (~~tax~~), spirits taxes, or heavy equipment rental tax to the department during any pe-

riod of time that the person was not the chief executive or chief financial officer, that individual is also liable for retail sales tax ((~~☞~~)), spirits taxes, or heavy equipment rental tax liability that became due during the period that he or she had the duty to remit payment of the limited liability business entity's taxes to the department but was not the chief executive or chief financial officer.

(iii) "Chief executive" means: The president of a corporation; or for other entities or organizations other than corporations or if a corporation does not have a president as one of its officers, the highest ranking executive manager or administrator in charge of the management of the company or organization.

(iv) "Chief financial officer" means: The treasurer of a corporation; or for entities or organizations other than corporations or if a corporation does not have a treasurer as one of its officers, the highest senior manager who is responsible for overseeing the financial activities of the entire company or organization.

**(c) Other responsible individuals.**

(i) For any other responsible individual, liability under this rule applies only if he or she willfully fails to pay or to cause to be paid to the department the retail sales tax ((~~☞~~)), spirits taxes, or the heavy equipment rental tax due from the limited liability business entity.

(A) "Willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action. Intent to defraud or bad motive is not required. For example, using collected retail sales tax ((~~☞~~)), spirits taxes, or heavy equipment rental tax to pay other corporate obligations is a willful failure to pay the trust funds to the state.

(B) Depositing retail sales tax ((~~☞~~)), spirits taxes, or heavy equipment rental tax funds in a bank account knowing that the bank might use the funds to off-set amounts owing to it is engaging in a voluntary course of action. It is a willful failure to pay if the bank exercises its right of set-off which results in insufficient funds to pay the corporate retail sales tax ((~~☞~~)), spirits taxes, or heavy equipment rental tax that were collected and deposited in the account. To avoid personal liability in such a case, the responsible individual can set aside the collected retail sales tax ((~~☞~~)), spirits taxes, or heavy equipment rental tax and not commingle it with other funds that are subject to attachment or set-off.

(C) If the failure to pay the trust funds to the state was due to reasons beyond an individual's control, the failure to pay is not willful. For example, if evidence is provided that the trust funds were unknowingly stolen or embezzled by another employee, the failure to pay is not considered willful. To find that a failure to pay the trust funds to the state was due to reasons beyond an individual's control, the facts must show both that the circumstances caused the failure to pay the tax and that the circumstances were beyond the individual's control.

(D) If a responsible individual instructs an employee or hires a third party to remit the collected retail sales tax ((~~☞~~)), spirits taxes, or heavy equipment rental tax, the responsible individual is not relieved of personal liability for the tax if the tax is not paid.

(ii) Responsible individuals other than a current or former chief executive or chief financial officer of the limited liability business entity are liable under this rule only for retail sales tax ((~~☞~~)), spirits taxes, or heavy equipment rental tax liability that became due during the period he or she had the responsibility or duty to remit

payment of the limited liability business entity's taxes to the department.

(d) **Limited liability business entity.**

(i) A "limited liability business entity" is a type of business entity that generally shields its owners from personal liability for the debts, obligations, and liabilities of the entity, or a business entity that is managed or owned in whole or in part by an entity that generally shields its owners from personal liability for the debts, obligations, and liabilities of the entity. Limited liability business entities include corporations, limited liability companies, limited liability partnerships, trusts, general partnerships and joint ventures in which one or more of the partners or parties are also limited liability business entities, and limited partnerships in which one or more of the general partners are also limited liability business entities.

(ii) Whenever the department has issued a warrant under RCW 82.32.210 for the collection of unpaid retail sales tax ((~~or~~)), spirits taxes, or heavy equipment rental tax funds collected and held in trust under RCW 82.08.050 from a limited liability business entity and that business entity has been terminated, dissolved, or abandoned, or is insolvent, the department may pursue collection of the entity's unpaid ((~~state and local sales~~)) trust fund taxes, including penalties and interest on those taxes, against any or all of the responsible individuals.

(e) **Requirements for liability.** In order for a responsible individual to be held personally liable for collected and unpaid retail sales tax ((~~or~~)), spirits taxes, or heavy equipment rental tax:

(i) The tax must be the liability of a limited liability business entity.

(ii) The limited liability business entity must be terminated, dissolved, abandoned, or insolvent. Insolvent means the condition that results when the sum of the entity's debts exceeds the fair market value of its assets. The department may presume that an entity is insolvent if the entity refuses to disclose to the department the nature of its assets and liabilities.

(f) **Extent of liability.** Trust fund liability includes the collected but unpaid retail sales tax ((~~or~~)), spirits taxes, or heavy equipment rental tax, as well as the interest and penalties due on the tax.

(g) Except for the current or a former chief executive or chief financial officer of a limited liability business entity, an individual is only liable for trust funds collected during the period he or she had the requisite control, supervision, responsibility, or duty to remit the tax, plus interest and penalties on those taxes.

(h) **Review of personal liability assessment.** Any person who receives a personal liability assessment is encouraged to request a supervisory conference if the person disagrees with the assessment. The request for the conference should be made to the department representative that issued the assessment or the representative's supervisor at the department's field office. A supervisory conference provides an opportunity to resolve issues with the assessment without further action. If unable to resolve the issue, the person receiving the assessment is entitled to administrative and judicial appeal procedures. RCW 82.32.145(4). See also RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200.

While encouraged to request a supervisory conference, any person receiving a personal liability assessment may elect to forego the su-

pervisory conference and proceed directly with an administrative review of the assessment. Refer to WAC 458-20-100 for information about the department's informal administrative reviews, including how to timely file a petition for review.

(9) **Notice of lien.** Under RCW 82.32.212, the department may issue a notice of lien to secure payment of a tax warrant issued under RCW 82.32.210. The notice of lien is an alternative to filing a lien under RCW 82.32.210. The notice of lien is against any real property in which the taxpayer has an ownership interest.

(a) To file a notice of lien the amount of the tax warrant at issue must exceed (~~twenty-five thousand dollars~~) \$25,000. The department must determine that issuing the notice of tax lien would best protect the state's interest in collecting the amount due on the warrant.

(b) The notice of tax lien is recorded with a county auditor in lieu of filing a warrant with the clerk of a county superior court. A general lien authorized in RCW 82.32.210 can be filed (or refiled) if the department determines that filing or refiling the warrant is in the best interest of collecting the amount due on the tax warrant, or the warrant remains unpaid six months after the notice of lien is issued.

[Statutory Authority: RCW 82.32.300 and 82.01.060(2). WSR 16-12-075, § 458-20-217, filed 5/27/16, effective 6/27/16. Statutory Authority: RCW 82.32.300, 82.01.060(2), 82.08.050, 82.08.150, 82.32.145, 82.32.210, and 82.32.212. WSR 14-22-023, § 458-20-217, filed 10/27/14, effective 11/27/14. Statutory Authority: RCW 82.32.300 and 82.01.060(2). WSR 08-16-073, § 458-20-217, filed 7/31/08, effective 8/31/08. Statutory Authority: RCW 82.32.300. WSR 02-15-158, § 458-20-217, filed 7/23/02, effective 8/23/02; WSR 00-16-016, § 458-20-217, filed 7/21/00, effective 8/21/00; WSR 88-01-050 (Order 87-9), § 458-20-217, filed 12/15/87; Order ET 71-1, § 458-20-217, filed 7/22/71; Order ET 70-3, § 458-20-217 (Rule 217), filed 5/29/70, effective 7/1/70.]

## WSR 22-11-075

## EXPEDITED RULES

## EXECUTIVE ETHICS BOARD

[Filed May 17, 2022, 12:29 p.m.]

Title of Rule and Other Identifying Information: WAC 292-100-020 Complaint procedures—Status of complainant, 292-110-020 Working hours, 292-110-060 Current state officer and employees contracting with state agencies, 292-130-020 Agency description—Contact information—Public records officer, 292-130-050 Availability of public records, and 292-130-090 Processing of public records requests—General.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Updating language/pronouns to be gender-neutral, deletes fax reference and number.

Reasons Supporting Proposal: Language needs to be updated to be more inclusive and fax no longer exists.

Statutory Authority for Adoption: RCW 42.52.360.

Statute Being Implemented: Chapter 42.52 RCW.

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

Name of Proponent: Executive ethics board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kate Reynolds, Olympia, 360-664-0871.

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.

## 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 Kate Reynolds, Executive Ethics Board, P.O. Box 40149, Olympia, WA 98504-0149, phone 360-664-0871, email ethics@atg.wa.gov, AND RECEIVED BY August 2, 2022.

May 17, 2022

Ruthann Bryant

Administrative Officer

## OTS-3830.1

AMENDATORY SECTION (Amending WSR 17-01-138, filed 12/20/16, effective 1/20/17)

**WAC 292-100-020 Complaint procedures—Status of complainant and others.** (1) When a complaint has been filed with the board, neither the complainant, if other than board, nor any other person will have special standing to participate or intervene in the investigation or

consideration of the complaint by the board. The complainant is not a party to an ethics case for any purpose.

(2) If a member of the board or the board's staff files a complaint in (~~his or her~~) their individual capacity, the board member or staff member will be disqualified from acting in (~~his or her~~) their official capacity with regard to the disposition of that complaint.

(3) This section does not affect the right to request a review of a board staff decision to dismiss a complaint, pursuant to RCW 42.52.425 and WAC 292-100-045.

[Statutory Authority: RCW 42.52.360. WSR 17-01-138, § 292-100-020, filed 12/20/16, effective 1/20/17. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-100-020, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 99-06-073, § 292-100-020, filed 3/2/99, effective 4/2/99. Statutory Authority: Chapter 42.52 RCW and RCW 42.52.360 (2)(b). WSR 96-22-028, § 292-100-020, filed 10/30/96, effective 11/30/96.]

### OTS-3831.1

AMENDATORY SECTION (Amending WSR 18-11-062, filed 5/14/18, effective 6/14/18)

**WAC 292-110-020 Working hours.** (1) Nothing in RCW 42.52.180(1) or this rule prohibits a state officer or state employee from assisting in a campaign during nonworking hours provided that the state officer or state employee who engages in activity that would fall under RCW 42.52.180(1) during nonworking hours does not use any facilities of an agency.

(2) Some state officers and state employees occupy positions that have fixed schedules with the same beginning and ending times. For state officers and state employees with fixed schedules, working hours are the hours between the starting and ending times of their scheduled working hours. State officers and state employees with fixed schedules may not engage in activity that would fall under RCW 42.52.180(1) during these fixed working hours, unless (~~they are~~) on a lunch break under subsection (5) of this rule or on leave under subsection (6) of this rule.

(3) Some state officers and state employees occupy positions that do not have fixed schedules with the same starting and ending times. For state officers and state employees who do not have fixed schedules, working hours are defined as:

(a) The hours set forth in any policy on working hours adopted by their agency; or

(b) If the agency has not adopted a working hours policy, 8:00 a.m. to 5:00 p.m. Monday through Friday; or

(c) The work schedule for the state officer or state employee approved by (~~their~~) the agency.

(4) Working hours do not include state legal holidays unless the state officer's or state employee's work schedule requires the state officer or state employee to work on a state legal holiday.

(5) Working hours do not include the time designated for a state officer's or state employee's lunch break. A lunch break is between 12:00 p.m. and 1:00 p.m., unless the agency has designated a different time in a working hours policy or has approved a different lunch break as part of the state officer's or state employee's work schedule. If a state officer or state employee engages in activity that would fall under RCW 42.52.180(1) during the lunch break, the state officer or state employee may not make use of any of the facilities of the agency.

(6) Working hours do not include the time in official leave status. If a state officer or state employee engages in activity that would fall under RCW 42.52.180(1) while on leave, the state officer or state employee may not make use of any of the facilities of the agency.

(7) The definition of working hours also includes any time a state officer or state employee is actually working; for example overtime.

(8) The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and the insurance commissioner are elected to office and hold office for a term of four years and until their successors are elected and qualified. Since these officers are elected to a term of office, they do not have working hours and may engage in activity that would fall under RCW 42.52.180(1) at any time. However, if these officers engage in activity that would fall under RCW 42.52.180(1), they may not make use of any facilities of an agency except as provided in RCW 42.52.180(2).

[Statutory Authority: RCW 42.52.360. WSR 18-11-062, § 292-110-020, filed 5/14/18, effective 6/14/18. Statutory Authority: RCW 42.52.180(1) and 42.52.360 (2)(b). WSR 96-22-030, § 292-110-020, filed 10/30/96, effective 11/30/96.]

AMENDATORY SECTION (Amending WSR 18-11-062, filed 5/14/18, effective 6/14/18)

**WAC 292-110-060 Current state officers and employees contracting with state agencies.** (1) **Approval required** - Under RCW 42.52.120(2), a state officer or state employee must receive board approval before entering into, or obtaining a beneficial interest in, a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or, whenever only one bid or application was received. The review of the contract or grant is to determine whether performance under the contract or grant by the state employee or state officer is in accordance with the Ethics in Public Service Act.

(2) **Application for approval** - State officers and state employees seeking the approval of the board for a contract or grant application, must provide the following information to the executive director no later than thirty days prior to the commencement of the contract or grant:

(a) A description of current official duties and responsibilities;

(b) A statement of the work to be performed and a copy of the contract or grant;

(c) The duration and dollar value of the contract or grant, if applicable;

(d) A statement that no state resources will be used to perform or to fulfill the contract or grant;

(e) A description of how the work will be performed without the use of state resources; and

(f) A statement that the employing agency has reviewed or approved the outside contract or grant under applicable rules or policies, except when requesting a conditional approval as provided in subsection (3)(b) of this section.

(3) **Approval process** - The executive director will review the contract or grant application and related documents and determine whether there could be a potential conflict with RCW 42.52.120(1) or other applicable provisions of the Ethics in Public Service Act. If the executive director determines:

(a) There would be no potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the executive director will approve the contract or grant application;

(b) There would be no potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW but the contract or grant application has not been approved by the appointing authority, the executive director may conditionally approve the contract or grant application; or

(c) There could be a potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the executive director will refer the matter to the board for approval or disapproval.

(4) **Contract or grant amendments.** If a contract or grant has been amended or the scope of work altered, and the effect of the amendment or alteration may create a potential conflict of interest under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, a state officer or state employee must resubmit the contract or grant to the board at least fifteen days prior to commencement of work under the amended or altered contract or grant.

(5) **Series of similar contracts or grants.** If a state officer or state employee anticipates receiving a series of substantially identical contracts or grants with a state agency, the state officer or state employee may request that the board preapprove such contracts or grants. Preapproval will be effective for the period of one calendar year, after which the state officer or state employee must resubmit the request.

(6) **Exemptions, preapproved contracts or grants.** A state officer or state employee who has a contract or grant or a beneficial interest in a contract or grant which is preapproved by the board under this section is not required to file an application for approval of the contract or grant. However, a state officer or state employee is responsible for determining that the contract or grant would not conflict with RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW. Provided that the applicable conditions in RCW 42.52.120(1) are met, the following contracts or grants are preapproved by the board:

(a) A contract or grant in which a state officer or state employee receives assistance through state programs or federal programs administered by the state when they are entitled to receive such assistance by law and on the same basis as similarly situated citizens, and when the state officer or state employee does not exercise discretionary judgment with regard to an assistance program for which (~~he or~~ she) the state officer or employee is otherwise eligible;

(b) A contract to perform teaching duties at a community college, vocational-technical school, or institution of higher learning, provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use (~~his or her~~) the state officer or state employee's official position to influence the contract of employment;

(c) A contract held by a spouse, in which the state officer or state employee has a beneficial interest, with a state agency, provided that the state officer or state employee did not participate in the contract;

(d) A contract that was received by a state officer or state employee of an institution of higher education to provide expert witness services in state litigation provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use (~~his or her~~) the state officer or state employee's official position to influence the contract.

(7) **Filing required** - Final contracts or grants reviewed under this rule must be filed with the board within thirty days of execution.

[Statutory Authority: RCW 42.52.360. WSR 18-11-062, § 292-110-060, filed 5/14/18, effective 6/14/18. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.120(2). WSR 04-18-019, § 292-110-060, filed 8/23/04, effective 9/23/04. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-080, § 292-110-060, filed 6/19/01, effective 7/20/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-04-001, § 292-110-060, filed 1/21/98, effective 2/21/98.]

## OTS-3832.1

AMENDATORY SECTION (Amending WSR 18-20-107, filed 10/2/18, effective 11/2/18)

**WAC 292-130-020 Agency description—Contact information—Public records officer.** (1) The executive ethics board was created by chapter 42.52 RCW to enforce the state's ethics law and rules adopted under it with respect to statewide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

(2) Any person wishing to request access to public records of the executive ethics board, or seeking assistance in making such a request, should contact the public records officer of the executive ethics board:

Executive Director  
Executive Ethics Board  
2425 Bristol Court S.W.  
P.O. Box 40149  
Olympia, WA 98504-0149  
360-664-0871  
(~~360-586-3955 (fax)~~)

ethics@atg.wa.gov

Information and a request form is also available at the executive ethics board's website at [www.ethics.wa.gov](http://www.ethics.wa.gov).

(3) The public records officer will oversee compliance with the act but another executive ethics board staff member may process the request. Therefore, these rules will refer to the public records officer or "designee."

[Statutory Authority: RCW 42.52.360. WSR 18-20-107, § 292-130-020, filed 10/2/18, effective 11/2/18; WSR 16-16-075, § 292-130-020, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-130-020, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-020, filed 11/3/98, effective 12/4/98.]

AMENDATORY SECTION (Amending WSR 18-20-107, filed 10/2/18, effective 11/2/18)

**WAC 292-130-050 Availability of public records.** (1) Public records are available for inspection and copying Monday through Friday, 9:00 a.m. to noon, and 1:00 p.m. to 4:00 p.m., excluding legal holidays and during scheduled board meetings. Records must be inspected at the offices of the executive ethics board. Many public records are also available for inspection and copying on [www.ethics.wa.gov](http://www.ethics.wa.gov) at any time, at no cost.

(2) An index of public records is available for use by members of the public, including final orders, stipulations and advisory opinions. The indices for these documents are available upon request.

(3) The executive ethics board will maintain its records in a reasonably organized manner. The executive ethics board will take reasonable actions to protect records from damage and disorganization. A requestor must not take executive ethics board records from executive ethics board offices without the permission of the public records officer or designee. A variety of records is available on the executive ethics board website at [www.ethics.wa.gov](http://www.ethics.wa.gov). Requestors are encouraged to view the documents available on the website prior to submitting a records request.

(4) Any person wishing to inspect or copy public records of the executive ethics board should make the request in writing on the executive ethics board request form or through an online portal, or by letter (~~(or fax)~~) or email addressed to the public records officer at the email address publicly designated by the executive ethics board, or by submitting the request in person at the executive ethics board office and including the following information:

- (a) Name of requestor;
- (b) Address of requestor;
- (c) Other contact information, including telephone number and email address;
- (d) Identification of the public records adequate for the public records officer or designee to locate the records; and
- (e) The date and time of day of the request.

(5) If the requestor wishes to have copies of the records made instead of simply inspecting them, (~~(he or she)~~) the requestor should so indicate and make arrangements to pay for copies of the records or

a deposit. Pursuant to WAC 292-130-110, charges for copies are provided in a fee schedule available at the executive ethics board office or [www.ethics.wa.gov](http://www.ethics.wa.gov).

(6) A records request form is available for use by requestors at the executive ethics board office and online at [www.ethics.wa.gov](http://www.ethics.wa.gov).

(7) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, ~~((he or she))~~ the public records officer or designee will confirm receipt of the information and the substance of the request in writing.

(8) If requestors refuse to identify themselves or provide sufficient contact information, the agency will respond to the extent feasible and consistent with the law.

[Statutory Authority: RCW 42.52.360. WSR 18-20-107, § 292-130-050, filed 10/2/18, effective 11/2/18; WSR 16-16-075, § 292-130-050, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-050, filed 11/3/98, effective 12/4/98.]

AMENDATORY SECTION (Amending WSR 18-20-107, filed 10/2/18, effective 11/2/18)

**WAC 292-130-100 Processing of public records requests—General.**

(1) Upon receipt of a request, the executive ethics board will assign it a tracking number and log it in.

(2) The public records officer or designee will evaluate the request according to the nature of the request, volume, and availability of requested records.

(3) Following the initial evaluation of the request under this subsection, and within five business days of receipt of the request, the public records officer or designee will do one or more of the following:

(a) Make the records available for inspection or copying including:

(i) If the copies are available on the executive ethics board's website, provide the internet address and link on the website to the specific records requested;

(ii) If copies are requested and payment of a deposit for the copies, if any, is made or other terms of payment are agreed upon, send the copies to the requestor.

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available; or

(c) Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of time the executive ethics board will require to respond to the request if it is not clarified.

(i) Such clarification may be requested and provided by telephone and memorialized in writing;

(ii) If the requestor fails to respond to a request for clarification and the entire request is unclear, the executive ethics board

need not respond to it. The executive ethics board will respond to those portions of a request that are clear; or

(d) Deny the request.

(4) If the executive ethics board does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer or designee to determine the reason for the failure to respond.

(5) In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask ~~((him or her))~~ the requestor to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(6) Some records are exempt from disclosure, in whole or in part. If the executive ethics board believes that a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief written explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer or designee will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(7) Consistent with other demands, the executive ethics board will promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor must indicate which documents ~~((he or she wishes))~~ they wish the executive ethics board to copy.

The requestor must claim or review the assembled records within thirty days of the executive ethics board's notification to ~~((him or her))~~ the requestor that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that ~~((he or she))~~ they should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the executive ethics board may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(8) After inspection is complete, the public records officer or designee will make the requested copies or arrange for copying. Where executive ethics board charges for copies, the requestor must pay for the copies.

(9) When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if ~~((he or she))~~ the public records officer or designee reasonably determine~~((s))~~ that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(10) When the inspection of the requested records is complete and all requested copies are provided, the public records officer or des-

ignee will indicate that the executive ethics board has completed a reasonable search for the requested records and made any located non-exempt records available for inspection.

(11) When the requestor either withdraws the request, fails to clarify an entirely unclear request, fails to fulfill (~~his or her~~) their obligations to inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the public records officer or designee will close the request and, unless the agency has already indicated in previous correspondence that the request would be closed under the above circumstances, indicate to the requestor that the executive ethics board has closed the request.

(12) If, after the executive ethics board has informed the requestor that it has provided all available records, the executive ethics board becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 42.52.360. WSR 18-20-107, § 292-130-100, filed 10/2/18, effective 11/2/18; WSR 16-16-075, § 292-130-100, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-100, filed 11/3/98, effective 12/4/98.]

**WSR 22-11-079**  
**EXPEDITED RULES**  
**HEALTH CARE AUTHORITY**  
 [Filed May 17, 2022, 2:17 p.m.]

Title of Rule and Other Identifying Information: WAC 182-502-0002  
 Eligible provider types.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To fix erroneous cross-reference in subsection (1)(c) and align the titles of the applied behavior analysis (ABA) professionals in subsection (1)(c)(i)-(iii) with those listed in WAC 182-531A-0800.

Reasons Supporting Proposal: These housekeeping fixes are required to align this section with the ABA rules in WAC 182-531A-0800.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Valerie Freudenstein, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Melissa Kundur, P.O. Box 45502, Olympia, WA 98504-5502, 360-725-5297.

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.

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 Rules Coordinator, Health Care Authority, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9272, email arc@hca.wa.gov, AND RECEIVED BY July 19, 2022.

May 17, 2022  
 Wendy Barcus  
 Rules Coordinator

**OTS-3833.1**

AMENDATORY SECTION (Amending WSR 22-07-105, filed 3/23/22, effective 4/23/22)

**WAC 182-502-0002 Eligible provider types.** The following health care professionals, health care entities, suppliers or contractors of service may request enrollment with the Washington state health care authority (medicaid agency) to provide covered health care services to eligible clients. For the purposes of this chapter, health care services include treatment, equipment, related supplies, and drugs.

- (1) Professionals:
- (a) Advanced registered nurse practitioners;
- (b) Anesthesiologists;
- (c) Applied behavior analysis (ABA) professionals, as provided in WAC ((~~182-531-1410 through 182-531-1436~~) 182-531A-0800):
- (i) ((~~Certified agency-affiliated counselors~~)) Licensed behavior analyst;
- (ii) ((~~Certified counselors~~)) Licensed assistant behavior analyst; and
- (iii) Certified ((~~counselor advisors~~)) behavior technician.
- (d) Audiologists;
- (e) Chemical dependency professionals:
- (i) Mental health care providers; and
- (ii) Peer counselors.
- (f) Chiropractors;
- (g) Dentists;
- (h) Dental health aide therapists, as provided in chapter 70.350 RCW;
- (i) Dental hygienists;
- (j) Denturists;
- (k) Dietitians or nutritionists;
- (l) Hearing aid fitters/dispensers;
- (m) Marriage and family therapists;
- (n) Mental health counselors;
- (o) Mental health care providers;
- (p) Midwives;
- (q) Naturopathic physicians;
- (r) Nurse anesthetist;
- (s) Occularists;
- (t) Occupational therapists;
- (u) Ophthalmologists;
- (v) Opticians;
- (w) Optometrists;
- (x) Orthodontists;
- (y) Orthotist;
- (z) Osteopathic physicians;
- (aa) Osteopathic physician assistants;
- (bb) Peer counselors;
- (cc) Podiatric physicians;
- (dd) Pharmacists;
- (ee) Physicians;
- (ff) Physician assistants;
- (gg) Physical therapists;
- (hh) Prosthetist;
- (ii) Psychiatrists;
- (jj) Psychologists;
- (kk) Radiologists;
- (ll) Registered nurse delegators;
- (mm) Registered nurse first assistants;
- (nn) Respiratory therapists;
- (oo) Social workers; and
- (pp) Speech/language pathologists.
- (2) Agencies, centers and facilities:
- (a) Adult day health centers;
- (b) Ambulance services (ground and air);
- (c) Ambulatory surgery centers (medicare-certified);
- (d) Birthing centers (licensed by the department of health);

- (e) Cardiac diagnostic centers;
- (f) Case management agencies;
- (g) Chemical dependency treatment facilities certified by the department of social and health services (DSHS) division of behavioral health and recovery (DBHR), and contracted through either:
  - (i) A county under chapter 388-810 WAC; or
  - (ii) DBHR to provide chemical dependency treatment services.
- (h) Centers for the detoxification of acute alcohol or other drug intoxication conditions (certified by DBHR);
  - (i) Community AIDS services alternative agencies;
  - (j) Community mental health centers;
  - (k) Diagnostic centers;
  - (l) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;
  - (m) Family planning clinics;
  - (n) Federally qualified health centers (designated by the federal department of health and human services);
  - (o) Genetic counseling agencies;
  - (p) Health departments;
  - (q) Health maintenance organization (HMO)/managed care organization (MCO);
  - (r) HIV/AIDS case management;
  - (s) Home health agencies;
  - (t) Hospice agencies;
  - (u) Hospitals;
  - (v) Indian health service facilities/tribal 638 facilities;
  - (w) Tribal or urban Indian clinics;
  - (x) Inpatient psychiatric facilities;
  - (y) Intermediate care facilities for individuals with intellectual disabilities (ICF-IID);
  - (z) Kidney centers;
  - (aa) Laboratories (CLIA certified);
  - (bb) Maternity support services agencies; maternity case managers; infant case management, first steps providers;
  - (cc) Neuromuscular and neurodevelopmental centers;
  - (dd) Nurse services/delegation;
  - (ee) Nursing facilities (approved by the DSHS aging and long-term support administration);
  - (ff) Pathology laboratories;
  - (gg) Pharmacies;
  - (hh) Private duty nursing agencies;
  - (ii) Radiology - Stand-alone clinics;
  - (jj) Rural health clinics (medicare-certified);
  - (kk) School districts and educational service districts;
  - (ll) Sleep study centers; and
  - (mm) Washington state school districts and educational service districts.
- (3) Suppliers of:
  - (a) Blood, blood products, and related services;
  - (b) Durable and nondurable medical equipment and supplies;
  - (c) Complex rehabilitation technologies;
  - (d) Infusion therapy equipment and supplies;
  - (e) Prosthetics/orthotics;
  - (f) Hearing aids; and
  - (g) Respiratory care, equipment, and supplies.
- (4) Contractors:
  - (a) Transportation brokers;

- (b) Spoken language interpreter services agencies;
- (c) Independent sign language interpreters; and
- (d) Eyeglass and contact lens providers.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 22-07-105, § 182-502-0002, filed 3/23/22, effective 4/23/22. Statutory Authority: RCW 41.05.021, 41.05.160 and 2019 c 415 § 211(49). WSR 19-20-046, § 182-502-0002, filed 9/25/19, effective 10/26/19. Statutory Authority: RCW 41.05.021, 2013 c 178, and 2013 2nd sp.s. c 4. WSR 14-06-054, § 182-502-0002, filed 2/27/14, effective 3/30/14. WSR 11-14-075, recodified as § 182-502-0002, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090, 74.09.080, and 74.09.290. WSR 11-11-017, § 388-502-0002, filed 5/9/11, effective 6/9/11.]

**WSR 22-11-093**  
**EXPEDITED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Commission Docket A-210960—Filed May 18, 2022, 10:22 a.m.]

**Title of Rule and Other Identifying Information:** This rule making would revise adoption-by-reference dates and correct ministerial errors in Title 480 WAC to incorporate the most recent version of adopted federal rules and other adopted publications and provide corrected phone numbers and reference links.

Rules affected include WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-305, 480-62-999, 480-70-999, 480-75-999, 480-90-999, 480-93-005, 480-93-200, 480-93-999, 480-100-999, 480-103-999, 480-108-999, 480-109-999, 480-110-999, 480-120-999, and 480-123-999.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** This proposal would revise the adoption-by-reference dates to reflect the current version(s) of adopted materials and make other minor administrative updates and corrections.

**Reasons Supporting Proposal:** The commission adopts by reference several parts in Titles 18, 47, and 49 of the Code of Federal Regulations and other state rules and national standards. This adoption package will make commission rules consistent with current published versions of federal rules and reflect the most current versions of the national safety standards.

**Statutory Authority for Adoption:** RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353.

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

**Name of Proponent:** Washington utilities and transportation commission, governmental.

**Name of Agency Personnel Responsible for Drafting:** Gregory J. Kopta, Administrative Law Judge, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-664-1355; **Implementation and Enforcement:** Amanda Maxwell, Executive Director and Secretary, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-664-1115.

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

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Corrects typographical errors, make address or name changes, or clarify language of a 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 EX-

PRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Amanda Maxwell, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1160, email records@utc.wa.gov, AND RECEIVED BY July 18, 2022.

May 18, 2022  
Amanda Maxwell  
Executive Director  
and Secretary

### OTS-3813.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-14-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publication, effective dates, references within this chapter, and availability of the resource is within Title 49 Code of Federal Regulations (C.F.R.), including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on December 31, ((2020)) 2021, for 49 C.F.R. Parts 171, 172 and 173.

(2) This publication is referenced in WAC 480-14-250 (Insurance requirements).

(3) Copies of Title 49 C.F.R. are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-14-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-14-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-14-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-14-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-14-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-14-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-14-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-14-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-14-999, filed 2/15/12, effective 3/17/12. Statutory Authority: RCW 80.01.040 and 81.04.160. WSR 09-22-057 (Order R-555, Docket TV-090400), § 480-14-999, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-14-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-14-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-14-999, filed 10/10/05, effective 11/10/05; WSR

04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-14-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-14-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-999, filed 9/28/01, effective 10/29/01.]

## OTS-3814.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-15-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2021~~) 2022.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, (~~2020~~) 2021.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-15-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-15-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-15-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-15-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-15-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-15-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-15-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-15-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-15-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-15-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-15-999, filed 12/23/08, effective 1/23/09; WSR

06-17-087 (Docket A-060475, General Order No. R-537), § 480-15-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-15-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-15-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-15-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-15-999, filed 9/28/01, effective 10/29/01.]

## OTS-3815.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-30-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2021)) 2022.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2020)) 2021.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-30-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-30-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-30-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-30-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-30-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-30-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-30-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-30-999, filed

2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-30-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-30-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-30-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-999, filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-30-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-30-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-30-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-999, filed 9/28/01, effective 10/29/01.]

### OTS-3816.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-31-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2021)) 2022.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2020)) 2021.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-31-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-31-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-31-999, filed 6/19/18, effective 7/20/18. Statu-

tory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-31-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-31-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-31-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-31-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-31-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-31-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-31-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-31-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 81.04.160 and 34.05.353. WSR 06-11-013 (Docket T-051915, General Order No. R-532), § 480-31-999, filed 5/4/06, effective 6/4/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-21-022, § 480-31-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-31-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-31-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-999, filed 9/28/01, effective 10/29/01.]

## OTS-3817.1

AMENDATORY SECTION (Amending WSR 01-04-026, filed 1/30/01, effective 3/2/01)

**WAC 480-62-305 Railroad community notice requirements.** This rule is not intended to cover immediate safety hazards or emergencies.

(1) At least ten days prior to taking any planned action that may have a significant impact on a community, railroad companies must notify, in writing, the governing authority of the community and the commission of the planned action.

Note: Maintenance practices, such as replacing broken planks if the opportunity to do so is unexpectedly presented, are not considered to be planned actions and would likely prevent safety hazards. In such situations, advance notice would not be required.

(2) Examples of actions that may have significant impact on a community include disrupting the use of a crossing for track inspection, reconstruction, maintenance, or blocking a crossing.

(3) The notice must contain a heading with the words "important notice" in prominent type and contain, at a minimum, the following:

- (a) Date the notice is issued;
- (b) A clear explanation of the type of planned event;
- (c) Specific location of the event;
- (d) An estimation of the start and completion date of the event;
- (e) Any additional information that will assist the community to plan for the event;
- (f) Railroad company contact person and phone number; and
- (g) A statement substantially as follows: "If you have questions about the regulatory process, you may contact the Washington Utilities and Transportation Commission at: WUTC, (~~1300 S. Evergreen Park Dr.~~

S.W.,) 621 Woodland Square Loop S.E., Lacey, WA 98503 or P.O. Box 47250, Olympia, WA 98504-7250; ((1-800-562-6150 (toll-free)) 360-664-1262. Also, you may contact the Federal Railroad Administration at 1-800-724-5998 (toll-free)."

(4) Whenever a highway authority plans to perform maintenance that will affect a crossing, it must notify the railroad company and local jurisdiction at least ten days before performing the maintenance.

(5) Whenever a railroad company plans to perform maintenance that involves changing the type of material used as a grade crossing surface, it must also notify the commission at least ten days prior to performing the replacement.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. WSR 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-305, filed 1/30/01, effective 3/2/01.]

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-62-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2020)) 2021.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), WAC 480-62-240 (Railroad owned or operated passenger carrying vehicles—Equipment), WAC 480-62-278 (Contract crew transportation vehicle and driver safety requirements), and WAC 480-62-293 (Contract crew transportation enforcement).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2020)) 2021.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices), WAC 480-62-235 (Flaggers), and WAC 480-62-245 (Railroad owned or operated passenger carrying vehicles—Operation).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **ANSI/ISEA Z308.1 - 2015 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on December 31, (~~2020~~) 2021.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI/ISEA Z308.1 - 2015 American National Standard for Minimum Requirements for Workplace First Aid Kits and Supplies are available from IHS Global Engineering Documents in Englewood, Colorado.

(4) **ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on December 31, (~~2020~~) 2021.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests are available from IHS Global Engineering Documents in Englewood, Colorado.

(5) **North American Standard Out-of-Service Criteria** (OOSC) is published by the *Commercial Vehicle Safety Alliance* (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2021~~) 2022.

(b) This publication is referenced in WAC 480-62-278 (Contract crew transportation vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-62-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-62-999, filed 7/3/19, effective 8/3/19. Statutory Authority: RCW 80.01.040, 81.04.160, and 81.61.050. WSR 18-10-001 (Docket TR-170780, General Order R-591), § 480-62-999, filed 4/18/18, effective 5/19/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-62-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-62-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-62-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-62-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-62-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-62-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-62-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-62-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-62-999, filed 12/23/08, effective 1/23/09; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-62-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-62-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-62-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters

81.48, 81.53, 81.54, 81.60, and 81.61 RCW. WSR 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-999, filed 1/30/01, effective 3/2/01.]

## OTS-3818.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-70-999 Adoption by reference.** In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

- (1) **The North American Standard Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).
  - (a) The commission adopts the version in effect on April 1, (~~2021~~) 2022.
  - (b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).
  - (c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.
- (2) **Title 40 Code of Federal Regulations**, cited as 40 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.
  - (a) The commission adopts the version in effect on December 31, (~~2020~~) 2021.
  - (b) This publication is referenced in WAC 480-70-041 (Definitions, general).
  - (c) Copies of Title 40 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.
- (3) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.
  - (a) The commission adopts the version in effect on December 31, (~~2020~~) 2021.
  - (b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).
  - (c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-70-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-70-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-70-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-70-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-70-999, filed 2/9/16, effective 3/11/16; WSR

15-06-048 (Docket A-143302, General Order R-579), § 480-70-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-70-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-70-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-70-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-70-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-70-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-70-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-70-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-70-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-70-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-70-999, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-999, filed 3/23/01, effective 4/23/01.]

#### OTS-3838.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-75-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., Parts 190.221, 190.223, 195, 196, 198, and 199 including all appendices and amendments except for 49 C.F.R. Sections 195.0, 195.1, 199.1, 199.2, and 196.1 published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~January 11~~) December 31, 2021.

(b) This publication is referenced in WAC 480-75-100 (Definitions), WAC 480-75-370 (Design factor (*F*) for steel pipe), WAC 480-75-250 (Civil penalty for violation of chapter 81.88 RCW), WAC 480-75-650 (Annual reports), and WAC 480-75-660 (Procedural manual for operations, maintenance, and emergencies).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>.

(2) **The American Society of Mechanical Engineers** (ASME) B31.4, 2006 edition, October 20, 2006.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from ASME, <https://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The 2007 edition, July 2007, of **Section IX of the ASME Boiler and Pressure Vessel Code**.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of the 2007 edition, of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from ASME, <https://www.asme.org/codes/>. It is also available for inspection at the commission.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** (20th edition 2005, including errata/addendum July 2007 and errata 2 (December 2008)).

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <https://www.api.org/>. It is also available for inspection at the commission.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-75-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-75-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-75-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-75-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-75-999, filed 2/9/16, effective 3/11/16; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-75-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-75-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-75-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-75-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-75-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-75-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. WSR 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-999, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 80.04.160, 80.28.210, 81.04.160, 81.88.020, and 34.05.353. WSR 06-14-052 (Docket A-060464, General Order No. R-535), § 480-75-999, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-75-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-75-999, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-999, filed 8/26/02, 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-75-999, filed 9/28/01, effective 10/29/01.]

OTS-3819.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-90-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 C.F.R., including all appendices and amendments is published by the United States Government Publishing Office.

(a) The commission adopts the version in effect on April 1, ((2021)) 2022.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-90-203 (Accounting system requirements), WAC 480-90-244 (Transferring cash or assuming obligations), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Publishing Office in Washington, D.C., or online at <https://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

(2) The **Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 2007.

(b) This publication is referenced in WAC 480-90-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C. or at NARUC publications store online: ((<https://www.naruc.org/resolutions-index/2007-annual-meeting-resolutions/>)) <https://maxxwww.naruc.org/forms/store/ProductFormPublic/regulations-to-govern-the-preservation-of-records>. It is also available for inspection at the commission branch of the state library.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-90-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-90-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-90-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-90-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-90-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-90-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-90-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-90-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General

Order R-564), § 480-90-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-90-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-90-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-90-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-90-999, filed 10/10/05, effective 11/10/05; WSR 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-999, filed 2/28/05, effective 3/31/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-90-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-90-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-999, filed 5/3/01, effective 6/3/01.]

### OTS-3820.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-93-005 Definitions.** (1) "**Bar hole**" means a hole made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) "**Building**" means any structure that is normally or occasionally entered by humans for business, residential, or other purposes and where gas could accumulate.

(3) "**Business district**" means an area where the public regularly congregates or where the majority of the buildings on either side of the street are regularly utilized, for financial, commercial, industrial, religious, educational, health, or recreational purposes.

(4) "**C.F.R.**" means the Code of Federal Regulations.

(5) "**Combustible gas indicator**" (**CGI**) means a device capable of detecting and measuring gas concentrations in air.

(6) "**Commission**" means the Washington utilities and transportation commission.

(7) "**Enclosed space**" means any subsurface structure of sufficient size that could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, and manholes.

(8) "**Emergency notification line**" means 1-888-321-9144.

(9) "**Follow-up inspection**" means an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(10) "**Gas**" means natural gas, flammable gas, or gas that is toxic or corrosive.

(11) "**Gas associated substructures**" means those devices or facilities utilized by a gas pipeline company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(12) "**Gas pipeline**" means all parts of a pipeline facility through which gas moves in transportation((7)) including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, compressor units, metering stations, regulator stations,

delivery stations, holders and fabricated assemblies. "Gas pipeline" does not include any pipeline facilities, other than a master meter system, owned by a consumer or consumers of the gas, located exclusively on the consumer or consumers' property, and none of the gas leaves that property through a pipeline.

(13) "**Gas pipeline company**" means a person or entity constructing, owning or operating a gas pipeline for transporting gas. "Gas pipeline company" includes a person or entity owning or operating a master meter system. "Gas pipeline company" does not include excavation contractors or other contractors that contract with a gas pipeline company.

(14) "**High occupancy structure or area**" means a building or an outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by ~~((twenty))~~ 20 or more persons on at least five days a week for ~~((ten))~~ 10 weeks in any ~~((twelve-month))~~ 12-month period. (The days and weeks need not be consecutive.)

(15) "**Indication**" means a response indicated by a gas detection instrument that has not been verified as a reading.

(16) "**LEL**" means the lower explosive limit of the gas being transported.

(17) "**Line pipe**" or "**pipe**" means a tube, usually cylindrical, through which a hazardous liquid or gas is transported from one point to another.

(18) "**MAOP**" means maximum allowable operating pressure.

(19) "**Master meters system**" means a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by any other means, such as by rents.

(20) "**Prompt action**" means to dispatch qualified personnel without undue delay.

(21) "**Psig**" means pounds per square inch gauge.

(22) "**Reading**" means a repeatable representation on a combustible gas indicator or equivalent instrument expressed in percent LEL or gas-air ratio.

(23) "**Record(s)**" means any electronic or paper document, map, database, report or drawing created by or kept by a gas pipeline company.

(24) "**Sniff test**" means a qualitative test utilizing both threshold and readily detectable methods for determining proper concentrations of odorant.

(25) "**Transmission line**" means a gas pipeline as defined in 49 C.F.R. § 192.3 on the date specified in WAC 480-93-999.

(26) "**Weak link**" means a device or method used when pulling polyethylene pipe to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed.

(27) Other terms that correspond to those used in 49 C.F.R. Parts 191, 192, 193, 196, and 199 (Minimum Federal Safety Standards for Gas Pipelines) must be construed as used therein on the date specified in WAC 480-93-999.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-93-005, filed 6/22/21, effective 7/23/21. Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040.]

WSR 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-005, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. WSR 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-005, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210(1), and 80.01.040(1). WSR 05-23-174 (Docket No. PG-050933, General Order No. R-524), § 480-93-005, filed 11/23/05, effective 12/24/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. WSR 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-005, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-005, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 80.28.210. WSR 95-13-082 (Order R-427, Docket No. UG-950061), § 480-93-005, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 80.01.040. WSR 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-005, filed 8/5/92, effective 9/5/92; Order R-100, § 480-93-005, filed 5/18/77. Formerly WAC 480-93-001.]

AMENDATORY SECTION (Amending WSR 13-03-098, filed 1/16/13, effective 4/1/13)

**WAC 480-93-200 Reporting requirements.** (1) Each gas pipeline company must give notice to the commission by telephone using the emergency notification line (see WAC 480-93-005(8)) within two hours of discovering an incident or hazardous condition arising out of its operations that results in:

- (a) A fatality or personal injury requiring hospitalization;
- (b) Property damage valued at more than ~~((fifty thousand dollars))~~ \$50,000, or as defined in 49 C.F.R. 191.3 (1)(ii), whichever is higher;
- (c) The evacuation of a building, or a high occupancy structure or area;
- (d) The unintentional ignition of gas;
- (e) The unscheduled interruption of service furnished by any gas pipeline company to ~~((twenty-five))~~ 25 or more distribution customers;
- (f) A pipeline or system pressure exceeding the MAOP plus ~~((ten))~~ 10 percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020; or
- (g) A significant occurrence, in the judgment of the gas pipeline company, even though it does not meet the criteria of (a) through (f) of this subsection.

(2) Each gas pipeline company must give notice to the commission by telephone using the emergency notification line (see WAC 480-93-005(8)) within ~~((twenty-four))~~ 24 hours of each incident or hazardous condition arising out of its operations that results in:

- (a) The uncontrolled release of gas for more than two hours;
- (b) The taking of a high pressure supply or transmission pipeline or a major distribution supply gas pipeline out of service;
- (c) A gas pipeline operating at low pressure dropping below the safe operating conditions of attached appliances and gas equipment; or
- (d) A gas pipeline pressure exceeding the MAOP.

(3) Routine or planned maintenance and operational activities of the gas pipeline company that result in operator-controlled plant and equipment shut downs, reduction in system pressures, flaring or vent-

ing of gas, and normal leak repairs are not reportable items under this section.

(4) Each gas pipeline company must provide to the commission a written report within (~~(thirty)~~) 30 days of the initial telephonic report required under subsections (1) and (2) of this section. At a minimum, the written reports must include the following:

(a) Name(s) and address(es) of any person or persons injured or killed, or whose property was damaged;

(b) The extent of such injuries and damage;

(c) A description of the incident or hazardous condition including the date, time, and place, and reason why the incident occurred. If more than one reportable condition arises from a single incident, each must be included in the report;

(d) A description of the gas pipeline involved in the incident or hazardous condition, the system operating pressure at that time, and the MAOP of the facilities involved;

(e) The date and time the gas pipeline company was first notified of the incident;

(f) The date and time the gas pipeline company's first responders arrived on-site;

(g) The date and time the gas pipeline was made safe;

(h) The date, time, and type of any temporary or permanent repair that was made;

(i) The cost of the incident to the gas pipeline company;

(j) Line type;

(k) City and county of incident; and

(l) Any other information deemed necessary by the commission.

(5) Each gas pipeline company must submit a supplemental report if required information becomes available after the (~~(thirty-day)~~) 30-day report is submitted.

(6) Each gas pipeline company must provide to the commission a copy of each failure analysis report completed or received by the gas pipeline company, concerning any incident or hazardous condition due to construction defects or material failure within five days of completion or receipt of such report.

(7) In the event of damage to a gas pipeline, each gas pipeline company must provide to the commission the following information using either the commission's web-based damage reporting tool or its successor, or the damage reporting form located on the commission's website:

(a) The reporting requirements set forth in RCW 19.122.053 (3) (a) through (n);

(b) If the damage is believed by the company to be the result of an excavation conducted without a facilities locate first being completed, the gas pipeline company must also report the name, address, and phone number of the person or entity that the company has reason to believe may have caused the damage. The company must include this information in the comment section of the web-based damage reporting tool form or send it to the commission separately. If the company chooses to send the information separately, it must include sufficient information to allow the commission to link the name of the party believed to have caused the damage with the damage event reported through the damage reporting tool.

(c) Each gas pipeline company must retain all damage and damage claim records it creates related to damage events, including photographs and documentation supporting the conclusion that a facilities locate was not completed, reported under subsection (b) of this sec-

tion, for a period of two years and make those records available to the commission upon request.

(8) Each gas pipeline company must provide, to an excavator who damages a gas pipeline facility, the following information set forth in chapter 19.122 RCW:

(a) Notification requirements for excavators under RCW 19.122.050(1);

(b) A description of the excavator's responsibilities for reporting damages under RCW 19.122.053; and

(c) Information concerning the safety committee referenced under RCW 19.122.130, including committee contact information, and the process for filing a complaint with the safety committee.

(9) Each gas pipeline company must report to the commission the details of each instance of the following when the company or its contractor observes or becomes aware of either of these events:

(a) An excavator digs within (~~thirty-five~~) 35 feet of a transmission pipeline, as defined by RCW 19.122.020(26) without first obtaining a facilities locate; or

(b) A person intentionally damages or removes marks indicating the location or presence of gas pipeline facilities.

The company must only report information to the extent that an employee or contractor of the company observes or becomes aware of these events.

(10) Each gas pipeline company must file with the commission the following annual reports no later than March 15<sup>th</sup> for the preceding calendar year:

(a) A copy of every Pipeline and Hazardous Materials Safety Administration (PHMSA) F-7100.1-1 and F-7100.2-1 annual report required by U.S. Department of Transportation, Office of Pipeline Safety.

(b) A report detailing all construction defects and material failures resulting in leakage. Each gas pipeline company must categorize the different types of construction defects and material failures anticipated for their system. The report must include the following:

(i) Types and numbers of construction defects; and

(ii) Types and numbers of material failures.

(11) Each gas pipeline company must file with the commission, and with appropriate officials of all municipalities where gas pipeline companies have facilities, the names, addresses, and telephone numbers of the responsible officials of the gas pipeline company who may be contacted in the event of an emergency. In the event of any changes in such personnel, the gas pipeline company must immediately notify the commission and municipalities.

(12) Each gas pipeline company must send to the commission, by email, daily reports of construction and repair activities. Reports may be faxed only if the gas pipeline company does not have email capability. Reports must be received no later than 10:00 a.m. each day of the scheduled work, and must include both gas pipeline company and contractor construction and repair activities. Report information must be broken down by individual crews and the scheduled work must be listed by address, as much as practical. To the extent possible the reports will only contain construction and repair activity scheduled for that day, but they may include a reasonable allowance for scheduling conflicts or disruptions.

(13) When a gas pipeline company is required to file a copy of a DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form with the U.S. Department of Transportation, Office of

Pipeline Safety, the gas pipeline company must simultaneously submit a copy of the form to the commission.

[Statutory Authority: RCW 80.01.040(4), 81.01.010, 81.04.160, 81.88.040, 81.88.065, and 2007 c 142 §§ 1, 2, and 5. WSR 13-03-098 (Docket PG-120345, General Order R-567), § 480-93-200, filed 1/16/13, effective 4/1/13. Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. WSR 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-200, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. WSR 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-200, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210(1), and 80.01.040(1). WSR 05-23-174 (Docket No. PG-050933, General Order No. R-524), § 480-93-200, filed 11/23/05, effective 12/24/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. WSR 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-200, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. WSR 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-200, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-200, filed 7/15/71; Order R-5, § 480-93-200, filed 6/6/69, effective 10/9/69.]

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-93-999 Adoption by reference.** In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each regulation or standard is listed by publication, publisher, scope of what the commission is adopting, effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and where to obtain the regulation or standard.

(1) Parts 190.221, 190.223, 191, 192, 193, 196, 198, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on (~~January 11~~) December 31, 2021, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 196.1, 198.1, 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 C.F.R. Sec. 192.801 (b) (2).

(b) This publication is referenced in WAC 480-93-005 (Definitions), WAC 480-93-015 (Odorization of gas), WAC 480-93-018 (Records), WAC 480-93-080 (Welder and plastic joiner identification and qualification), WAC 480-93-100 (Valves), WAC 480-93-110 (Corrosion control), WAC 480-93-124 (Pipeline markers), WAC 480-93-160 (Reporting requirements of proposed construction), WAC 480-93-170 (Tests and reports for gas pipelines), WAC 480-93-180 (Plans and procedures), WAC 480-93-223 (Civil penalty for violation of chapter 81.88 RCW and commission gas safety rules), and WAC 480-93-18601 (Leak classification and action criteria—Grade—Definition—Priority of leak repair).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>. It is also available for inspection at the commission.

(2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

(a) The commission adopts the 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2007 edition, including addenda through July 1, 2005) are available from ASME, <https://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 (20th edition October 2005, including errata/addendum July 2007 and errata 2 (2008)).

(a) The commission adopts the 20th edition 2005, including errata/addendum July 2007 and errata 2 (2008) of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <https://www.api.org/>. It is also available for inspection at the commission.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-93-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-93-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-93-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-93-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-93-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-93-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-93-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-93-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-93-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-93-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-93-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-93-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. WSR 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-999, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 80.04.160, 80.28.210, 81.04.160, 81.88.020, and 34.05.353. WSR 06-14-052 (Docket A-060464, General Order No. R-535), § 480-93-999, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. WSR 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-999, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-999, filed 9/28/01, effective 10/29/01.]

**OTS-3821.1**

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-100-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 C.F.R., including all appendices and amendments is published by the United States Government Publishing Office.

(a) The commission adopts the version in effect on April 1, ((2021)) 2022.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-100-203 (Accounting system requirements), WAC 480-100-244 (Transferring cash or assuming obligations), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Publishing Office in Washington D.C., or online at <https://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission library.

(2) The **Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 2007.

(b) This publication is referenced in WAC 480-100-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities* is a copyrighted document. Copies are available from NARUC in Washington, D.C. or at NARUC publications store online: ((~~<https://www.naruc.org/resolutions-index/2007-annual-meeting-resolutions/>~~)) <https://maxxwww.naruc.org/forms/store/ProductFormPublic/regulations-to-govern-the-preservation-of-records>. It is also available for inspection at the commission branch of the state library.

(3) The **National Electrical Code** is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the edition effective in 2017, including errata 70-17-1 published September 29, 2016, errata 70-17-2 published December 16, 2016, 70-17-3 published January 11, 2017, 70-17-4 published March 13, 2017, errata 70-21-1 published October 10, 2019, errata 70-20-2 published December 23, 2019, and errata 70-20-3 published March 10, 2020.

(b) This publication is referenced in WAC 480-100-163 (Service entrance facilities).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02169, or at internet address <https://www.nfpa.org/>.

(4) The **American National Standard for Electric Meters: Code for Electricity Metering**, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 2016.

(b) This publication is referenced in WAC 480-100-318 (Meter readings, multipliers, and test constants), WAC 480-100-338 (Accuracy requirements for electric meters), and WAC 480-100-343 (Statement of meter test procedures).

(c) The ANSI C12.1 is a copyrighted document. ANSI C12.1 - 2016 is available at American National Standards Institute website <https://webstore.ansi.org/> (PDF) or at IHS Standards Store website <https://global.ihs.com/> (PDF and print).

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-100-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-100-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-100-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-100-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-100-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-100-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-100-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-100-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-100-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-100-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-100-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-100-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-100-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-100-999, filed 10/10/05, effective 11/10/05; WSR 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-999, filed 2/28/05, effective 3/31/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-100-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-999, filed 5/3/01, effective 6/3/01.]

## OTS-3822.1

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

**WAC 480-103-999 Adoption by reference.** In this chapter, the commission adopts by reference the regulations and standards in *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities*, published by the National Association of Regulatory Utility Commissioners (NARUC) as the standards for records retention for community solar companies unless otherwise specified in these rules. The commission adopts the version of this document in effect in 2007. The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities is a copyrighted document. Copies are

available from NARUC in Washington, D.C. or at NARUC publications store online: <https://maxxwww.naruc.org/forms/store/ProductFormPublic/regulations-to-govern-the-preservation-of-records>. The publication is also available for inspection at the commission's offices.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 19-14-118, § 480-103-999, filed 7/3/19, effective 8/3/19. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 18-20-098 (Docket UE-171033, General Order R-595), § 480-103-999, filed 10/2/18, effective 11/2/18.]

## OTS-3823.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-108-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the edition effective 2020, including errata 70-20-1 published October 10, 2019, errata 70-20-2 published December 23, 2019, errata 70-20-3 published March 10, 2020, errata 70-20-04 published August 24, 2021, and errata on NEC Handbook published February 6, 2020.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts, 02169 or at internet address <https://www.nfpa.org/>.

(2) National Electrical Safety Code (NESC).

(a) The commission adopts the 2017 edition.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of the National Electrical Safety Code are available from the Institute of Electrical and Electronics Engineers at <https://standards.ieee.org/nesc>.

(3) Institute of Electrical and Electronics Engineers (IEEE) Standard 1547-2018, Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces.

(a) The commission adopts the version published April 6, 2018.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 1547 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(4) Institute of Electrical and Electronics Engineers (IEEE) Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(a) The commission adopts the version published (~~(in 2005)~~) January 31, 2006, and reaffirmed in 2011.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard C37.90 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(5) Institute of Electrical and Electronics Engineers (IEEE) Standard 519, Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems.

(a) The commission adopts the version published June 11, 2014.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 519 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(6) Institute of Electrical and Electronics Engineers (IEEE) Standard 141, Recommended Practice for Electric Power Distribution for Industrial Plants.

(a) The commission adopts the version published (~~(in 1993)~~) April 29, 1994, and reaffirmed in 1999.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 141 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(7) Institute of Electrical and Electronics Engineers (IEEE) Standard 142, Recommended Practice for Grounding of Industrial and Commercial Power Systems.

(a) The commission adopts the version published in 2007.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 142 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(8) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, Controllers and Interconnection Systems Equipment for Use with Distributed Energy Resources.

(a) The commission adopts the version published January 28, 2010.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) UL Standard 1741 is available from Underwriters Laboratory at <https://www.ul.com>.

(9) Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269.

(a) The commission adopts the version published on February 18, 2020, effective February 18, 2020.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of Title 29 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-108-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-108-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-108-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-108-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-108-999, filed 2/9/16, effective 3/11/16; WSR

15-06-048 (Docket A-143302, General Order R-579), § 480-108-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-108-999, filed 2/5/14, effective 3/8/14. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 13-15-089 (Docket UE-112133, General Order R-571), § 480-108-999, filed 7/18/13, effective 8/18/13. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-108-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-108-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-108-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-108-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-108-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 07-20-059 (Docket UE-060649, General Order 545), § 480-108-999, filed 9/27/07, effective 10/28/07; WSR 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-999, filed 3/6/06, effective 4/6/06.]

### OTS-3824.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-109-999 Adoption by reference.** In this chapter, the commission adopts by reference all, or portions of, the publications identified below. They are available for inspection at the commission library. The publications, publication dates, references within this chapter, and availability of the resources are as follows:

(1) *Northwest Conservation and Electric Power Plan* as published by the Northwest Power and Conservation Council.

(a) The commission adopts the (~~seventh version published in 2016~~) 2021 Northwest Power Plan.

(b) This publication is referenced in WAC 480-109-100 Energy efficiency resource standard.

(c) Copies of (~~Seventh~~) *Northwest Conservation and Electric Power Plan* are available from the Northwest Power and Conservation Council at (~~(<https://www.nwecouncil.org/reports/seventh-power-plan>)~~) <https://www.nwecouncil.org/2021-northwest-power-plan>.

(2) *Weatherization Manual* as published by the Washington state department of commerce.

(a) The commission adopts the version published in (~~January~~) October 2021.

(b) This publication is referenced in WAC 480-109-100 Energy efficiency resource standard.

(c) Copies of *Weatherization Manual* are available from the Washington state department of commerce at <https://www.commerce.wa.gov/growing-the-economy/energy/weatherization-and-energy-efficiency/weatherization-program-documents/>.

(3) The unit energy savings values as published by the Northwest Power and Conservation Council's Regional Technical Forum.

(a) The commission adopts the unit energy savings with status of "Active" or "Under Review" on (~~February 24, 2021~~) March 23, 2022.

(b) This information is referenced in WAC 480-109-100 Energy efficiency resource standard.

(c) The spreadsheets containing the unit energy savings values are available for download at <https://rtf.nwcouncil.org/measures>.

(4) The standard protocols as published by the Northwest Power and Conservation Council's Regional Technical Forum.

(a) The commission adopts the standard protocols with status of "Active" or "Under Review" on (~~February 24, 2021~~) March 23, 2022.

(b) This information is referenced in WAC 480-109-100 Energy efficiency resource standard.

(c) The spreadsheets containing the standard protocols are available for download at <https://rtf.nwcouncil.org/standard-protocols>.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-109-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-109-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-109-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-109-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-109-999, filed 2/9/16, effective 3/11/16. Statutory Authority: RCW 80.01.040, 80.04.160, and 19.285.080. WSR 15-07-043 (Docket UE-131723, General Order R-578), § 480-109-999, filed 3/12/15, effective 4/12/15.]

## OTS-3825.1

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

**WAC 480-110-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The ***Uniform System of Accounts for Water Utilities*** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1996.

(b) This publication is referenced in WAC 480-110-505 (Accounting, and reporting requirements and regulatory fees).

(c) The *Uniform System of Accounts for Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

(2) The ***Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities*** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 2007.

(b) This publication is referenced in WAC 480-110-485 (Retaining and preserving records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C. or at NARUC publications

store online: [https://maxxwww.naruc.org/forms/store/ProductFormPublic/regulations-to-govern-the-preservation-of-records.](https://maxxwww.naruc.org/forms/store/ProductFormPublic/regulations-to-govern-the-preservation-of-records)

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-110-999, filed 2/5/14, effective 3/8/14; WSR 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-999, filed 2/28/05, effective 3/31/05; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-110-999, filed 8/26/02, effective 9/26/02.]

## OTS-3826.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-120-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **American National Standards for Telecommunications** - "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" (ATIS 0100510) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999, and reaffirmed 2013.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" is a copyrighted document. Copies are available from ANSI in Washington, D.C. and from various third-party vendors.

(2) **The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics** (ANSI/IEEE Std 820-2005) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect as published in 2005.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from ANSI and IEEE in Washington, D.C. and from various third-party vendors.

(3) **The National Electrical Safety Code** is published by the IEEE.

(a) The commission adopts the 2017 edition.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from IEEE in Washington, D.C. and from various third-party vendors.

(4) **Title 47 Code of Federal Regulations**, cited as 47 C.F.R., is published by the United States Government Printing Office.

(a) For this publication as referenced in WAC 480-120-359 (Accounting requirements for companies not classified as competitive) and

WAC 480-120-349 (Retaining and preserving records and reports), the commission adopts the version of the relevant sections in effect on (~~October 1, 2020~~) December 31, 2021.

(b) For this publication as referenced in WAC 480-120-202 (Customer proprietary network information), WAC 480-120-146 (Changing service providers from one local exchange company to another), and any other reference in chapter 480-120 WAC, the commission adopts the version of the relevant sections in effect on (~~October 1, 2020~~) December 31, 2021.

(c) The (~~2020~~) 2021 version of C.F.R. Title 47 is available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-120-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-120-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-120-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-120-999, filed 7/13/17, effective 8/13/17. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-120-999, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-120-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-120-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-120-999, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 10-07-094 (Docket A-091124, General Order R-558), § 480-120-999, filed 3/19/10, effective 4/19/10. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-120-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-120-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-120-999, filed 10/10/05, effective 11/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-999, filed 1/10/05, effective 2/10/05; WSR 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-999, filed 12/12/02, effective 7/1/03.]

## OTS-3827.1

AMENDATORY SECTION (Amending WSR 21-13-130, filed 6/22/21, effective 7/23/21)

**WAC 480-123-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

(a) The commission adopts the version in effect on (~~January 1, 2017~~) March 1, 2022.

(b) This publication is referenced in WAC 480-123-030 (contents of petition for eligible telecommunications carriers).

(c) Copies of the CTIA Consumer Code for Wireless Service are available at (~~https://www.ctia.org/initiatives/voluntary-guidelines/consumer-code-for-wireless-service~~) https://www.ctia.org/the-wireless-industry/industry-commitments/consumer-code-for-wireless-service.

(2) Title 47, Code of Federal Regulations, cited as 47 C.F.R., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~October 1, 2020~~) December 31, 2021.

(b) This publication is referenced in WAC 480-123-010 (Federal universal service contracts), WAC 480-123-060 (Annual certification of eligible telecommunications carriers), WAC 480-123-070 (Annual certifications and reports), WAC 480-123-100 (Prerequisites for requesting program support), and WAC 480-123-110 (Petitions for eligibility to receive program support).

(c) The (~~2020~~) 2021 version of C.F.R. Title 47 is available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 21-13-130, § 480-123-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-123-999, filed 7/3/19, effective 8/3/19. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-123-999, filed 7/13/17, effective 8/13/17. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-999, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-123-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-123-999, filed 2/15/12, effective 3/17/12; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-123-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-999, filed 6/28/06, effective 7/29/06.]