

WSR 23-15-006

PERMANENT RULES

BATES TECHNICAL COLLEGE

[Filed July 6, 2023, 8:15 a.m., effective August 6, 2023]

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

Purpose: Allowing flexibility in establishing the time and location will assist in ensuring trustees can be fully engaged in college governance. The fixed timing of the current rule has created challenges for the board in obtaining a quorum due to board members being unavailable at the established time. As well, the fixed location limits the college governing body from meeting at other campus locations. When the rule was written there was only one Bates campus, and now there are three.

Citation of Rules Affected by this Order: Amending WAC 495A-104-015.

Statutory Authority for Adoption: RCW 28B.50.100.

Adopted under notice filed as WSR 23-06-046 [23-11-115] on May 22, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 6, 2023.

Nicholas Lutes
Vice President for Administrative Services

OTS-4475.1

AMENDATORY SECTION (Amending WSR 20-09-030, filed 4/6/20, effective 5/7/20)

WAC 495A-104-015 Time and place of board meetings. The board of trustees shall hold ~~((one regular meeting on the third Monday of each month except for the month of August.))~~ regular meetings in accordance with the Open Public Meetings Act, chapter 42.30 RCW, and other applicable law. These meetings will be scheduled throughout the year (except August) on the third Monday of a scheduled month. If needed, meetings will begin with a study session at 2:00 p.m., followed by the business meeting at 3:00 p.m. Special meetings, as may be requested by the chair of the board or by a majority of the members of the board, shall be announced in accordance with applicable open public meetings requirements.

All regular and special meetings of the board of trustees shall be held at one of the Bates Technical College campuses, ((Downtown Campus, 1101 South Yakima Avenue, Tacoma, WA 98405)) as designated by the board, unless scheduled elsewhere and so noted in accordance with the requirements of the Open Public Meetings Act (~~(, chapter 42.30 RCW)~~). Notices of the time and place of all regular and special meetings shall be governed by the requirements of chapter 42.30 RCW, Open Public Meetings Act. Board meetings are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

[Statutory Authority: RCW 42.30.075 and chapter 34.05 RCW. WSR 20-09-030, § 495A-104-015, filed 4/6/20, effective 5/7/20.]

WSR 23-15-009

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed July 6, 2023, 1:57 p.m., effective August 6, 2023]

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

Purpose: For purposes of unemployment insurance, benefit weeks run from Sunday to Saturday. However, a public health emergency declaration may begin or end in the middle of a benefit week. This rule making will clarify how a declaration of a public health emergency that begins or ends during the middle of a benefit week impacts a claimant's eligibility for benefits and an employer's ability to get relief of benefit charges in certain situations.

Citation of Rules Affected by this Order: New WAC 192-150-165, 192-150-235 and 192-170-055; and amending WAC 192-150-055, 192-170-010, and 192-320-078.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department. RCW 50.20.010 defines benefit eligibility conditions for unemployment benefits.

Adopted under notice filed as WSR 23-09-077 on April 19, 2023.

Changes Other than Editing from Proposed to Adopted Version: Proposed WAC 192-170-010(6) has been changed to refer to "RCW 50.20.010 (1)(c)" instead of "subsection (1)(c) of this section." This change is necessary to correct a drafting error, so the subsection refers to the availability requirement more generally as opposed to a narrow piece of the overall availability rule.

A final cost-benefit analysis is available by contacting Stephanie Frazee, P.O. Box 9046, Olympia, WA 98507-9046, phone 425-465-0313, fax 844-652-7096, TTY relay 771 [711], email rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/public-health-emergencies>.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 3, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 3, Repealed 0.

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

Date Adopted: July 5, 2023.

Joy E. Adams
Interim Director
Employment System Policy and Integrity Division

OTS-4427.2

AMENDATORY SECTION (Amending WSR 22-13-007, filed 6/2/22, effective 7/3/22)

WAC 192-150-055 Leaving work because of illness or disability—General rules and definitions—RCW 50.20.050 (1)(b)(ii) and (2)(b)(ii). (1) **General rule.** To establish good cause for leaving work voluntarily because of your illness or disability or the illness, disability, or death of a member of your immediate family, you must demonstrate that:

- (a) You left work primarily because of such illness, disability, or death; and
- (b) The illness, disability, or death made it necessary for you to leave work; and
- (c) You first exhausted all reasonable alternatives prior to leaving work, including:
 - (i) Notifying your employer of the reason(s) for the absence as provided in WAC 192-150-060; and
 - (ii) Asking to be reemployed when you are able to return to work. (You are not required to request reemployment after the job separation has occurred to establish good cause.)

(2) For claims with an effective date of January 4, 2004, or later, you are not eligible for unemployment benefits unless, in addition to the requirements of subsection ~~((s (1)(a)-(c) above))~~ (1)(a) through (c) of this section, you terminate your employment and are not entitled to be reinstated in the same or similar position.

(3) **Exception.** You may be excused from failure to exhaust reasonable alternatives prior to leaving work as required by subsection (1)(c) of this section if you can show that doing so would have been a futile act.

(4) **Definitions.** For purposes of this chapter:

- (a) "Disability" means a sensory, mental, or physical condition that:
 - (i) Is medically recognizable or diagnosable;
 - (ii) Exists as a record or history; and
 - (iii) Substantially limits the proper performance of your job;
- (b) "Immediate family" means your spouse, domestic partner, and the children (including unborn children), siblings, step-children, foster children, or parents of either spouse or domestic partner, whether living with you or not, and other relatives who temporarily or permanently reside in your household;
- (c) "Necessary" means the conditions are of such degree or severity in relation to your particular circumstances that they would cause a reasonably prudent person acting under similar circumstances to quit work;
- (d) "Illness" includes a request from a medical professional, local health official, or the Secretary of Health to be isolated or quarantined as a consequence of an infection from a disease that is the subject of a public health emergency that is active on the date of the request to enter isolation or quarantine, even if you or your immediate family member have not been actually diagnosed with the disease that is the subject of a public health emergency.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.04.030, 50.20.010, 50.20.010 (1)(a), (1)(e) and (1)(c), 50.20.050 (1)(b)(ii) and (2)(b)(ii), and (3), 50.20.240, 50.20.044, 50.22.155 (2)(d), (2)(b)(iv), (2)(b)(i) and (ii), 50.12.220(6), 50.60.030, 50.29.021

(3) (a) (iii), and (5), 50.20.160, 50.20.170, 50.20.190, and 50.20.100. WSR 22-13-007, § 192-150-055, filed 6/2/22, effective 7/3/22. Statutory Authority: RCW 50.12.010, 50.12.040, and 34.05.120. WSR 10-01-156, § 192-150-055, filed 12/22/09, effective 1/22/10. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-150-055, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 02-14-035, § 192-150-055, filed 6/25/02, effective 7/26/02.]

NEW SECTION

WAC 192-150-165 Leaving work at a health care facility during a public health emergency. With respect to claims that occur on or after July 4, 2021, a claimant has good cause for leaving work and is not disqualified from benefits under RCW 50.20.050 (2)(a) if the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work on a day of an active public health emergency for a period of quarantine consistent with the recommended guidance from the United States Centers for Disease Control and Prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the public health emergency.

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NEW SECTION

WAC 192-150-235 Health care workers and periods of quarantine.

(1) It is not misconduct for a health care worker to leave work for the period of quarantine consistent with the recommended guidance from the United States Centers for Disease Control and Prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(2) For purposes of this section, the public health emergency must be active on the date the health care worker leaves work.

(3) For purposes of this section, "health care worker" means an individual who worked at a health care facility as defined in RCW 9A.50.010 and was directly involved in the delivery of health services.

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OTS-4428.2

AMENDATORY SECTION (Amending WSR 22-21-093, filed 10/17/22, effective 11/17/22)

- WAC 192-170-010 Availability for work—RCW 50.20.010.** (1) In general, the department will consider you available for work if you:
- (a) Are willing to accept suitable full-time, part-time, and temporary work during the usual hours and days of the week customary for your occupation.
 - (i) You are not required to accept part-time or temporary work if it would substantially interfere with your return to your regular occupation.
 - (ii) The requirement to be willing to accept full-time work does not apply under the circumstances described in WAC 192-170-050 (1)(b) or 192-170-070;
 - (b) Are capable of accepting and reporting for any suitable work within the labor market in which you are seeking work;
 - (c) Do not impose conditions that substantially reduce or limit your opportunity to return to work at the earliest possible time;
 - (d) Are available for work for at least 40 hours during the week during the hours customary for your trade or occupation; and
 - (e) Are physically present in your normal labor market area, unless you are actively seeking and willing to accept work outside your normal labor market.
- (2) You are considered available for work if you are an active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC.
- (3) You are not considered available for work if you fail or refuse to seek work as required in a directive issued by the department under WAC 192-180-010.
- (4) If you are physically located outside of the United States, Puerto Rico, or the U.S. Virgin Islands, the department will consider you available for work if you meet the requirements of subsections (1) and (2) of this section, and:
- (a) You are legally authorized to work in the country in which you are physically located;
 - (b) You are immediately available for work in the United States;
- or
- (c) You are a spouse or domestic partner of a member of the United States Armed Forces and you are legally authorized to work within the foreign military base where your spouse or domestic partner is stationed.
- (5) (a) During the weeks of a declared public health emergency, an unemployed health care worker described in RCW 50.20.050(3) and 50.29.021 (1)(c)(iii) is considered available for work while isolated or under quarantine as directed by a medical professional, local health official, or the Secretary of Health, if the individual is available for work that:
- (i) Will commence after the isolation or quarantine period ends;
- or
- (ii) Can be performed from the individual's home.
- (b) For the purposes of this section, a health care worker is defined as an individual who was directly involved in the delivery of health services at a health care facility as defined in RCW 9A.50.010.
 - (c) For the purposes of this subsection, a week of a declared public health emergency is a week during which a public health emergency has been declared for at least one day.

(6) During the weeks of a public health emergency, an unemployed individual may also meet the requirements of RCW 50.20.010 (1)(c) if:

(a) You are able to perform, available to perform, and actively seeking suitable work which can be performed for an employer from your home; and

(b) You or another individual residing with you is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(i) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by:

(A) The federal Centers for Disease Control and Prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides; or

(ii) Have an underlying health condition, verified pursuant to WAC 192-170-015, that is identified as a risk factor for the disease that is the subject of the public health emergency by:

(A) The federal Centers for Disease Control and Prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides.

(c) For the purposes of this subsection, a week of a declared public health emergency is a week during which a public health emergency has been declared for at least one day.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010(5), 50.20.050(3), 50.29.021 (1)(c)(iii), and 9A.50.010. WSR 22-21-093, § 192-170-010, filed 10/17/22, effective 11/17/22. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042, 50.20.010 and 50.20.100. WSR 21-16-034, § 192-170-010, filed 7/26/21, effective 1/2/22. Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.230, 50.20.240, 50.29.021, 50.29.025 and 50.29.062. WSR 21-12-068, § 192-170-010, filed 5/28/21, effective 6/28/21. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042 and 50.20.010. WSR 20-11-022, § 192-170-010, filed 5/13/20, effective 7/5/20. Statutory Authority: RCW 50.12.010, 50.20.010, 50.20.230, 50.20.240, and 50.12.040. WSR 20-10-056, § 192-170-010, filed 4/30/20, effective 7/5/20. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-170-010, filed 5/12/10, effective 6/12/10.]

NEW SECTION

WAC 192-170-055 Suitable work factors—Public health emergency.

In determining whether work is suitable as defined by RCW 50.20.100 and 50.20.110, the department will consider the degree of risk to the health of those residing with the individual during a public health emergency. Work will only be considered unsuitable due to risks associated with a public health emergency on the days the public health emergency declaration is in effect.

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OTS-4429.1

AMENDATORY SECTION (Amending WSR 22-13-007, filed 6/2/22, effective 7/3/22)

WAC 192-320-078 Catastrophic occurrence. For the purposes of RCW 50.29.021 (3) (a) (iii) ~~(7)~~:

(1) "Catastrophic occurrence" includes ((an infection from a) the presence of any dangerous, contagious, or infectious disease that is the subject of a public health emergency at the employer's ((place of business)) plant, building, worksite, or other facility that causes the employer to close or severely curtail operations.

(2) In order to qualify for relief of benefit charges, the disease must be the subject of a public health emergency at the time of the closure or curtailment of operations.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.04.030, 50.20.010, 50.20.010 (1) (a), (1) (e) and (1) (c), 50.20.050 (1) (b) (ii) and (2) (b) (ii), and (3), 50.20.240, 50.20.044, 50.22.155 (2) (d), (2) (b) (iv), (2) (b) (i) and (ii), 50.12.220(6), 50.60.030, 50.29.021 (3) (a) (iii), and (5), 50.20.160, 50.20.170, 50.20.190, and 50.20.100. WSR 22-13-007, § 192-320-078, filed 6/2/22, effective 7/3/22.]

WSR 23-15-018
PERMANENT RULES
SECRETARY OF STATE

[Filed July 7, 2023, 1:21 p.m., effective August 7, 2023]

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

Purpose: Permanent adoption of citation updates in WAC to recodified federal and state law and state administrative code citations.

Citation of Rules Affected by this Order: Amending WAC 434-215-180, 434-219-120, 434-230-100, 434-261-125, 434-263-005, 434-263-010, 434-324-031, 434-335-280, 434-324-045, 434-324-108, and 434-250-350.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 23-11-153 on May 24, 2023.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 11, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 11, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 7, 2023.

Randy Bolerjack
Deputy Secretary of State

OTS-4413.1

AMENDATORY SECTION (Amending WSR 19-01-102, filed 12/18/18, effective 1/18/19)

WAC 434-215-180 Write-in candidates. A candidate desiring to file as a write-in candidate must file the write-in declaration of candidacy no later than 8:00 p.m. on election day. If a write-in declaration of candidacy is filed with the filing officer after the close of the regular candidate filing period per RCW 29A.24.050 and more than ~~((eighteen))~~ 18 days before a primary or election, no filing fee is required.

Candidates filing a write-in declaration of candidacy on or after the ~~((eighteenth))~~ 18th day before a primary or election must pay a filing fee at the time of filing the declaration. Offices with a fixed annual salary of more than ~~((one thousand dollars))~~ \$1,000 must pay a filing fee equal to one percent of the annual salary at the time of the regular filing period as per RCW ~~((29A.24.050))~~ 29A.24.091. For all other offices, a filing fee of ~~((twenty-five dollars))~~ \$25 is required.

[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-215-180, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-180, filed 12/6/11, effective 1/6/12.]

OTS-4414.1

AMENDATORY SECTION (Amending WSR 19-20-115, filed 10/2/19, effective 11/2/19)

WAC 434-219-120 Certification of candidates. (1) Per ((chapter 29A.56 RCW (section 2, chapter 7, Laws of 2019))) RCW 29A.56.031, the party chair for each major party must provide that party's official list of candidates to the secretary of state no later than ((sixty-three)) 63 days prior to the primary. This list must include the full name of each candidate, the form of the candidate's name as it will appear on the ballot and a signature of the party chair certifying the list as the official party candidates.

(2) Per RCW 29A.56.040(4) each major party may request that the ballot for that party include a response position allowing the voter to indicate the voter's preference for having delegates to the party's national convention remain uncommitted.

(3) Immediately following the receipt of each major party's official list of candidates, the secretary of state shall certify to the county auditors the final list of candidates who will appear on the presidential primary ballot and a response position for uncommitted if requested by either party.

(4) Per ((chapter 29A.56 RCW (section 2, chapter 7, Laws of 2019))) RCW 29A.56.031, if a major party chooses to accept votes for write-in candidates in the primary, the party chair for that major party must provide that party's official list of write-in candidates no later than the seventh day prior to the primary. This list must include the full name of each write-in candidate, and a signature of the party chair certifying the list as the official party write-in candidates.

(5) Immediately following the last day for major political parties to submit write-in candidates, the secretary of state shall certify to the county auditors the final list of official write-in candidates to be counted for each party for the presidential primary.

[Statutory Authority: RCW 29A.04.611. WSR 19-20-115, § 434-219-120, filed 10/2/19, effective 11/2/19; WSR 15-24-001, § 434-219-120, filed 11/18/15, effective 12/19/15; WSR 07-24-044, § 434-219-120, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-120, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-120, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.]

OTS-4416.1

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-230-100 Political party precinct committee officer. (1)

The election of major political party precinct committee officers is established in RCW 29A.52.171 and 29A.80.051.

(2) The election of precinct committee officer is an intraparty election; candidates compete against other candidates in the same political party.

(a) If only one candidate files for a position, that candidate is deemed elected without appearing on the ballot and the county auditor shall issue a certificate of election.

(b) If more than one candidate files for a position, the contested race must appear on the ballot at the primary and the candidate who receives the most votes is declared elected.

(c) If no candidates file during the regular filing period, the race does not appear on the ballot and the position may be filled by appointment pursuant to RCW ((~~29A.28.071~~) 29A.80.031).

(d) No write-in line may be printed on the ballot for a contested race, and no write-in votes may be counted.

(3) If both major political parties have contested races on the ballot in the same precinct, the political party that received the highest number of votes from the electors of this state for the office of president at the last presidential election must appear first, with the other political party appearing second. Within each party, candidates shall be listed in the order determined by lot.

(4) (a) The position of political party precinct committee officer must appear following all measures and public offices.

(b) The following explanation must be printed before the list of candidates: "For this office only: In order to vote for precinct committee officer, a partisan office, you must affirm that you are a Democrat or a Republican and may vote only for one candidate from the party you select. Your vote for a candidate affirms your affiliation with the same party as the candidate. This preference is private and will not be matched to your name or shared."

(c) (i) If all candidates are listed under one heading, the applicable party abbreviation "Dem" or "Rep" must be printed next to each candidate's name, with the first letter of the abbreviation capitalized. For example:

John Smith Dem

Jane Doe Dem

(ii) If candidates are listed under a major political party heading, the applicable heading of either "democratic party candidates" or "republican party candidates" must be printed above each group of candidates. The first letter of each word must be capitalized.

(d) One of the following statements, as applicable, must be printed directly below each candidate's name: "I affirm I am a Democrat." or "I affirm I am a Republican."

(5) A voter may vote for only one candidate, regardless of party, for precinct committee officer. If a voter votes for more than one candidate, the votes must be treated as overvotes.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-100, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-230-100, filed

7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-100, filed 7/11/08, effective 8/11/08.]

OTS-4581.1

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-235-010 Scope. (1) This chapter implements the Uniformed and Overseas Citizens Absentee Voting Act, ((42)) 52 U.S.C. Sec. ((1973ff)) 20301, the Military and Overseas Voter Empowerment Act, ((42)) 52 U.S.C. Sec. ((1973ff)) 20301, and the provisions for service and overseas voters in Title 29A RCW.

(2) Absent uniformed service voter is defined in ((42)) 52 U.S.C. Sec. ((1973ff-6(1))) 20310(1) as:

(a) A member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(b) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; ((or)) and

(c) A spouse or dependent of a member referred to in (a) or (b) of this subsection who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(3) Service voter is defined in RCW 29A.04.163 as any elector of the state of Washington who:

(a) Is a member of the armed forces under ((42)) 52 U.S.C. Sec. ((1973ff-6)) 20301(1) while in active service;

(b) Is a member of a reserve component of the armed forces;

(c) Is a student or member of the faculty at a United States military academy;

(d) Is a member of the merchant marine of the United States; or

(e) Is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

(4) References in Title 434 WAC to "service voter" include voters who meet either the federal definition for "uniformed service voter" or the state definition for "service voter."

(5) Overseas voter is defined in ((42)) 52 U.S.C. Sec. ((1973ff-6(5))) 20310(5) as:

(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(6) Overseas voter is defined in RCW 29A.04.109 as any elector of the state of Washington outside the territorial limits of the United States.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-010, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-235-010, filed 10/1/07, effective 11/1/07.]

OTS-4582.1

AMENDATORY SECTION (Amending WSR 20-19-045, filed 9/10/20, effective 10/11/20)

WAC 434-250-350 Student engagement hubs. Pursuant to ((~~chapter 29A.40 RCW, section 10, chapter 208, Laws of 2020 (ESB 6313)~~)) RCW 29A.40.180, the county auditor and any educational institution within the county that are statutorily required to host a hub must enter a contract to operate a student engagement hub.

(1) For all institutions operating student engagement hubs, the contract must include:

(a) A method for voters to download and print the voter's ballot for the exact precinct and precinct split from the voter's county of registration from an online portal;

(b) Provisions for protecting the privacy and secrecy of any voted ballot;

(c) Provision of instruction for voters on how to return a ballot;

(d) Provision of services to those in line at 8:00 p.m. on election day to obtain a ballot, vote, and deposit their voted ballot;

(e) Provision of a secured ballot drop box at the hub, following current ballot drop box procedures for emptying the contents and closing the box at the conclusion of hub operations;

(f) Ensuring that when a voter is in line at the hub at 8:00 p.m. or earlier on election day, their ballot may be deposited in the drop box after 8:00 p.m., but no other voters can use the drop box after 8:00 p.m.

(g) Ensuring operation of the hub in a nonpartisan manner while allowing no campaign materials or campaigning within a minimum of at least ((~~twenty-five~~)) 25 feet of the entrances and exits of the hub facility, or within the hub;

(h) Provision of accessible facilities compliant with the Americans with Disabilities Act.

(2) For institutions operating student engagement hubs that are statutorily required to include voter registration services, the contract must also include:

(a) An agreed upon method of voter registration services for all eligible citizens at the hub;

(b) Setting the hours of operation as the county auditor's normal working hours and, on Election Day, starting at normal business opening and extended until 8:00 p.m.;

- (c) An agreement detailing the days that the hub will be in operation up to the statutory maximum of eight days prior to the election;
- (d) Provision to the hub of at least the following services by agreement between the county auditor and the university or college:
- (i) Staffing;
 - (ii) Availability of provisional ballots;
 - (iii) Provision of notice of the availability of services;
 - (iv) Provision of appropriate voter information including voter pamphlets; and
 - (v) Provision of services to those in line at 8:00 p.m. on election day to register to vote, obtain a ballot, vote, and deposit their voted ballot.
- (3) The prohibitions listed in chapter 29A.84 RCW for voting centers and ballot drop boxes also apply to student engagement hubs.
- (4) Hub staff may provide postage stamps for voters that choose to mail their ballot.

[Statutory Authority: RCW 29A.04.611. WSR 20-19-045, § 434-250-350, filed 9/10/20, effective 10/11/20.]

OTS-4417.3

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-261-125 Free access system for provisional ballots. (1)

Each county shall establish a free access system, as required by the Help America Vote Act, (~~(42 U.S.C. sec. 15482 (a)(5))~~) 52 U.S.C. § 21082 (a)(5)(B), and RCW 29A.60.195 for provisional ballot voters.

(2) The free access system must employ measures to ensure that access is free of cost to the voter and restricted to the individual who cast the ballot, and that the voter's personal information is secure and confidential.

(3) For provisional ballots sent to other counties in the state, the free access system must provide the voter with information as to where the ballot was sent and how to find out if the ballot was counted in that county.

(4) For ballots received from another county, the free access system must provide the voter with information as to whether the ballot was counted and, if not, why. The county may send instructions to the voter on how to access the information.

(5) Provisional ballot disposition information must be available on a county's free access system no later than one week following certification of the election.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-125, filed 12/6/11, effective 1/6/12.]

OTS-4418.3

AMENDATORY SECTION (Amending WSR 04-16-037, filed 7/27/04, effective 8/27/04)

WAC 434-263-005 Purpose. The purpose of these rules is to adopt an administrative complaint procedure mandated by (~~(42 U.S.C. § 15512(a))~~) 52 U.S.C. § 21112, relating only to state implementation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), for both state and federal elections. This process may not be used for the purpose of contesting the results of any primary or election. Election contests are governed by chapter 29A.68 RCW.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-005, filed 7/27/04, effective 8/27/04.]

OTS-4419.4

AMENDATORY SECTION (Amending WSR 04-16-037, filed 7/27/04, effective 8/27/04)

WAC 434-263-010 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

- (1) "Complainant" means the person who files a complaint under this chapter.
- (2) "Election" means a special, primary or general election.
- (3) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.
- (4) "Secretary" means the secretary of state or his or her designee.
- (5) "State or local election official" means the secretary of state, any county auditor, or any person employed by either the secretary or an auditor whose responsibilities include or directly relate to the administration of any election.
- (6) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at (~~(42 United States Code §§ 15481-15485)~~) 52 U.S.C. §§ 21081-21102. Violations include, but are not limited to, voting system standards, provisional voting, accessibility for individuals with disabilities, and voter registration.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-010, filed 7/27/04, effective 8/27/04.]

OTS-4420.2

AMENDATORY SECTION (Amending WSR 20-13-043, filed 6/10/20, effective 7/11/20)

WAC 434-324-031 Electronic voter registration. (1) The secretary of state's electronic voter registration web page must have the capability to:

(a) Reject applicants without a Washington state driver's license, state identification card, or valid tribal identification as ((defined)) required by RCW 29A.08.123 ((and 29A.40.160));

(b) Require the applicant to affirmatively assent to the use of the applicant's driver's license, state identification card, or valid tribal identification card signature for voter registration purposes;

(c) Require the applicant to attest to the truth of the information provided on the application;

(d) Retrieve a digital copy of each applicant's driver's license or state identification card signature from the department of licensing or from an issuer of tribal identification that has agreed to make digitized signature information available for this purpose, and include it with the other information required for each applicant's voter registration; and

(e) Electronically transfer all information required for each applicant's voter registration to their county auditor for entry into the statewide voter registration database.

(2) The same timelines and processes used for registration by mail apply to electronic registration. A county auditor shall accept online and by mail applications no later than eight days before an election, and in-person applications at locations designated by the county auditor until 8:00 p.m. on election day.

[Statutory Authority: RCW 29A.04.611. WSR 20-13-043, § 434-324-031, filed 6/10/20, effective 7/11/20; WSR 19-12-115, § 434-324-031, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-324-031, filed 11/30/07, effective 12/31/07.]

OTS-4424.1

AMENDATORY SECTION (Amending WSR 22-10-041, filed 4/27/22, effective 5/28/22)

WAC 434-324-045 Verification of applicant's identity. (1) If the applicant is provisionally registered pursuant to WAC 434-324-040((~~5~~)), the county auditor may use other government resources and public records to confirm the applicant's driver's license or state identification card number, valid tribal identification card, or the last four digits of the applicant's Social Security number. The county auditor may also attempt to contact the applicant by phone, email or other means to obtain identification information.

(2) If, after these attempts, the county auditor is still unable to verify the applicant's identity, the county auditor must send the applicant an identification notice at the time of registration that includes a postage prepaid, preaddressed form by which the applicant

may verify or send additional information. The identification notice must include:

- (a) A statement explaining that because the applicant's identity cannot be verified with the information provided on the application, they have been provisionally registered to vote.
- (b) A statement explaining that if this additional information is not provided, the applicant's ballot will not be counted.
- (c) A statement explaining that federal law requires the applicant to provide their driver's license number, state identification card number, valid tribal identification card number or the last four digits of their Social Security number, or a copy of one of the following forms of identification, either before or when they vote:
 - (i) Valid photo identification;
 - (ii) A valid enrollment card of a federally recognized tribe in Washington;
 - (iii) A current utility bill, or a current bank statement;
 - (iv) A current government check;
 - (v) A current paycheck; or
 - (vi) A government document, other than a voter registration card, which shows both the registrant's name and current address.
- (3) If the applicant responds with updated driver's license, state identification card, valid tribal identification card, or Social Security information, or with a copy of one of the alternative forms of identification, the flag on the voter registration record must be removed, allowing the applicant's ballot to otherwise be counted the first time they vote after registering.
- (4) If the applicant fails to respond with adequate documentation to verify the applicant's identity, the applicant's voter registration record must remain flagged. The applicant must be notified at the time of each election that the ballot will not be counted unless adequate verification of identity is provided.
- (5) A provisional registration must remain on the official list of registered voters for at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified or provided information to verify identity, the provisional registration shall be canceled.
- (6) The county auditor shall mail an identification notice to a primary-only voter, as defined in WAC 434-232-010, no earlier than 90 days before the primary that they are eligible to participate in.
- (7) The county auditor shall not mail an identification notice to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.

[Statutory Authority: RCW 29A.04.611. WSR 22-10-041, § 434-324-045, filed 4/27/22, effective 5/28/22; WSR 20-13-043, § 434-324-045, filed 6/10/20, effective 7/11/20; WSR 14-06-040, § 434-324-045, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-045, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-045, filed 9/1/09, effective 10/2/09; WSR 09-12-078, § 434-324-045, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-324-045, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-324-045, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-324-045, filed 1/3/07, effective 2/3/07.]

OTS-4425.1

AMENDATORY SECTION (Amending WSR 20-13-043, filed 6/10/20, effective 7/11/20)

WAC 434-324-108 Incapacitated persons lacking voting rights—Notice from court. Upon receipt of a court order declaring an incapacitated person does not retain voting rights as outlined in RCW (~~(11.88.010)~~) 11.130.310, the auditor must search the state election management system to determine whether the person is a registered voter. If the auditor determines the incapacitated person's name and other identifying information match, they must cancel the incapacitated person's voter registration and send a cancellation notice to the incapacitated person using the last known address.

[Statutory Authority: RCW 29A.04.611. WSR 20-13-043, § 434-324-108, filed 6/10/20, effective 7/11/20; WSR 12-14-074, § 434-324-108, filed 7/2/12, effective 8/2/12; WSR 06-11-041, § 434-324-108, filed 5/10/06, effective 6/10/06.]

OTS-4423.1

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

WAC 434-335-280 Logic and accuracy test conduct. The county must provide adequate personnel to properly operate the ballot tabulation system. Whenever possible, the system shall be operated during the test by the same person or persons who will be responsible for operating the system on election day. The official logic and accuracy test shall be conducted as follows:

(1) Every ballot tabulator and scanner to be used in the primary or election shall be tested. Digital scan test decks shall be scanned during the official logic and accuracy test.

(2) Undervotes recorded by a digital scan system used to resolve or adjudicate ballots digitally shall be auto-resolved. Some undervotes may be manually resolved to demonstrate the process.

(3) Optical scan tabulators and digital scan tabulators not used to resolve or adjudicate ballots digitally shall be set to out-stack blank ballots, overvotes, and write-in votes.

(4) A printout of the test results shall be produced and compared to the expected test results. If the test results do not match the expected test results, the reason for the discrepancy must be satisfactorily determined and corrections made, if necessary.

(5) The upload of results to the secretary of state's office shall be tested and verified. If the upload of results cannot be completed, the results shall be transmitted to the office of the secretary of state through other means, and the county auditor shall work with the secretary of state to upload the results as soon as practicable.

[Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-335-280, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-280, filed 2/26/14, effective 3/29/14; WSR 05-18-022, § 434-335-280, filed 8/29/05, effective 9/29/05.]

WSR 23-15-031

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed July 10, 2023, 2:15 p.m., effective August 10, 2023]

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

Purpose: This rule making will update the cross-reference in WAC 192-300-170 (2)(b) from a repealed statute to the current statute.

Citation of Rules Affected by this Order: Amending WAC 192-300-170.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under notice filed as WSR 23-10-007 on April 24, 2023.

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

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

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

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

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

Date Adopted: July 5, 2023.

Joy E. Adams

Interim Director

Employment System Policy and Integrity Division

OTS-4526.1

AMENDATORY SECTION (Amending WSR 13-24-068, filed 11/27/13, effective 12/29/13)

WAC 192-300-170 Requirements for election of unemployment insurance coverage. The department applies RCW 50.04.165 and 50.24.160 to establish the election of coverage for unemployment insurance by employers where personal services are not considered employment under the law:

(1) RCW 50.24.160 allows any employing unit to request unemployment insurance coverage for personal services that are not covered as employment:

- (a) The request must be in writing to the department;
- (b) The department must approve the request for election of coverage in writing; and
- (c) The request must be signed by someone legally authorized to bind the business.

(2) RCW 50.04.165 allows a corporation to elect to cover the personal services of all or none of its corporate officers for unemployment insurance purposes.

(a) A corporation must submit a written request for voluntary election coverage signed by a person authorized to legally bind the corporation.

(i) When establishing voluntary coverage for an existing account, the written request will be considered timely if received within (~~thirty~~) 30 days before the end of the quarter in which the change is made.

(ii) When establishing voluntary coverage for a new account, the written request will be considered timely if received within (~~thirty~~) 30 days from the end of the quarter the employer is requesting coverage to begin.

(b) "Corporate officer" is defined in RCW (~~23A.08.470~~) 23B.08.400;

(c) Personal services provided by corporate officers appointed under RCW 23B.08.400, other than those covered by chapters 50.44 and 50.50 RCW, are not considered services in employment unless the corporation elects coverage of all its corporate officers under RCW 50.24.160.

(d) All services performed by corporate officers are exempt until the date the election of coverage is approved.

(3) All changes in elected coverage remain in effect for at least two calendar years. The business may terminate coverage only at the end of a calendar year. To terminate coverage, the employer must send a written request to the department by January 15th.

(4) The department reserves the right to disapprove a request for coverage because:

(a) The applicant is not liable for federal unemployment taxes (FUTA);

(b) The occupation or industry is seasonal; or

(c) Other reasons apply.

(5) The department reserves the right to cancel unemployment insurance coverage for a voluntary election employer because:

(a) Of nonpayment of unemployment insurance taxes or failure to file an unemployment insurance tax and wage report;

(b) Of misrepresentation of facts;

(c) Coverage is not used for involuntary unemployment as outlined in RCW 50.01.010; or

(d) Other reasons apply.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 13-24-068, § 192-300-170, filed 11/27/13, effective 12/29/13; WSR 07-23-127, § 192-300-170, filed 11/21/07, effective 1/1/09; WSR 00-05-064, § 192-300-170, filed 2/15/00, effective 3/17/00.]

WSR 23-15-054
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket T-220252, General Order R-607—Filed July 13, 2023, 4:39 p.m., effective August 13, 2023]

Rule making to update motor carrier safety rules in chapter 480-14 WAC, Motor carriers; chapter 480-15 WAC, Household goods companies; chapter 480-30 WAC, Passenger transportation companies; chapter 480-31 WAC, Private, nonprofit transportation providers; and chapter 480-70 WAC, Solid waste companies.

1 STATUTORY OR OTHER AUTHORITY: The Washington utilities and transportation commission (commission) takes this action under Notice No. WSR 23-07-027, filed with the code reviser on March 6, 2023. The commission has authority to take this action pursuant to RCW 80.01.040, 81.01.010, 81.04.160, 81.80.290, and 81.77.030.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325(6) requires the commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the commission's reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the commission's responses to the comments reflecting the commission's consideration of them.

5 To avoid unnecessary duplication in the record of this docket, the commission designates the discussion in this order, including appendices, as its concise explanatory statement. This order provides a complete but concise explanation of the agency's actions and its reasons for taking those actions.

6 REFERENCE TO AFFECTED RULES: This order amends, adopts, and repeals the following sections of the Washington Administrative Code:

Amending WAC 480-14-250 Insurance requirements, 480-15-020 Definitions, 480-15-530 Public liability and property damage insurance, 480-15-555 Criminal background checks for prospective employees, 480-15-560 Vehicle and driver safety requirements, 480-15-590 Leasing vehicles, 480-30-036 Definitions, general, 480-30-191 Bodily injury and property damage liability insurance, 480-30-221 Vehicle and driver safety requirements, 480-30-222 Vehicles with capacity for eight or fewer passengers (including the driver), 480-30-226 Intrastate medical waivers, 480-30-231 Vehicle and driver identification, 480-30-236 Leasing vehicles, 480-31-070 Insurance, 480-70-181 Public liability and property damage insurance, 480-70-201 Vehicle and driver safety requirements, 480-70-206 Motor vehicle identification and 480-70-211 Leasing vehicles; adopting WAC 480-15-565 Motor vehicle identification, 480-15-575 Intrastate medical waivers, 480-31-150 Intrastate medical waivers and 480-70-203 Intrastate medical waivers; and repealing WAC 480-15-570 Driver safety requirements.

7 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on July 15, 2022, at WSR

22-15-046. The statement advised interested persons that the commission was considering revisions to safety regulations in chapters 480-15, 480-30, and 480-70 WAC to address possible inconsistencies between the commission's motor carrier safety rules, the Washington state patrol's (WSP) rules in chapters 480-204 and 480-446 WAC, and Title 49 C.F.R. governing the passenger, household goods, and solid waste transportation industries. The commission also informed persons of this inquiry by providing notice of the subject and the CR-101 to everyone on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3), and by sending notice to all household goods companies, all passenger transportation companies, all common carriers, and all solid waste companies operating in the state and the commission's list of transportation attorneys. The commission posted the relevant rule-making information on its website at <https://www.utc.wa.gov/casedocket/2022/220252>. The relevant rule-making information included a report prepared by commission staff (staff), entitled the *Motor Carrier Safety Increase Regulatory Consistency Report*, prepared earlier in October 2021. Pursuant to the notice, the commission noticed an opportunity to provide written comments by August 15, 2022, and the commission convened a workshop for interested stakeholders on October 11, 2022.

8 On October 11, 2022, the commission convened a workshop in this docket and received comments from the Washington Refuse and Recycling Association (WRRRA), the Surplus Lines Association, and the Washington Movers Conference (WMC).

9 That same day, on October 11, 2022, the commission filed an amended CR-101 at WSR 22-21-047. The statement advised interested persons that the commission was considering revisions to safety regulations in chapters 480-14 and 480-31 WAC, in addition to chapters 480-15, 480-30, and 480-70 WAC identified in the earlier CR-101. The commission provided notice of the amended CR-101 to everyone on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3), and by sending notice to all household goods companies, all passenger transportation companies, and all solid waste companies operating in the state, to relevant associations including the WMC and the Washington Trucking Association, and the commission's list of transportation attorneys. The commission also noticed an opportunity to provide written comments by November 10, 2022.

10 On December 14, 2022, the commission issued a notice of the opportunity to provide written comments on draft rules and a notice of an opportunity to respond to a small business economic impact statement (SBEIS) questionnaire. The commission indicated that comments were due by January 13, 2023. The commission received a written comment in support of the rule making from WMC but no responses to the SBEIS questionnaire.

11 **SMALL BUSINESS ECONOMIC IMPACT:** The proposed rules reflect either minor, clarifying changes; amendments that provide greater flexibility for public service companies; and amendments that improve the consistency of the commission's rules with WSP, Washington state department of licensing (DOL), and federal regulations. Nevertheless, the commission undertook a small business economic impact analysis. The commission received no responses to the SBEIS questionnaire or the supplemental SBEIS questionnaire, nor did any interested person provide information concerning the potential economic impact of the proposed rules on small businesses. Based on the information available to the commission, the commission has concluded that the proposed rules are not anticipated to increase costs. The proposed rules generally clarify ex-

isting rules, improve the consistency of the commission's rules with other agencies' regulations, or provide public service companies with greater flexibility in a manner that is expected to reduce costs.

12 **NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on March 7, 2023, at WSR 23-07-027 (WSR 23-07-027 notice or notice). The commission scheduled this matter for oral comment and adoption under that notice at 9:30 a.m., Wednesday, June 7, 2023. This was a virtual hearing using the Zoom videoconferencing software. The notice also provided interested persons the opportunity to submit written comments to the commission by April 14, 2023.

13 **WRITTEN COMMENTS:** The commission received one written comment in response to the WSR 23-07-027 notice.

14 In its comments, WRRRA supports the proposed rules. It notes that there is a nationwide shortage of commercial driver's license (CDL) drivers and that it appreciates any efforts to enable solid waste collection companies to hire qualified drivers. WRRRA suggested that it may be helpful to add the word "or" after subsection 1 (b) (2) and 2 (c) (i) of proposed WAC 480-70-203 as the following sections of the rule refer to vehicle seating capacities that do not apply to most vehicles used by solid waste collection companies.

15 The commission acknowledges that there is currently a nationwide shortage of CDL-qualified drivers and that WRRRA members are affected by this shortage. The commission has considered WRRRA's comments, which support the proposed rules, but finds it unnecessary to adopt the WRRRA's suggested amendment to proposed rule WAC 480-70-203, because subsections (1) (b) and (2) (c) already include the word "or" in the listed possible conditions.

16 The WRRRA's written comments in response to the WSR 23-07-027 notice are contained in Appendix A, attached to, and made part of, this order.

17 **RULE-MAKING HEARING:** The commission considered the proposed rules for adoption at a rule-making hearing on Wednesday, June 7, 2023, before Chair David W. Danner, Commissioner Ann E. Rendahl, and Commissioner Milton H. Doumit. A staff representative briefly summarized the proposed rules and recommended that the commission adopt them without change. No other person appeared or commented on the proposed rules.

18 **COMMISSION ACTION:** The commission adopts as its own staff's responses to the written comments the commission received contained in Appendix A. After considering this and all other information regarding the proposed rules, the commission adopts the proposed rules as noticed at WSR 23-07-027 without change.

19 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the commission determines that the proposed amendments and new sections for chapters 480-14, 480-15, 480-30, 480-31, and 480-70 WAC should be amended and adopted to read as set forth in Appendix B, as rules of the commission, to take effect pursuant to RCW 34.05.380(2) on the 31st day after filing with the code reviser.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 18, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 18, Repealed 1.

ORDER

20 THE COMMISSION ORDERS:

21 (1) The commission amends WAC 480-14-250, 480-15-020, 480-15-530, 480-15-555, 480-15-560, 480-15-590, 480-30-036, 480-30-191, 480-30-221, 480-30-222, 480-30-226, 480-30-231, 480-30-236, 480-31-070, 480-70-181, 480-70-201, 480-70-206 and 480-70-211; adopts new WAC 480-15-565, 480-15-575, 480-31-150 and 480-70-203; and repeals WAC 480-15-570 to read as set forth in Appendix B, as rules of the commission, to take effect on the 31st day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

22 (2) This order and the rules set out below, after being recorded in the order register of the commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Lacey, Washington, July 13, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

David W. Danner, Chair
Ann E. Rendahl, Commissioner
Milton H. Doumit, Commissioner

**Appendix A
(Comment Summary Matrix)**

**Appendix B
(Chapters 480-14, 480-15, 480-30, 480-31, 480-70 WAC, Rules)**

	Topic	Commenter	Comment	Staff Response
1.	Solid waste and chapter 480-70 WAC	Washington Refuse and Recycling Association (WRRRA)	The commission's rules in WAC 480-70-201 specifically authorize 18-year-old intrastate drivers in the section adopting 49 C.F.R. 391; WSP's rules are written more broadly. The WSP rule, WAC 446-65-010, adopts the entirety of 49 C.F.R. Parts 350 and 391, with the caveat that "49 C.F.R. 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate..." Included within 49 C.F.R. § 350.305, adopted by the WSP rule, are the variances allowed for state laws (including 18-year-old intrastate commercial vehicle drivers). While not explicit like the commission rule, and possibly open to some interpretation, we do not view the rules as incompatible.	Commission staff is not making changes to the rules that will hinder or prohibit solid waste collection companies from using 18-year-old intrastate drivers.
2.	Household goods and chapter 480-15 WAC	Washington Movers Conference (WMC)	The WAC concurs with commission staff recommended changes to chapter 480-15 WAC, related to insurance and safety regulations governing the operation of intrastate household goods carriers, Docket TV-220252.	Not applicable.

Topic	Commenter	Comment	Staff Response
3. Solid waste and chapter 480-70 WAC	Washington Refuse and Recycling Association (WRRRA)	<p>WRRRA represents the private sector solid waste and real recycling industry in Washington; from curbside collection services to our state-of-the-art recycling facilities, composting operations, and landfills. WRRRA represents most regulated solid waste collection companies in Washington state. As such, it has taken part in virtually every commission rule making, workshop, hearing, and other proceeding regarding solid waste since the inception of solid waste regulation in 1961. WRRRA member companies and the solid waste industry serve a vital role in our state's public health, safety, and environmental protection. WRRRA shares the goal of ensuring the commission's safety rules are sufficient. WRRRA members' most valuable assets are the excellent employees that ensure continuity of essential public health services every day.</p> <p>We would like to extend our thanks to staff for the work on this proposed rule and for hosting a workshop to further dialogue on these important issues. Overall, WRRRA supports the work of commission staff in this rule-making process. With the current shortage of CDL drivers across the nation, many transportation service providers have had difficulty finding qualified drivers. WRRRA appreciates any work by commission staff that further enables regulated solid waste collection companies to hire qualified drivers, such as the proposed new WAC 480-70-203. Our understanding is that the rule language is drawn from an existing rule for passenger transportation companies, WAC 480-70-203 and we understand staff's goal to keep rule language consistent. It may be helpful to include the word "or" after subsections 1 (b)(2) and 2 (c)(i) as the following sections reference vehicle seating capacity not directly related to the majority of vehicles operated by the solid waste industry. WRRRA has also supported proposals before the legislature to address the ongoing CDL driver shortage as well, such as HB 1058 and SB 5251 relating to commercial driver licensing procedures.</p>	<p>Commission staff worked with WRRRA on this comment and the parties determined that including the word "or" creates an administrative workload for commission staff and ultimately isn't necessary. WRRRA was simply offering a suggestion to increase clarity specific to the solid waste collection industry while staff is supportive of consistency between industries.</p>

OTS-4216.2

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-14-250 Insurance requirements. (1) **Required insurance coverage.** Each applicant for common carrier authority and each common carrier must file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit.

(a) For vehicles with gross vehicle weight ratings of (~~ten thousand~~) 10,000 pounds or more, filings must be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$750,000
2. Hazardous substances, as defined in 49 Code of Federal Regulations (C.F.R.) 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2 and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material, in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403	\$5,000,000
3. Oil listed in 49 C.F.R. 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 C.F.R. 171.8 and listed in 49 C.F.R. 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000
4. Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403	\$5,000,000

(b) For vehicles with gross vehicle weight ratings less than (~~ten thousand~~) 10,000 pounds, filings shall be for the amounts shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$300,000
2. Property (hazardous); any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403	\$5,000,000

(c) Insurance requirements do not apply to taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW. Those taxicabs must comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. However, all carriers must comply with the reporting requirements of this section.

(d) The commission may dismiss an application or suspend or cancel a permit if a carrier does not file proof that such insurance is in full force and effect.

(e) Carriers must submit evidence of insurance by a Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E), Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G), or a written binder evidencing the required coverage. A binder may not be effective for longer than (~~sixty~~) 60 days, during which time the carrier must file the Form E or Form G.

(2) **Continuing proof of insurance.** A carrier must file evidence of continued insurance with the commission not less than (~~ten~~) 10 days prior to the termination date of the current insurance.

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to common carriers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW must provide that the coverage continues in full force and effect unless and until canceled by at least (~~thirty~~) 30 days' written notice served on the insured and the commission by the insurance company. The (~~thirty~~) 30 days' notice must commence to run from the date the notice is actually received by the commission.

(a) An insurance binder may be canceled on (~~ten~~) 10 days' written notice.

(b) The carrier or carrier's insurance company must notify the commission of cancellation or expiration by filing a Notice of Cancellation (Form K) no less than (~~thirty~~) 30 days before the cancellation or expiration effective date.

(c) The carrier or carrier's insurance company must provide notice of cancellation or expiration not more than (~~sixty~~) 60 days before the termination date, except binders which may be canceled on (~~ten~~) 10 days' written notice.

[Statutory Authority: RCW 80.01.040, 81.01.010, 81.04.160, and 81.80.130. WSR 13-23-048 (Docket TV-130079, General Order R-573), § 480-14-250, filed 11/15/13, effective 12/16/13. Statutory Authority: RCW 80.01.040 and 81.04.160. WSR 09-22-057 (Order R-555, Docket TV-090400), § 480-14-250, filed 10/30/09, effective 11/30/09. 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), § 480-14-250, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. WSR 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-250, filed 11/22/95, effective 12/23/95.]

OTS-4217.3

AMENDATORY SECTION (Amending WSR 09-24-104, filed 12/2/09, effective 1/2/10)

WAC 480-15-020 Definitions. For the purpose of this chapter, the words, terms, and phrases in this section have the following meaning:

Accessorial services: Any service provided by a household goods carrier that supplements, or is incidental to, the transportation of household goods. Examples include packing, unpacking, wrapping, or protecting a portion of the shipment or providing special equipment or services such as hoisting.

Agent: A permitted carrier, who, under the provisions of a formal written agreement, performs services on behalf of another permitted carrier.

Application docket: A commission publication listing applications requesting operating authority.

Authority: The rights granted to a carrier to transport household goods.

Cancellation: An act by the commission to terminate a household goods carrier's authority.

Carrier (~~or~~), household goods carrier, or motor carrier: A person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods.

Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more or if the gross vehicle weight or gross combination weight is 10,001 pounds or more.

Commission: The Washington utilities and transportation commission.

Customer: Anyone who hires a household goods carrier.

Engaging in business as a household goods carrier: Transporting household goods for compensation, by motor vehicle within this state, or advertising, soliciting, offering, or entering into an agreement to transport household goods.

Estimate:

(a) Nonbinding estimate: The written estimate the carrier gives to the customer in advance of the move. A nonbinding estimate is not binding on the mover. The final charges will be based upon the actual cost of the move and the services provided, although a carrier may not charge more than (~~twenty-five~~) 25 percent over the nonbinding estimate.

(b) Binding estimate: The written estimate the carrier gives to the customer in advance of the move, signed by the carrier and the customer, and by which both the carrier and customer are bound. The carrier may not charge any amount other than the binding estimate and the customer must pay the amount of the binding estimate.

(c) Supplemental estimate: An amendment to the original nonbinding estimate, necessary when the circumstances of a move change in a way from the original written estimate that increases the cost of the move.

Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of Title 81 RCW as defined in RCW 81.80.040.

Filing: Any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

Household goods: The personal effects and property used, or to be used, in a residence when transported or arranged to be transported between residences or between a residence and a storage facility with the intent to later transport to a residence or when referenced in connection with advertising, soliciting, offering, or entering into an agreement for such transportation. Transportation of the goods must be arranged and paid for by the customer or by another individual, company, or organization on behalf of the customer.

Local move: A move taking place within the limits of a city or town or moves where the shipment is transported (~~fifty-five~~) 55 miles or less.

Long distance move: A move where the shipment is transported (~~fifty-six~~) 56 miles or more.

Motor vehicle or vehicle: Any (~~motor truck, tractor or other self-propelled vehicle, any trailer, semi-trailer~~) vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles ((moving as a single unit)), used on the public roads to transport household goods.

Permit: A document issued by the commission describing the authority granted to a household goods carrier.

Person: Any individual, firm, corporation, company, or partnership.

Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

Shipment: A load of household goods moved by a carrier from a single residence or as a single transaction.

State: The state of Washington.

Suspension: Also includes **suspend, suspended, suspending:** An act by the commission to withhold temporarily a household goods carrier's authority.

Tariff: A publication containing rates and charges carriers must assess on shipments of household goods and the rules that govern how rates and charges are assessed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 34.05.353, and 2009 c 94. WSR 09-24-104 (Docket TV-091038, General Order R-556), § 480-15-020, filed 12/2/09, effective 1/2/10. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. WSR 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-020, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. WSR 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-020, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. WSR 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-020, filed 12/15/98, effective 1/15/99.]

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-15-530 Public liability and property damage insurance.

(1) Before operating under a household goods permit, carriers must have public liability and property damage insurance covering every motor vehicle used in its operations. The commission will not issue a permit for authority to operate without acceptable proof of required insurance coverage. Carriers must maintain the required public liability and property damage insurance at all times for every motor vehicle used in Washington intrastate operations.

(a) The policy must be written by an insurance company authorized to write insurance in Washington state or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit.

(b) The policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G).

(c) The commission may suspend or cancel the permit of any carrier operating without proof of required insurance coverage.

(2) The minimum limits of required public liability and property damage insurance for motor vehicles operated by household goods carriers are as follows:

(a) At least (~~three hundred thousand dollars~~) \$300,000 in combined single limit coverage for motor vehicles with a gross vehicle weight rating of (~~less than ten thousand~~) 10,000 pounds or less.

(b) At least (~~seven hundred fifty thousand dollars~~) \$750,000 in combined single limit coverage for motor vehicles with a gross vehicle weight rating of (~~ten thousand~~) 10,001 pounds or more.

(3) Carriers must file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) as a condition of maintaining a household goods permit.

(a) The Form E or Form G filing must be issued in (~~exactly~~) the same name as the carrier's permit.

(b) The Form E or Form G filing must be continuous, until canceled by a Notice of Cancellation (Form K) filed with the commission no less than (~~thirty~~) 30 days before the cancellation effective date.

(4) (a) The commission will accept an insurance certificate or binder for up to (~~sixty~~) 60 days. A certificate or binder may be canceled by filing written notice with the commission at least (~~ten~~) 10 days before the cancellation effective date. A certificate or binder must be replaced by a Form E or Form G within (~~sixty~~) 60 days of filing, or before the expiration date, whichever occurs first.

(b) Certificates or binders must include (~~all of~~) the following information:

(i) The commission as the named certificate holder.

(ii) The carrier's name, (~~exactly~~) as it appears on the permit or application, as the insured.

(iii) The insurance company name.

(iv) The insurance policy number.

(v) The effective and expiration dates.

(vi) The insurance limits of coverage.

[Statutory Authority: RCW 80.01.040, 81.01.010, 81.04.160, and 81.80.130. WSR 13-23-048 (Docket TV-130079, General Order R-573), § 480-15-530, filed 11/15/13, effective 12/16/13. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. WSR 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-530, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. WSR 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-530, filed 12/15/98, effective 1/15/99.]

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-15-555 Criminal background checks for prospective employees. (1) Each carrier must complete a national criminal background check for every person the carrier intends to hire.

(2) The carrier must keep evidence that it has completed a national criminal background check for every person the carrier intends to hire for as long as that person is employed and for three years (~~thereafter~~) after the person is no longer employed by the carrier.

(3) No carrier may hire a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance within the past five years.

[Statutory Authority: RCW 80.01.040, 81.01.010, 81.04.160, and 81.80.130. WSR 13-23-048 (Docket TV-130079, General Order R-573), § 480-15-555, filed 11/15/13, effective 12/16/13.]

AMENDATORY SECTION (Amending WSR 11-04-041, filed 1/25/11, effective 2/25/11)

WAC 480-15-560 ((Equipment)) Vehicle and driver safety requirements. ((1) All carriers must comply with all of the following requirements:

- (a) Maintain all vehicles in a safe and sanitary condition.
- (b) Maintain vehicles free of defects likely to result in an accident or breakdown.
- (c) Maintain vehicles consistent with the *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999.
- (d) Make vehicles available for inspection by commission representatives at any time upon request.

(2) A household goods carrier must display its permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.

- (a) All markings on the power unit must be:
 - (i) Clearly legible.
 - (ii) No less than three inches high.
 - (iii) In a color that contrasts with the background color.
 - (iv) Permanent. *Exception:* Carriers may use temporary markings on vehicles operated under a lease.
- (b) Carriers with both intrastate and interstate authority must display either the commission permit number, federal permit number or both on the power unit.

(3) Carriers must comply with all of the following requirements:

- (a) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter.
- (b) The following parts of Title 49 of the Code of Federal Regulations (49 C.F.R.), as adopted by reference in this chapter on the date specified in WAC 480-15-999:
 - (i) 49 C.F.R. Part 390: Safety Regulations, General; except the following definitions will apply:
 - (A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.
 - (B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.
 - (C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.
 - (D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.
 - (E) Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more.
 - (F) Director: The commission.
 - (ii) 49 C.F.R. Part 392: Driving of Commercial Motor Vehicles.
 - (iii) 49 C.F.R. Part 379: Preservation of Records.
 - (iv) 49 C.F.R. Part 385: Safety Fitness Procedures.
 - (v) 49 C.F.R. Part 397: Transportation of Hazardous Materials.

~~(vi) 49 C.F.R. Part 393: Parts and Accessories Necessary for Safe Operation.~~

~~(vii) 49 C.F.R. Part 396: Inspection, Repair, and Maintenance.~~

~~(viii) 49 C.F.R. Part 375: Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations. However, 49 C.F.R. Part 375 does not apply to intrastate operations. 49 C.F.R. Part 375 applies only to interstate operations.~~

~~(ix) 49 C.F.R. Part 380: Special Training Requirements.~~

~~(c) All motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.~~

~~(d) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.)~~

(1) Household goods carriers must ensure that all vehicles and drivers used to provide household goods comply with all federal, state, and local laws and rules, and commission orders, governing licensing, vehicle safety, and driver safety. Carriers must also comply with parts of Title 49 Code of Federal Regulations (49 C.F.R.) shown in the following chart, that are adopted by reference. Information about 49 C.F.R. regarding the version adopted and where to obtain copies is set out in WAC 480-15-999.

49 C.F.R. Part:		Notes:
<u>Part 40 -</u>	<u>Procedure for Transportation Workplace Drug and Alcohol Testing</u>	<u>Entire Part 40 is adopted and applies to Washington intrastate operations.</u>
<u>Part 375 -</u>	<u>Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations</u>	<u>Applies only to interstate operations.</u>
<u>Part 379 -</u>	<u>Preservation of Records</u>	<u>Entire Part 379 is adopted and applies to Washington intrastate operations.</u>
<u>Part 380 -</u>	<u>Special Training Requirements</u>	<u>Entire Part 380 is adopted and applies to Washington intrastate operations.</u>
<u>Part 382 -</u>	<u>Controlled Substance and Alcohol Use and Testing</u>	<u>Entire Part 382 is adopted and applies to Washington intrastate operations.</u>
<u>Part 383 -</u>	<u>Commercial Driver's License Standards; Requirements and Penalties</u>	<u>Entire Part 383 is adopted and applies to Washington intrastate operations.</u>
<u>Part 385 -</u>	<u>Safety Fitness Procedures</u>	<u>Entire Part 385 is adopted and applies to Washington intrastate operations.</u>
<u>Part 390 -</u>	<u>Safety Regulations, General</u>	<u>Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions:</u> <u>(1) The terms "motor carrier," "motor vehicle," "commercial motor vehicle," "exempt motor carrier," and "private carrier" are not adopted. Instead, where those terms are used in 49 C.F.R., they have the meanings assigned to them in WAC 480-15-020.</u> <u>(2) Whenever the term "director" is used in 49 C.F.R., it means the commission.</u>
<u>Part 391 -</u>	<u>Qualifications of Drivers</u>	<u>Entire Part 391 is adopted and applies to Washington intrastate operations, with the following exceptions:</u> <u>(1) A driver who operates exclusively in intrastate commerce is not subject to the provisions of Part 391.11(b)(1) (general qualifications - age). A driver operating exclusively in intrastate commerce may drive a motor vehicle if they are at least 18 years of age.</u>

49 C.F.R. Part:		Notes:
		<u>(2) A driver who operates exclusively in intrastate commerce is not subject to the provisions of Part 391.49 (Waiver of certain physical defects), if that driver has obtained from the Washington department of licensing, a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven.</u>
<u>Part 392 -</u>	<u>Driving of Motor Vehicles</u>	<u>Entire Part 392 is adopted and applies to Washington intrastate operations.</u>
<u>Part 393 -</u>	<u>Parts and Accessories Necessary for Safe Operation</u>	<u>Entire Part 393 is adopted and applies to Washington intrastate operations.</u>
<u>Part 395 -</u>	<u>Hours of Service of Drivers</u>	<u>Entire Part 395 is adopted and applies to Washington intrastate operations.</u>
<u>Part 396 -</u>	<u>Inspection, Repair, and Maintenance</u>	<u>Entire Part 396 is adopted and applies to Washington intrastate operations.</u>
<u>Part 397 -</u>	<u>Transportation of Hazardous Materials, Driving and Parking Rules</u>	<u>Entire Part 397 is adopted and applies to Washington intrastate operations.</u>

(2) Companies must:

(a) Maintain all vehicles in a safe and sanitary condition.

(b) Ensure that vehicles are in proper working condition and repair all identified defects or deficiencies likely to result in an accident or breakdown.

(c) All motor vehicles must be equipped with fenders, covers, mud flaps, or splash aprons which effectively reduce the spray or splash of water from the road. All such devices must be as wide as the tires on which they are mounted and must extend from the top of the tires down to at least the center of the axle.

(3) All motor vehicles and drivers operating under the provisions of this chapter and used to provide permitted services are always subject to inspection by the commission or its duly authorized representatives. The commission will place out-of-service for the provision of household goods moving service any motor vehicle or the driver of that vehicle if the vehicle or driver meets any condition listed in the *North American Uniform Out-of-Service Criteria*. A company must not require or permit a vehicle or driver that has been placed out-of-service to operate until the condition(s) causing the out-of-service violation is corrected. Information about the *North American Uniform Out-of-Service Criteria* is set out in WAC 480-15-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-15-560, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. WSR 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-560, filed 12/27/07, effective 1/27/08. 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), § 480-15-560, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. WSR 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-560, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. WSR 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-560, filed 12/15/98, effective 1/15/99.]

NEW SECTION

WAC 480-15-565 Motor vehicle identification. (1) (a) A household goods carrier must display its permit name and number, as registered with the commission, on both sides of the self-propelled motor vehicle.

(b) The markings must be:

(i) Legible, during daylight hours, from 50 feet while the motor vehicle is not moving.

(ii) In a color that contrasts with the background color of the motor vehicle.

(iii) Permanent. *Exception:* Carriers may use temporary markings on vehicles when operated under a lease, when the rental agreement or lease has a term of 30 days or less.

(2) All carriers must display the U.S. Department of Transportation identification number on both sides of self-propelled motor vehicles.

[]

NEW SECTION

WAC 480-15-575 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A household goods carrier may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating of 26,001 pounds or more;

(ii) Transporting 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A carrier may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41 if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) The driver's condition is likely to remain stable for the next two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 pounds;

(ii) Transporting 15 or fewer passengers, including the driver;

or

(iii) With a manufacturer's seating capacity of 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** Carriers that use a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

[]

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-15-590 Leasing vehicles. A carrier must enter into an equipment lease agreement before operating a leased motor vehicle. The carrier must ensure that all ~~((of))~~ the following conditions are met:

(1) The carrier signs the form and ensures the lessor signs the form.

~~((2) ((The carrier marks "master lease" if the carrier intends to use a master lease instead of individual leases.~~

~~(3))~~ A physical or digital copy of the lease is carried in all leased motor vehicles.

~~((4) Copies of all leases are kept in the carrier's permanent files for at least))~~ (3) A physical or digital copy of the lease is kept in the carrier's files during the effective period of the lease and for one year after the lease expires.

~~((5))~~ (4) The carrier gives a physical or digital copy of the lease to the owner of the leased motor vehicle.

~~((6))~~ (5) The carrier takes possession, control, and use of the motor vehicle during the period of the lease agreement.

~~((7))~~ (6) The leased motor vehicle is properly insured as specified in WAC 480-15-530 and 480-15-550.

~~((8))~~ (7) The carrier properly identifies the motor vehicle as specified in RCW 81.80.305.

~~((9))~~ (8) The carrier charges appropriate tariff rates and charges.

~~((10))~~ (9) The driver of the leased motor vehicle is on the carrier's payroll during the leased period.

~~((11))~~ (10) The leased motor vehicle is operated in compliance with laws and rules as specified in WAC 480-15-560 and 480-15-570.

~~((12))~~ (11) The driver of the leased motor vehicle is subject to the ~~((company's))~~ carrier's alcohol and controlled substance policies.

~~((13))~~ (12) The carrier and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles.

~~((14))~~ (13) The carrier complies with the terms of the lease.

[Statutory Authority: RCW 80.01.040, 81.01.010, 81.04.160, and 81.80.130. WSR 13-23-048 (Docket TV-130079, General Order R-573), § 480-15-590, filed 11/15/13, effective 12/16/13. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. WSR 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-590, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. WSR 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-590, filed 12/15/98, effective 1/15/99.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-15-570 Driver safety requirements.

OTS-4218.2

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-036 Definitions, general. (1) See WAC 480-30-261 for definition of terms used primarily in tariffs and time schedules and WAC 480-30-216 for definitions used in driver and vehicle safety rules.

(2) Unless the language or context indicates that a different meaning is intended, the following definitions apply:

"Agent" means a person authorized to transact business for, and in the name of, another.

"Airporter service" means an auto transportation service that starts or ends at a station served by another type of transportation such as, air or rail transportation. Airporter service is often a premium service that involves handling luggage. Although stops may be made along the way, they are usually limited to picking up or discharging passengers and luggage bound to or from the airport or depot served.

"Alternate arrangements for passengers" means the travel arrangements made by an auto transportation company that has accepted a trip booking or reservation from a passenger and that is unable to provide the agreed transportation. The alternate arrangements may require travel by another carrier or mode of transportation at no additional cost to the passenger beyond what the passenger would have paid for the original transportation arrangement.

"Application docket" means a commission publication providing notice of all applications requesting auto transportation operating authority, with a description of the authority requested. The commission sends this publication to all persons currently holding auto transportation authority, to all persons with pending applications for auto transportation authority, to affected local jurisdictions or agencies, and to all other persons who asked to receive copies of the application docket.

"Area" means a defined geographical location. Examples include, but are not limited to:

- (a) A specified city or town;
- (b) A specified county, group of counties, or subdivision of the state, e.g., western Washington;
- (c) A zone, e.g., company designated territory; or
- (d) A route, e.g., area within four road miles of Interstate 5.

"Auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever owning, controlling, operating, or managing any motor-propelled vehicle used in the business of transporting persons and their

baggage on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

"Between fixed termini or over a regular route" means the fixed points between which an auto transportation company provides service or the route over which an auto transportation company ordinarily operates any motor-propelled vehicle, even though there may be variance whether the variance is periodic or irregular.

"Bus" means a motor vehicle designed, constructed, and/or used for the transportation of passengers.

"Business days" means days of the week excluding Saturdays, Sundays, and official state holidays.

"By-reservation-only service" means transportation of passengers by an auto transportation company, with routes operated only if passengers have made prior reservations.

"Certificate" means:

(a) The certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.68 RCW to operate as an auto transportation company; or

(b) The certificate issued by the Washington utilities and transportation commission under chapter 81.70 RCW to operate as a charter and excursion carrier in the state of Washington.

"Certificated authority" means:

(a) The territory and services granted by the commission and described in an auto transportation company's certificate of public convenience and necessity; or

(b) Operations in the state of Washington for charter and excursion service carriers.

"Charter party carrier" or **"charter carrier"** means every person engaged in the transportation over any public highways in this state of a group of persons who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after leaving the place of origin. A person who is engaged in the transportation of persons by party bus over any public highway in this state is considered engaging in the business of a charter party carrier or excursion service carrier.

"Claim" means a demand made on a company for payment resulting from a loss sustained through the company's negligence or for inadequate service provided by the company.

"Closed-door service" means a portion of a route or territory in which an auto transportation company is not allowed to pick up or deliver passengers. Closed-door service restrictions must be clearly stated in an auto transportation company's certificate.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers if the vehicle:

(a) Has a gross ((~~combination~~) vehicle weight rating or gross combination weight of ((~~11,794 kilograms~~-(~~)~~))26,001 pounds((~~+~~)) or more, inclusive of a towed unit(s) with a gross vehicle weight rating or gross ((~~vehiele~~) combination weight of more than ((~~4,536 kilograms~~-(~~10,000 pounds~~))) 10,001 pounds or more; or

(b) Has a gross vehicle weight rating or gross ((~~vehiele~~) combination weight of ((~~11,794 kilograms~~-(~~)~~))26,001 pounds((~~+~~)) or more; or

(c) Is designed to transport ((~~sixteen~~)) 16 or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. Sec. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports passengers by motor vehicle over the public highways for compensation.

"Common purpose" means that a group of persons is traveling together to achieve a common goal or objective. For example, a group of persons traveling together to attend a common function or to visit a common location. For the purposes of these rules, it does not mean a group of persons who have no common goal other than transportation to, or from, the airport.

"Company" means an entity authorized by the commission to transport passengers, for compensation, using a motor vehicle, over the public highways of the state.

"Complaint" means one of two types of actions by a person against a passenger transportation company that the commission regulates:

(a) **"Informal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-910. Informal complaints are normally investigated and resolved by commission staff.

(b) **"Formal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-370. In a formal complaint, the burden of proof resides with the complaining party who must prove its assertions in a formal commission proceeding.

"Connecting service" means an auto transportation company service over a route, or routes, that require passengers to transfer from one vehicle to another vehicle operated by either the same company or a different company before reaching the ending point.

"Contract" as used in this chapter means any agreement between a passenger transportation company and another person to obtain property or services the company uses to provide passenger transportation services including, but not limited to, sales agreements, service agreements, employment agreements, mortgages, loans, and leases for real or personal property.

"Customer" means a person who purchased transportation services from an auto transportation company or a person, corporation, or other entity that prearranges for transportation services with a charter party carrier or purchases a ticket for transportation services aboard an excursion service carrier.

"Direct route" means an auto transportation company service over a route that goes from the beginning point to the ending point with limited, if any, stops along the way, and traveling only to points located on the specific route without requiring a passenger to transfer from one vehicle to another.

"Discontinuance of service":

(a) **"Permanent discontinuance of service"** means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to permanently discontinue all, or part of, its service and relinquish that certificate or portion of that certificate. See WAC 480-30-186.

(b) **"Temporary discontinuance of service"** means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to discontinue all, or part of, its service for a specified, limited period of time.

"Door-to-door service" means an auto transportation company service provided between a location identified by the passenger and a point specifically named by the company in its filed tariff and time schedule.

"Double-decker bus" means a motor vehicle with more than one passenger deck.

"Excursion service carrier" or **"excursion carrier"** means every person engaged in the transportation of persons for compensation over any public highway in the state from points of origin within any city, town, or area, to any other location within the state of Washington and returning to that origin. The service must not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may be regularly scheduled. Compensation for the transportation offered or afforded must be computed, charged, or assessed by the excursion service company on an individual fare basis.

"Express passenger service" means auto transportation company service provided between fixed points or stations with few, if any, stops along the route, and is designed to get passengers from origin to destination more quickly than normally scheduled passenger service.

"Federal Motor Carrier Safety Administration" means an agency of the United States Department of Transportation (USDOT) and successor agency to the former Interstate Commerce Commission.

"Filing" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"Fixed termini" means points of origin and destination that are set, static locations or defined geographic areas. Examples include a city or town, a building, or an airport. In addition, "fixed termini" can include service between an airport and unlimited points within a defined geographic area.

"Flag stops" means a point along an auto transportation company's normally traveled routes where the company stops only if it receives notification that a passenger wishes to board the vehicle at that point. An auto transportation company must list available flag stops in the company's tariffs and time schedules. Flag stops may only be named at points that provide waiting passengers safe access to the vehicle.

"Group" means:

- (a) Two or more passengers traveling together;
- (b) A class of passengers to whom special rates and/or rules apply. For example, active military personnel.

"Intermediate point" means a point located on a route between two other points that are specifically named in an auto transportation company's certificate or tariff.

"Intermediate service" means service to an intermediate point.

"Interruption in service" means a period of time during which an auto transportation company cannot provide service listed in its certificate, its filed tariff, or its filed time schedule. An interruption in service is normally short lived, lasting no more than a few hours or a few days.

"Liquor permit holder" means a holder of an appropriate special permit to provide liquor issued under chapter 66.20 RCW, who is (~~twenty-one~~) 21 years of age or older and who is responsible for compliance with the requirements of WAC 480-30-244 and chapter 66.20 RCW during the provision of transportation services.

"Motor vehicle" or "vehicle" means:

(a) As related to auto transportation companies: Every self-propelled vehicle used on the public highways, for the transportation of persons for compensation.

(b) As related to charter and excursion carriers: Every self-propelled vehicle with a manufacturer's seating capacity for (~~eight or~~) more than eight passengers, including the driver, used on the public highways, for the transportation of persons for compensation.

"Named points" means cities, towns, or specific locations that are listed in an auto transportation company's certificate, tariff, or time schedule.

"Nonstop service" means transportation of passengers from point of origin to point of destination without stopping at any intermediate points.

"On-call service" means unscheduled auto transportation company service provided only to those passengers that have by prior arrangement requested service prior to boarding.

"Party bus" means any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of forward-facing seating with a center aisle is not a party bus.

"Passenger facility" means a location at which an auto transportation company stations employees and at which passengers can purchase tickets or pay fares for transportation service.

"Passenger transportation company" means an auto transportation company or charter and excursion carrier.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Premium service" means a type of service provided by an auto transportation company that is outside normal service. Examples include express service, direct route service, and nonstop door-to-door service.

"Private carrier" means a person who transports passengers in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.

"Public highway" means every street, road, or highway in this state.

"Public transit agency" means a municipal corporation or agency of state or local government formed under the laws of the state of Washington for the purpose of providing transportation services including, but not limited to, public transportation benefit areas, regional transit authorities, municipal transit authorities, city and county transit agencies.

"Residence" means the regular dwelling place of an individual or individuals.

"Route" means a highway or combination of highways over which an auto transportation company provides passenger service. There are two types of routes:

(a) **"Irregular route"** means travel between points named in an auto transportation company's certificate via any highway or combination of highways the company wishes to operate over. The certificate issued to the company does not list highways to be used, but the company defines routes in its tariffs and time schedules.

(b) **"Regular route"** means an auto transportation company providing passenger transportation over a route named in the certificate issued to the company by the commission.

"Scheduled service" means an auto transportation company providing passenger service at specified arrival and/or departure times at points on a route.

"Single contract" means an agreement between a charter carrier and a group of passengers to provide transportation services at a set price for the group or trip. Under a single contract, passengers are not charged individually.

"Small business" means any company that has (~~(fifty)~~) 50 or fewer employees.

"Special or promotional fares" means temporary fares for specific services offered for no more than (~~(ninety)~~) 90 days.

"Suspension" means an act by the commission to temporarily revoke a company's certificated authority; or an act by the commission to withhold approval of an auto transportation company's tariff filing.

"Tariff" or **"tariff schedule"** means a document issued by an auto transportation company containing the services provided, the rates the company must assess its customers for those services, and the rules describing how the rates apply.

"Tariff service territory" means a company-defined geographic area of its certificated authority in which a specific tariff applies.

"Temporary certificate" means the certificate issued by the Washington utilities and transportation commission under RCW 81.68.046 to operate as an auto transportation company for up to (~~(one hundred eighty)~~) 180 days or pending a decision on a parallel filed auto transportation company certificate application.

"Temporary certificate authority" means the territory and services granted by the commission and described in an auto transportation company's temporary certificate.

"Ticket agent agreements" means a signed agreement between an auto transportation company and a second party in which the second party agrees, for compensation, to sell tickets to passengers on behalf of the auto transportation company. See WAC 480-30-391.

"Time schedule" means a document filed as part of an auto transportation company's tariff, or as a separate document, that lists the routes operated by the company including the times and locations at which passengers may receive service and any rules specific to operating those routes.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-036, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-036, filed 1/4/16, effective 2/4/16. 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), § 480-30-036, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-191 Bodily injury and property damage liability insurance. (1) **Insurance coverage.** A company must have bodily injury and property damage liability insurance covering each motor vehicle used to provide passenger transportation services under the authority of the company's certificate in Washington.

(a) The insurance policy must be written by an insurance company authorized to write insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040.

(b) The insurance policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (Form F).

(c) If a company operates without the required insurance coverage, the commission may take immediate compliance action as described in WAC 480-30-171.

(2) **Insurance limits.** The minimum limits of required bodily injury and property damage liability insurance for motor vehicles operated by companies are:

Motor vehicles that:	Must have bodily injury and property damage insurance or surety bond with the following minimum limits:
Have a passenger seating capacity of ((fifteen)) <u>15</u> or less (including the driver).	\$1,500,000 combined single limit coverage.
Have a passenger seating capacity of ((sixteen)) <u>16</u> or more (including the driver).	\$5,000,000 combined single limit coverage.

(3) **Insurance filings.** A company must file and maintain a Uniform Motor Carrier Bodily Injury Property Damage Certificate of Insurance (Form E) as a condition of being issued and maintaining a certificate to operate as a passenger transportation company.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry and is normally filed with the commission by an insurance company rather than an insurance agent.

(b) The Form E must be issued in the company name exactly as it appears on the company's certificate or application for certificate.

(c) The Form E filing must remain in effect until canceled by a Notice of Cancellation (Form K). The Form K must be filed with the commission by the insurance company not less than ~~((thirty))~~ 30 days before the cancellation effective date.

(d) A company may file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) instead of the Form E.

(4) **Insurance binders.** The commission will accept an insurance certificate or binder for up to ~~((sixty))~~ 60 days.

(a) An insurance certificate or binder may be canceled by written notice filed with the commission at least (~~ten~~) 10 days before the cancellation effective date.

(b) An insurance certificate or binder must be replaced by a Form E within (~~sixty~~) 60 days of filing, or before the expiration date, whichever occurs first.

(c) Insurance certificates or binders must show:

- (i) The commission as the named insurance certificate holder;
- (ii) The company name, exactly as it appears on the company's certificate or application for a certificate, as the insured;
- (iii) The insurance company name;
- (iv) The insurance policy number;
- (v) The insurance policy effective and expiration dates;
- (vi) The insurance limits of coverage; and
- (vii) The agent's or other insurance representative's signature.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-191, filed 7/31/17, effective 8/31/17. 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), § 480-30-191, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-221 Vehicle and driver safety requirements. (1) A passenger transportation company must ensure that all vehicles and drivers used to provide passenger transportation services under the authority of the company's certificate comply with all federal, state, (~~and~~) local laws and rules, and commission orders, governing licensing, vehicle safety, and driver safety. Except for vehicles with a seating capacity of (~~seven~~) eight or fewer passengers (including the driver) and the drivers of those vehicles, in which case the company must comply with the requirements in WAC 480-30-222, companies must also comply with the parts of Title 49, Code of Federal Regulations (49 C.F.R.), adopted by reference, that are shown in the following chart. Information about 49 C.F.R., including the version adopted by the commission and where to obtain copies is set out in WAC 480-30-999.

49 C.F.R. Part:		Notes:
Part 40 -	Procedures For Transportation Workplace Drug and Alcohol Testing Programs	Entire Part 40 is adopted and applies to Washington intrastate operations.
Part 382 -	Controlled Substance and Alcohol Use and Testing	Entire Part 382, is adopted and applies to Washington intrastate operations.
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	Entire Part 383, is adopted and applies to Washington intrastate operations.
Part 379 -	Preservation of Records	Entire Part 379 is adopted and applies to Washington intrastate operations.
Part 380 -	Special Training Requirements	Entire Part 380 is adopted and applies to Washington intrastate operations.

49 C.F.R. Part:		Notes:
Part 385 -	Safety Fitness Procedures	Entire Part 385 is adopted and applies to Washington intrastate operations.
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions:
		(1) The terms "motor vehicle," "commercial motor vehicle," and "private motor vehicle" are not adopted. Instead, where those terms are used in Title 49 C.F.R., they have the meanings assigned to them in WAC 480-30-036.
Part 391 -	Qualification of Drivers	(2) Whenever the term "director" is used in Title 49 C.F.R., it means the commission.
		Entire Part 391 is adopted, with the following exceptions:
Part 392 -	Driving of Motor Vehicles	(1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively intrastate. Instead refer to WAC 480-30-226 for intrastate medical waivers.
		Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

(2) Companies must: Ensure that all motor vehicles used to provide certificated service are maintained in a safe and sanitary condition and are free of defects likely to result in an accident or breakdown.

(3) No company, its agents, contractors, officers, or employees ((~~7~~)) will allow any animal, article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is dangerous to the lives and safety of passengers.

(4) No company, its agents, contractors, officers, or employees will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is prohibited by the hazardous materials rules in Title 49 C.F.R. from being transported on passenger-carrying vehicles.

(5) All motor vehicles and drivers operating under the provisions of this chapter and used to provide certificated services are ((~~at all times~~)) subject to inspection by the commission or its duly authorized representatives at all times. ((~~The commission will place out-of-service for the provision of passenger transportation service any motor vehicle with a seating capacity of eight or more passengers (including the driver) or the driver of that vehicle if the vehicle or driver meets any condition listed in the North American Uniform Out-of-Service Criteria. A company must not allow a vehicle or driver that has been placed out-of-service to operate until the condition(s) causing the out-of-service violation is corrected.~~))

(6) All motor vehicles must be equipped with fenders, covers, mud flaps, or splash aprons which effectively reduce the spray or splash of water from the road. All such devices must be as wide as the tires

on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

(a) The commission will place out-of-service a motor vehicle with safety defects identified in the *North American Uniform Out-of-Service Criteria*. A carrier must not require or permit a driver to operate a vehicle placed out-of-service until all out-of-service violations have been satisfactorily repaired so that no violation(s) exists.

(b) The commission will place out-of-service a driver who operates a motor vehicle subject to an out-of-service order. No driver shall operate a commercial motor vehicle subject to an out-of-service order until all repairs required by the out-of-service order have been satisfactorily repaired. A driver subject to an out-of-service order shall not operate a commercial motor vehicle until the reason for the out-of-service order has been remedied.

(c) Information about the *North American Uniform Out-of-Service Criteria* is set out in WAC 480-30-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-221, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-30-221, filed 1/25/11, effective 2/25/11. 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), § 480-30-221, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-222 Vehicles with capacity for ~~((seven))~~ eight or fewer passengers (including the driver). A company must ensure compliance with the requirements of this section for all vehicles with a capacity of ~~((seven))~~ eight or fewer passengers (including the driver) used to provide passenger transportation service under the authority of the company's certificate and for all drivers of those vehicles. Regardless of whether a record required under this section is maintained by the certificated company or its contractor, the certificated company must make the record available to the commission upon request within ~~((forty-eight))~~ 48 hours of the request.

(1) All vehicles must be inspected annually by a mechanic who has successfully passed the applicable examinations of, and met the applicable experience requirements prescribed by, the National Institute for Automotive Service Excellence, and certified by the mechanic as safe to operate.

(2) At the beginning and end of each day's work, the driver must check each vehicle the driver operates to determine if the lights, brakes, tires, steering, seat belts, and other safety and operating equipment are working properly. The driver must document the inspection the driver performs at the end of each day.

(3) Records of inspection, repair, and maintenance indicating the date and nature of the inspection, repair, or maintenance must be kept by the certificated company or contractor for a period of three years.

(4) Drivers used to operate vehicles with a capacity of ~~((seven))~~ eight or fewer passengers (including the driver) must have the follow-

ing qualifications ((at all times)) when operating a vehicle on behalf of a certificated company:

(a) Be licensed to drive in the state of Washington;

(b) Be a safe driver as demonstrated by a complete driving record from the Washington department of licensing and a complete driving record from any other state in which the driver held a driver's license in the previous five years;

(c) Have not been convicted within the past five years of hit-and-run, reckless driving, attempting to elude an officer by using a vehicle, vehicular assault, vehicular homicide, reckless endangerment, negligent driving in the first degree, or driving under the influence of alcohol or a controlled substance, and have not been convicted within the past five years of a crime pertaining to physical violence or crimes reasonably related to the driver's honesty including, but not limited to, robbery, fraud, theft, extortion, assault, or identity theft, as demonstrated by a state criminal background check;

(d) Have not been required to register as a sex offender or been convicted of a sex offense or been convicted of a kidnapping offense against a minor;

(e) Have been medically examined and certificated by a medical examiner who is listed on the National Registry of Certified Medical Examiners, and be physically and mentally qualified to operate a passenger carrying vehicle for compensation; and

(f) Have passed a defensive driving course certified by the National Safety Council or passed an equivalent course approved by the commission.

(5) The certificated company must verify and document the driver's qualifications under this section prior to initially allowing the driver to operate a vehicle under the company's authority and at least once every ((~~twelve~~)) 12 months thereafter during the time of employment or the contract.

(6) A driver shall not be in control of a vehicle more than ((~~twelve~~)) 12 consecutive hours. The ((~~twelve~~)) 12 hours can be spread over a ((~~fifteen~~)) 15 hour period within ((~~twenty-four~~)) 24 hours. Thereafter, the driver shall not drive a vehicle until the driver takes eight consecutive hours off duty.

(7) The certificated company or contractor must keep or require its contractors to keep, and provide or make available to the commission on request, the following records for the specified time periods:

(a) All documents related to driver hours for a period of at least six months;

(b) Verification of each driver's qualifications for the duration of the driver's employment or contract with the certificated company and for three years thereafter; and

(c) All documents related to any vehicle collisions or other accidents that occur while driving for compensation for a period of at least three years from the date of the accident. Such records must include copies of all accident reports and any other documents that identify the date and geographic location of the accident, the driver name, the number of fatalities or persons injured and a description of those injuries. The certificated company must ensure that its contractors immediately notify the certificated company of any accident or motor vehicle violation that occurs while driving for compensation.

(8) The commission will place a motor vehicle or driver out-of-service for the purposes of use by a certificated company if the vehicle or driver fails to meet any of the requirements in this section.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68,030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-222, filed 7/31/17, effective 8/31/17.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-226 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A passenger transportation company may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating (~~(over 26,000 lbs.)~~) of 26,001 pounds or more;

(ii) Transporting (~~(sixteen)~~) 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of (~~(sixteen)~~) 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A passenger transportation company may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41 or WAC 480-30-222, as applicable, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) (~~(The doctor's opinion is that)~~) The driver's condition is likely to remain stable for the next two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 (~~(lbs.)~~) pounds;

(ii) Transporting (~~(fifteen)~~) 15 or fewer passengers, including the driver; or

(iii) With a manufacturer's seating capacity of (~~(fifteen)~~) 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** A passenger transportation company that uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68,030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590),

§ 480-30-226, filed 7/31/17, effective 8/31/17. 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), § 480-30-226, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-231 Vehicle and driver identification. (1) Unless otherwise prohibited by law, a passenger transportation company must ensure that all motor vehicles used to provide passenger transportation services are clearly and easily identifiable as being operated under the authority of the company.

(a) Each motor vehicle must display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. A company with both intrastate and interstate operations may display its U.S. Department of Transportation identification number in addition to, or in place of, its commission-issued certificate number.

(b) Each motor vehicle operated in regular route service with scheduled stops must display a suitable destination sign.

(c) Each motor vehicle operated in transportation of passengers must display on the vehicle a company identification or unit number.

(d) All identifications must be ~~((clearly legible, conspicuous, and of a size that is easily readable.~~

~~(e) For all vehicles owned by the company, all identifications must be permanent.))~~;

(i) Legible, during daylight hours, from 50 feet while the motor vehicle is not moving.

(ii) In a color that contrasts with the background color of the motor vehicle.

(e) All company owned vehicles must have permanent identification.

(f) Permanent. **Exception:** Companies may use temporary markings on vehicles when operated under a lease agreement with a term of 30 calendar days or less.

(2) An auto transportation company must ensure that all drivers operating motor vehicles in the transportation of passengers are clearly and easily identifiable as driving under the authority of the company. Identification may include, but is not limited to, an identification badge or a uniform with a name tag identifying the driver by name or number. If applicable law prohibits the vehicle from being marked as required under subsection (1) of this section, the driver must have an identification badge or name tag clearly visible on the driver's person and must carry a sign at the point of pickup with the name of the certificated company and the name of the passenger(s) to be picked up clearly printed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-231, filed 7/31/17, effective 8/31/17. 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), § 480-30-231, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-236 Leasing vehicles. (1) A passenger transportation company operating a leased vehicle must have a (~~written~~) physical or digital copy of the lease agreement with the owner of the vehicle.

(2) It is the company's responsibility to ensure that:

(a) A physical or digital copy of the lease is carried in each leased vehicle, unless the vehicle's registration names the certificate holder as registered owner or lessee.

(b) A physical or digital copy of the lease is kept in the company's files during the effective period of the lease and for (~~at least~~) one year after the lease expires.

(c) The leased vehicle is properly insured as specified in WAC 480-30-191.

(d) The driver of the leased vehicle is on the carrier's payroll during the leased period.

(e) The leased vehicle is operated in compliance with laws and rules as specified in WAC 480-30-216 and 480-30-221.

(f) The driver of the leased vehicle is subject to the company's alcohol and controlled substance policies.

(g) The company and the owner of the leased vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles.

(h) The company complies with the terms of the lease.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-236, filed 7/31/17, effective 8/31/17. 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), § 480-30-236, filed 6/8/06, effective 7/9/06.]

OTS-4219.1

AMENDATORY SECTION (Amending WSR 06-07-100, filed 3/15/06, effective 4/15/06)

WAC 480-31-070 Insurance. (1) Evidence of liability and property damage insurance or a surety bond must be on file before a certificate will be issued to a private, nonprofit transportation provider. The insurance or surety bond must have been written by a company authorized to write such insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040. The combined bodily injury and property damage liability insurance or surety bond must not be less than:

Five hundred thousand dollars combined single limit for vehicles with a passenger capacity of less than (~~sixteen~~) 16 passengers, including the driver;

One million dollars combined single limit for vehicles with a passenger capacity of (~~sixteen~~) 16 or more passengers, including the driver.

(2) A provider's insurance agency or company must submit evidence of insurance on a "uniform motor carrier bodily injury and property damage liability certificate of insurance" (form E).

(3) All liability and property damage insurance policies issued to providers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Insurance termination. All insurance policies issued must provide that the same will continue in full force and effect until canceled by at least ~~((thirty))~~ 30 days' written notice served on the insured and the commission by the insurance company. The ~~((thirty-day))~~ 30-day notice will commence to run from the date notice is actually received by the commission, except for binders which may be canceled on ~~((ten))~~ 10 days' written notice.

A provider's insurance agency or company must submit notice of cancellation or expiration in duplicate on forms prescribed by the commission and must not submit the notice more than ~~((sixty))~~ 60 days before the desired termination date, except binders which may be canceled by ~~((ten))~~ 10 days' written notice from the insurance agency or company.

(5) No provider may operate ~~((upon))~~ on the public highways of this state without insurance as required by this section.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. WSR 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-070, filed 3/15/06, effective 4/15/06. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-070, filed 3/27/97, effective 4/27/97.]

NEW SECTION

WAC 480-31-150 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A private, nonprofit transportation provider may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates commercial motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating of 26,001 pounds or more;

(ii) Transporting 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A private, nonprofit transportation provider may use a driver that is not physically qualified to drive a motor vehicle under Title 49 C.F.R. Part 391.41 or WAC 480-31-130, as applicable, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a motor vehicle; and

(ii) The driver's condition is likely to remain stable for the two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a motor vehicle means a motor vehicle:

- (i) With a gross vehicle weight rating under 26,001 pounds;
- (ii) Transporting 15 or fewer passengers, including the driver;

or

(iii) With a manufacturer's seating capacity of 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** A private, nonprofit transportation provider that uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

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OTS-4220.1

AMENDATORY SECTION (Amending WSR 01-08-012, filed 3/23/01, effective 4/23/01)

WAC 480-70-181 Public liability and property damage insurance.

(1) **Insurance coverage.** A company must have public liability and property damage insurance covering each motor vehicle it operates in the state of Washington.

(a) The insurance policy must be written by an insurance company authorized to write insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040.

(b) The insurance policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (Form F).

(c) If a company operates without the required insurance coverage, the commission may take immediate compliance action as described in WAC 480-70-161 and WAC 480-70-166.

(2) **Insurance limits.** The minimum limits of required public liability and property damage insurance for motor vehicles operated by companies are:

Vehicles that:	Must have bodily injury and property damage insurance or bond with the following minimum limits:
Have Gross Vehicle Weight Rating (GVWR) less than ((10,000)) <u>10,001</u> pounds	\$300,000 combined single limit coverage
Have GVWR ((10,000)) <u>10,001</u> pounds or more	\$750,000 combined single limit coverage

Vehicles that:	Must have bodily injury and property damage insurance or bond with the following minimum limits:
Transport quantities of biomedical waste not subject to federal regulation	\$1,000,000 combined single limit coverage
Transport quantities of hazardous or biomedical waste that are subject to federal regulation	The federal minimum combined single limit coverage

(3) **Insurance filings.** A company must file and maintain a Uniform Motor Carrier Bodily Injury Property Damage Certificate of Insurance (Form E) as a condition of being issued and maintaining a certificate.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry and is normally filed with the commission by an insurance company rather than an insurance agent.

(b) The Form E must be issued in the company name exactly as it appears on the company's certificate or application for certificate.

(c) The Form E filing must remain in effect until canceled by a Notice of Cancellation (Form K). The Form K must be filed with the commission by the insurance company not less than (~~thirty~~) 30 days before the cancellation effective date.

(d) A company may file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) instead of the Form E.

(4) **Insurance binders.** The commission will accept an insurance certificate or binder for up to (~~sixty~~) 60 days.

(a) An insurance certificate or binder may be canceled by written notice filed with the commission at least (~~ten~~) 10 days before the cancellation effective date.

(b) An insurance certificate or binder must be replaced by a Form E within (~~sixty~~) 60 days of filing, or before the expiration date, whichever occurs first.

(c) Insurance certificates or binders must show:

- (i) The commission as the named insurance certificate holder;
- (ii) The company name, exactly as it appears on the company's certificate or application for a certificate, as the insured;
- (iii) The insurance company name;
- (iv) The insurance policy number;
- (v) The insurance policy effective and expiration dates; and
- (vi) The insurance limits of coverage.

[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), § 480-70-181, filed 3/23/01, effective 4/23/01.]

AMENDATORY SECTION (Amending WSR 18-13-106, filed 6/19/18, effective 7/20/18)

WAC 480-70-201 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing vehicle and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 C.F.R.) shown in the fol-

lowing chart, that are adopted by reference. Information about 49 C.F.R. regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

49 C.F.R. Part ((Adopted)) ADOPTED:	((Portions Not Adopted)) NOT ADOPTED:
Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs	n/a
Part 379 - Preservation of Records	n/a
Part 380 - Special Training Requirements	n/a
Part 382 - Controlled Substance and Alcohol Use and Testing	n/a
Part 383 - Commercial Driver's License Standards; Requirements and Penalties	n/a
Part 385 - Safety Fitness Procedures	n/a
Part 390 - Safety Regulations, General	<p>(1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 C.F.R., they shall have the meanings assigned to them in WAC 480-70-041 (private vehicle) and WAC 480-70-196 (commercial motor vehicle).</p> <p>(2) Whenever the term "director" is used in Title 49 C.F.R., it shall mean the commission.</p>
Part 391 - Qualification of Drivers	<p>(1) A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.49 (waiver of certain physical defects), if that driver has obtained from the Washington department of licensing a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven.</p> <p>(2) A driver who operates exclusively in intrastate commerce is not subject to the provisions of Part 391.11(b)(1) (general qualifications – age). A driver operating exclusively in intrastate commerce may drive a motor vehicle if he or she is at least ((eighteen)) 18 years of age.</p>
Part 392 - Driving of Motor Vehicles	n/a
Part 393 - Parts and Accessories Necessary for Safe Operation	n/a

49 C.F.R. Part ((Adopted)) <u>ADOPTED:</u>	((Portions Not Adopted)) <u>NOT ADOPTED:</u>
Part 395 - Hours of Service of Drivers	n/a
Part 396 - Inspection, Repair, and Maintenance	n/a
Part 397 - Transportation of Hazardous Materials, Driving and Parking Rules	n/a

(2) Companies must:

(a) Maintain all motor vehicles in a safe and sanitary condition;

(b) Ensure that vehicles are free of defects likely to result in an accident or breakdown; and

(c) Make vehicles available for inspection by commission representatives at any time upon request.

~~(3) ((The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-Of-Service Criteria* regarding the version adopted and where to obtain copies is set out in WAC 480-70-999. A company must not operate any vehicle placed out-of-service until after proper repairs have been completed.~~

~~(4) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until such time as the conditions causing the driver to be placed out-of-service have been corrected.))~~
All motor vehicles and drivers operating under the provisions of this chapter and used to provide certificated services are always subject to inspection by the commission or its duly authorized representatives. The commission will place out-of-service for the provision of solid waste collection service any motor vehicle or the driver of that vehicle if the vehicle or driver meets any condition listed in the *North American Uniform Out-of-Service Criteria*. A company must not require or permit a vehicle or driver that has been placed out-of-service to operate until the condition(s) causing the out-of-service violation is corrected. Information about the *North American Uniform Out-of-Service Criteria* is set out in WAC 480-70-999.

(4) All motor vehicles must be equipped with fenders, covers, mud flaps, or splash aprons which effectively reduce the spray or splash of water from the road. All such devices must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 18-13-106, § 480-70-201, 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 11-04-041 (Docket A-101466, General Order R-562), § 480-70-201, filed 1/25/11, effective 2/25/11. 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), § 480-70-201, filed 3/23/01, effective 4/23/01.]

NEW SECTION

WAC 480-70-203 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** Companies may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating of 26,000 pounds or more;

(ii) Transporting 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** Solid waste collection companies may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41 or WAC 480-70-201, as applicable, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) The driver's condition is likely to remain stable for the two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 pounds;

(ii) Transporting 15 or fewer passengers, including the driver;

or

(iii) With a manufacturer's seating capacity of 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** A solid waste collection company that uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

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AMENDATORY SECTION (Amending WSR 01-08-012, filed 3/23/01, effective 4/23/01)

WAC 480-70-206 Motor vehicle identification. (1) A company must ensure ((that)) all motor vehicles operated, including leased, substitute or emergency vehicles, display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. All identifications must be clearly legible. All identifications, except those displayed on leased or substitute vehicles, must be permanent.

(2) Exception: Companies may use temporary markings on vehicles when operated under a lease agreement with a term of 30 days or less.

[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), § 480-70-206, filed 3/23/01, effective 4/23/01.]

AMENDATORY SECTION (Amending WSR 01-08-012, filed 3/23/01, effective 4/23/01)

WAC 480-70-211 Leasing vehicles. (1) A company operating a leased vehicle must have a (~~written~~) physical or digital copy of a lease agreement with the owner of the vehicle.

(2) It is the company's responsibility to ensure that:

(a) A physical or digital copy of the lease is carried in each leased vehicle;

(b) A physical or digital copy of the lease is kept in the company's files during the effective period of the lease and for (~~at least~~) one year after the lease expires;

(c) A physical or digital copy of the lease is provided to the owner of the leased vehicle;

(d) The company has complete possession, control, and use of the motor vehicle during the period of the lease;

(e) The leased motor vehicle is properly insured as specified in WAC 480-70-181;

(f) The leased vehicle is properly identified as specified in WAC 480-70-206;

(g) The leased vehicle is operated in compliance with all safety laws and rules, including those regarding vehicle inspection, records, and maintenance; and

(h) The terms of the lease are followed.

(3) If a company leases a vehicle with a driver, the company must also ensure that:

(a) The driver of the leased motor vehicle is on the company's payroll during the lease period;

(b) The driver operates in compliance with all driver qualification, safety and hours of service laws and rules;

(c) The driver is subject to the company's alcohol and controlled substance policies; and

(d) The company maintains appropriate files and paperwork on the driver for a period of (~~at least~~) one year following the expiration of the lease.

(4) The company and the owner of the leased vehicle must specify in the lease who is responsible for all expenses relating to the leased motor vehicle. The lease must contain all information shown in the following sample lease form. If a company uses an alternate form, the company must ensure the alternate form contains all information requested on the sample.

Illustration of motor vehicle lease form:

EQUIPMENT LEASE	
A copy of this lease must be carried in the leased vehicle. Copies must also be maintained in the files of both parties for the length of the lease plus one year following the expiration of the lease. <u>Digital copies are acceptable.</u>	
Name and address of company leasing vehicle (lessee):	G certificate number:

Name and address of party from whom the vehicle is being leased (lessor):			G certificate number((if any)):
Vehicle make ((and year)):	<u>Vehicle year:</u>	Vehicle ((Serial)) <u>Identification</u> Number:	Vehicle License Number:
The lease will become effective at ((.....)) _____ (time) on ((.....)) _____ (date), and will continue until ((.....)) _____ (date) unless canceled in writing before that date.			
Compensation that will be paid to owner of vehicle (lessor): \$ ((.....)) _____ per ((.....)) _____			
If lease also includes driver, compensation for driver: \$ ((.....)) _____ per ((.....)) _____			

Lessee/Lessor Expense Agreement

Place an "x" or a checkmark next to each item indicating whether the lessee or lessor is responsible for the listed expense.

Item	Lessee	Lessor	Item	Lessee	Lessor
Vehicle Licensing Fees			Equipment Rental Taxes		
Toll and Ferry Charges			Fuel and Oil		
Vehicle Loan Payments			Vehicle Maintenance		
Parts & Tires			Major Vehicle Repairs		
Insurance, Comprehensive			Minor Vehicle Repairs		
Insurance, Theft			Other (explain):		
Insurance, Fire			Other (explain):		

Under the terms of this lease, the lessee must:

- Have complete possession, control and use of the vehicle during the lease period;
- Be in complete control of all operations;
- Provide liability and property damage insurance;
- Ensure that the driver of the leased vehicle is an employee of the lessee;
- Ensure that the vehicle is properly identified;
- Comply with all safety regulations; and
- Bill and collect proper tariff rates and charges.

The parties signing this lease certify that the information shown above is true and correct, that the provisions of the lease will be enforced by both parties, and that all operations conducted with the leased equipment will be conducted in compliance with applicable laws and rules.

((Lessee Signature/Title date signed))
 Lessee Signature/Title date signed

((Lessor Signature/Title date signed))
 Lessor Signature/Title date signed

[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), § 480-70-211, filed 3/23/01, effective 4/23/01.]

WSR 23-15-060
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 14, 2023, 11:23 a.m., effective August 14, 2023]

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

Purpose: The department of social and health services amended WAC 388-106-1900 What definitions apply to medicaid alternative care (MAC) and tailored support for older adults (TSOA) services? and 388-106-1915 What services may I receive in MAC and TSOA? The rules clarify definition language, add additional services which are included in the 1115 medicaid transformation waiver renewal, as well as adding clarifying and updating language.

Citation of Rules Affected by this Order: Amending WAC 388-106-1900 and 388-106-1915.

Statutory Authority for Adoption: RCW 74.08.090 and 74.39A.030.

Adopted under notice filed as WSR 23-09-026 on April 12, 2023.

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

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

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

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

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

Date Adopted: July 14, 2023.

Katherine I. Vasquez
Rules Coordinator

SHS-4972.1

AMENDATORY SECTION (Amending WSR 22-18-004, filed 8/25/22, effective 9/25/22)

WAC 388-106-1900 What definitions apply to MAC and TSOA services? The following definitions apply to MAC and TSOA services:

"**Care plan**" means the plan developed by the department in GetCare that summarizes the services described in WAC 388-106-1915 that you chose to receive.

"**Care receiver**" means an adult age 55 and over who has been authorized for MAC or TSOA services.

"**Caregiver**" means a spouse, relative, or friend (age 18 and over) who has primary responsibility for the care or supervision of an adult who meets eligibility criteria and does not receive direct, public, or private payment such as a wage for the caregiving services they provide.

"Caregiver assistance services" are services that take the place of those typically performed by an unpaid caregiver in support of the care receiver's unmet needs for assistance with activities of daily living (ADLs) and instrumental activities of daily living (IADLs).

"Caregiver phases" means the phases a caregiver experiences as the needs of the care receiver change, which in turn changes the responsibilities and tasks of caregiving. The change in responsibilities and tasks impacts the relationship between the caregiver and the care receiver. There are five phases showing the change in relationship roles from primarily family member to primarily caregiver. The five phases are:

(1) Phase one - Acting as a relative/friend almost all of the time;

(2) Phase two - Acting most often as a relative/friend, but sometimes as a caretaker;

(3) Phase three - Acting equally as a relative/friend and as a caregiver;

(4) Phase four - Acting most often as a caregiver, but sometimes you are still a relative/friend; and

(5) Phase five - Acting as a caregiver almost all of the time.

"Family caregiver" means the same as "caregiver."

"GetCare" means a statewide web-based information system that includes a client management component that includes screening and assessment tools for use by area agencies on aging (AAA) and other aging and disability network partners.

"GetCare assessment" is a process during which the department gathers information for an individual without a caregiver in the following areas: Functional needs, diagnoses and conditions, behavior health supports, oral health, and nutritional health to assist the individual with choosing step three services.

"GetCare screening" is a process during which the department gathers information for an individual without a caregiver in order to determine risk scores. The information covers the following areas: Function needs, fall risk, availability of informal help, memory and decision-making issues, and emotional well-being. The risk scores are used to determine if the individual is referred for a full GetCare assessment.

"Health maintenance and therapies" are clinical or therapeutic services that assist the care receiver to remain in their home or the caregiver to remain in their caregiving role and provide high quality care. Services are provided for the purpose of preventing further deterioration, improving, or maintaining current level of functioning.

"Identity discrepancy" means a negative psychological state that occurs when the activities and responsibilities that a caregiver assumes with regard to the care receiver are inconsistent with the caregiver's expectations or personal norms concerning these activities and responsibilities.

"MAC" means medicaid alternative care, which is a federally funded program authorized under section 1115 of the Social Security Act. It enables an array of person-centered services to be delivered to unpaid caregivers caring for a medicaid eligible person who lives in a private residence (such as their own home or a family member's home) and chooses to receive community-based services.

"Medicaid transformation ((demonstration) project)" refers to the authority granted to the state by the federal government under section 1115 of the Social Security Act. This ((waiver)) is a five year demon-

stration waiver to support health care systems prepare for and implement health reform and provide new targeted medicaid services to eligible individuals with significant needs. It includes MAC and TSOA programs.

"Personal assistance services" are supports involving the labor of another person to help the care receiver complete activities of daily living and instrumental activities of daily living that they are unable to perform independently. Services may be provided in the care receiver's home or to access community resources.

"RDAD" means reducing disability in Alzheimer's disease. This program is designed to improve the ability of the person with memory problems to complete activities of daily living while also helping caregivers provide assistance to the person.

"Service provider" means an agency or organization contracted with the department.

"Specialized medical equipment and supplies" are goods and supplies needed by the care receiver that are not covered under the medicaid state plan, medicare, or private insurance.

"TCARE" means tailored caregiver assessment and referral, which is an evidence-based caregiver coordination process designed to assist department assessors who work with family caregivers to support adults living with disabilities. TCARE is designed to tailor services to the unique needs of each caregiver to help reduce stress, depression, and burdens associated with caregiving. TCARE was developed by a research team at the University of Wisconsin-Milwaukee led by Dr. Rhonda Montgomery in collaboration with over 30 organizations serving family caregivers. The TCARE process is licensed for use by Tailored Care Enterprises, Inc.

"TCARE assessment" is a part of the TCARE process during which the department assessors gather responses to all of the TCARE screening questions and additional questions focused on both the caregiver's experience and the care receiver's situation, such as memory issues, behavioral needs, assistance needs with activities of daily living and instrumental activities of daily living, and diagnoses/conditions.

"TCARE screening" is a part of the TCARE process during which the department gathers information from the caregiver to determine scores and ranges for the caregiver's identity discrepancy, burdens, uplifts, and depression. The ranges are used to determine if the caregiver is referred for a full TCARE assessment.

"Training and education" are services and supports to help caregivers gain skills and knowledge to implement services and supports needed by the care receiver to remain at home and skills needed by the caregiver to remain in their role.

"TSOA" means tailored supports for older adults, which is a federally-funded program approved under section 1115 of the Social Security Act. It enables the delivery of person-centered services to:

(1) Caregivers who care for an eligible person as defined in WAC 388-106-1910; and

(2) Eligible persons as defined in WAC 388-106-1910, without a caregiver.

[Statutory Authority: RCW 74.08.090 and 74.39A.030. WSR 22-18-004, § 388-106-1900, filed 8/25/22, effective 9/25/22. Statutory Authority: RCW 74.08.090. WSR 18-08-033, § 388-106-1900, filed 3/27/18, effective 4/27/18.]

AMENDATORY SECTION (Amending WSR 22-18-004, filed 8/25/22, effective 9/25/22)

WAC 388-106-1915 What services may I receive in MAC and TSOA?

MAC and TSOA services include the following three benefit levels referred to as steps in subsections (1) through (3) of this section. You and your family caregiver may receive services under any of the three steps depending upon your requests and needs identified in the screening process for step two and the assessment process for step three. Steps do not need to be used in order. For example, you may begin services at step two or three. In general, step one services are used by caregivers or care receivers requesting lesser supports than those using step three services.

(1) Step one: After the department obtains your demographics and approves your program eligibility, you may receive the following services:

- (a) Information and referrals to family caregiver or community resources;
- (b) A selection of the following services up to a one time limit of \$250:
 - (i) Training and education, which includes but is not limited to:
 - (A) Support groups;
 - (B) Group training;
 - (C) Caregiver coping and skill building training;
 - (D) Consultation on supported decision making;
 - (E) Caregiver training to meet the needs of the care receiver;
 - (F) Financial or legal consultation; and
 - (G) Health and wellness consultation;
 - (ii) Specialized medical equipment and supplies for the care receiver, which includes but is not limited to:
 - (A) Supplies;
 - (B) Specialized medical equipment, which includes durable medical equipment; and
 - (C) Assistive technology;
 - (iii) Caregiver assistance services, which includes but is not limited to short term respite to allow the caregiver to attend an educational event or training series; and
 - (iv) Health maintenance and therapy supports, which may include but are not limited to:
 - (A) Adult day health;
 - (B) RDAD and evidence based exercise programs;
 - (C) Health promotion and wellness services; and
 - (D) Counseling related to caregiving role.

(2) Step two: After the department obtains your demographics, approves your program eligibility, and completes a GetCare or TCARE screening, you may receive the following:

- (a) Information and referrals to family caregiver or community resources;
- (b) The following services up to an annual limit of \$500 minus any expenditures for step one services:
 - (i) Training and education, which includes but is not limited to:
 - (A) Support groups;
 - (B) Group training;
 - (C) Caregiver coping and skill building training;
 - (D) Consultation on supported decision making;
 - (E) Caregiver training to meet the needs of the care receiver;
 - (F) Financial or legal consultation; and

- (G) Health and wellness consultation;
- (ii) Specialized medical equipment and supplies for the care receiver, which includes but is not limited to:
 - (A) Supplies;
 - (B) Specialized medical equipment, which includes durable medical equipment;
 - (C) Assistive technology; and
 - (D) Personal emergency response system (PERS);
 - (iii) Caregiver assistance services, which include but are not limited to:
 - (A) Short-term respite and, if necessary, nurse delegation to allow the caregiver to attend an educational event or training series;
 - (B) Home delivered meals for the care receiver and caregiver;
 - (C) Minor home modifications and repairs to the care receiver's home;
 - (D) Home safety evaluation of the care receiver's home; and
 - (E) Transportation, (~~only in conjunction with the delivery of a service~~) in accordance with the assessment to facilitate access to waiver and other community services, activities, and resources as specified by the individualized care plan; and
 - (F) Bath aide;
 - (iv) Health maintenance and therapy supports, which include but are not limited to:
 - (A) Adult day health;
 - (B) RDAD and evidence based exercise programs;
 - (C) Health promotion and wellness services such as massage therapy and acupuncture therapy; and
 - (D) Counseling related to the caregiving role; and
 - (v) Personal assistance services for the TSOA without an unpaid caregiver, as described in WAC 388-106-1910 (e)(ii), which include but are not limited to:
 - (A) Adult day care;
 - (B) Transportation, (~~only in conjunction with the delivery of a service~~) in accordance with the assessment to facilitate access to waiver and other community services, activities, and resources as specified by the individualized care plan;
 - (C) Home delivered meals;
 - (D) Home safety evaluation of the care receiver's home; and
 - (E) Minor home modifications and repairs to the care receiver's home.
 - (3) Step three:
 - (a) For MAC and TSOA care receivers with caregivers:
 - (i) You may receive information and referrals to family caregiver or community resources.
 - (ii) After the department has obtained your demographics and approved your program eligibility, your caregiver must complete a TCARE assessment in order to access step three services. In order to qualify for a TCARE assessment, the TCARE screening must result in at least three medium scores or one high score for the TCARE measures described in WAC 388-106-1932. TCARE uses an evidence-based algorithm to identify a primary goal based on your caregiver's answers to the TCARE assessment questions. The department will assist you to develop an individualized care plan containing the services chosen by you and your caregiver up to the limits established in WAC 388-106-1920.
 - (iii) The table below lists the available step three services. The Xs in the table indicate the services that may be recommended by the TCARE strategies, defined in WAC 388-106-1930, from your caregiv-

er's assessment. You may request services in this step that the TCARE assessment does not list as a recommendation.

Services	Strategies				
	A	B	C	D	E
<i>Training and education</i>					
Group training		X			
Caregiver coping and skill building training	X	X	X	X	
Consultation on supported decision making	X	X	X		
Caregiver training to meet needs of care receiver	X	X	X		
Financial or legal consultation		X			
Health and wellness consultation		X			
Support groups	X	X	X		
<i>Specialized medical equipment and supplies</i>					
Supplies		X			
Specialized medical equipment		X			
Assistive technology		X			
Personal emergency response system		X			
<i>Caregiver assistance services</i>					
Home delivered meals		X			
Minor home modifications and repairs		X			
Housework/errands and yard work		X			
In-home respite, including a bath aide		X			
OT/PT evaluation	X	X		X	
Home safety evaluation		X			
Out-of-home respite		X			
Transportation		X			
<u>Pest eradication services</u>		X			
<u>Specialized deep cleaning services</u>		X			
<u>Nurse delegation, in conjunction with respite care</u>		X			
<i>Health maintenance and therapy supports</i>					
Adult day health		X			
RDAD and evidence based exercise programs		X		X	
Health promotion and wellness services such as acupuncture and massage therapy				X	X
Counseling related to the caregiver role	X		X	X	

(b) For TSOA care receivers who do not have an available caregiver:

(i) You may receive information and referrals to community resources.

(ii) After the department has obtained your demographics and approved your program eligibility, you must complete a GetCare assessment in order to access step three services. In order to qualify for a GetCare assessment, the GetCare screening must result in a risk score of moderate or high as described in WAC 388-106-1933. The department will assist you to develop an individualized care plan that includes the services you have chosen up to the limits established in WAC 388-106-1920.

(iii) The services available include any step one and step two services noted in subsections (1) and (2) of this section (except for respite) and the following (~~personal assistance services~~):

(A) Personal (~~care~~) assistance services which include:

(a) Personal care;

~~((B))~~ (b) Nurse delegation; and

~~((C))~~ (c) Housework/errands and yard work((-));

(B) Pest eradication services;

(C) Specialized deep cleaning; and

(D) Community choice guide services.

[Statutory Authority: RCW 74.08.090 and 74.39A.030. WSR 22-18-004, § 388-106-1915, filed 8/25/22, effective 9/25/22. Statutory Authority: RCW 74.08.090. WSR 18-08-033, § 388-106-1915, filed 3/27/18, effective 4/27/18.]

WSR 23-15-072
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed July 17, 2023, 9:18 a.m., effective August 17, 2023]

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

Purpose: Update WAC 352-32-253 to reflect requirement of state parks-issued pass for use of program, effective June 2024.

Citation of Rules Affected by this Order: Amending WAC 352-32-253.

Statutory Authority for Adoption: RCW 79A.05.065.

Adopted under notice filed as WSR 23-12-040 on May 30, 2023.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

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

Date Adopted: July 13, 2023.

Valeria Veasley
Management Analyst

OTS-4535.2

AMENDATORY SECTION (Amending WSR 19-04-075, filed 2/1/19, effective 3/4/19)

WAC 352-32-253 Foster ((parent)) family program. (1) Any Washington state resident who provides out-of-home care to a child as either a current licensed foster family home (~~(or a person related to the child is entitled to)~~) or kinship caregiver under RCW 74.13.600 when recreating with the child receiving out-of-home care, is entitled to apply for a Washington State Parks Foster Home Pass which provides day-use vehicle access to parks and free camping for two consecutive years.

(2) To receive a Foster Family Pass, the applicant must submit documents from one of the following categories:

(a) Caregiver ID card or foster license issued by the department of children, youth, and families, an award letter or TANF child-only grant from the department of social and health services, or verification of kinship caregiver eligibility from a sovereign tribal government; or

(b) Two of the following documents. A court order, tax return with both the parent and child's name, lease agreement with both the

parent and child's name, or verification from a kinship navigator program.

(3) To use a campsite, the qualified resident shall:

(a) If the park is subject to the state parks reservation system, ~~((foster parents))~~ families will make reservations through the reservation services call center or online reservations system, pay the reservation fee, and show their foster home license ~~((or foster parent))~~, caregiver ID card, or valid Washington State Parks Foster Family Pass, along with their Washington state driver license or photo ID upon arrival at the park(s). Effective June 1, 2024, only a valid Washington State Parks Foster Family Pass with driver license or photo ID will be accepted.

(b) For nonreservation parks, ~~((the foster parents))~~ families, upon arrival at the park, will show their foster home license ~~((or foster parent))~~, caregiver ID card, or a valid Washington State Parks Foster Family Pass, along with their Washington state driver ~~((s))~~ license or photo ID. Effective June 1, 2024, only a valid Washington State Parks Foster Family Pass with driver license or photo ID will be accepted.

~~((2))~~ (4) The foster parent ~~((or relative))~~ or kinship caregiver to the child and the child receiving out-of-home care must be present for the duration of the stay.

~~((3))~~ (5) Violations or abuse of these privileges ~~((r))~~ granted under the Foster Family Pass including, but not limited to, the list below, may be subject to revocation, suspension of their privileges and/or assessed other fees.

(a) Duplicate or multiple reservations for the same night - ~~((Thirty))~~ 30-day suspension.

(b) Use of privileges by unauthorized person - ~~((Sixty))~~ 60-day suspension and/or a fee equal to two times the campsite fee.

(c) Two or more no-shows (failure to use or cancel reservation) for reservations - ~~((Ninety))~~ 90-day suspension.

(d) Repeated park rule violations - Minimum ~~((ninety))~~ 90-day suspension.

~~((4))~~ (6) Foster parents may appeal a suspension or revocation to the state parks director by mailing a written statement of the basis for appeal to the director within ~~((ten))~~ 10 days of receipt of the notice of suspension or revocation. The appeal may be decided as a brief adjudicative appeal under RCW 34.05.482 through 34.05.494, and will be decided by the director or designee. Unless the suspension period expires, the suspension will remain in effect during the pendency of an appeal.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-04-075, § 352-32-253, filed 2/1/19, effective 3/4/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. WSR 08-24-006, § 352-32-253, filed 11/20/08, effective 12/21/08.]

WSR 23-15-084

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 22-17—Filed July 18, 2023, 7:58 a.m., effective August 18, 2023]

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

Purpose: The purpose of the rule is to repeal chapter 173-442 WAC, Clean air rule (CAR). The rule is no longer necessary because its functions have been preempted and replaced by chapter 173-446 WAC, Climate Commitment Act (RCW 70A.65.200 (9) (c)).

CAR was a previous effort to address climate change. On August 13, 2015, Governor Inslee directed the department of ecology (ecology) to "develop and adopt a rule to place a binding cap on carbon pollution emissions" in Washington state. As a result, chapter 173-442 WAC, CAR was adopted in September 2016.

The rule was challenged in Thurston County superior court by a coalition of utility and industry groups, and the court invalidated CAR. Ecology appealed the decision to the Washington supreme court.

In January 2020, the Washington supreme court ruled that CAR was partially invalid because ecology lacked authority under the state Clean Air Act to adopt emission standards for transportation fuels and natural gas. The supreme court sent the case back to the lower court to consider other issues in the case.

In spring 2021, the Washington legislature passed the Climate Commitment Act, which explicitly provides ecology the authority to regulate transportation fuel providers. The Climate Commitment Act preempts the provisions of CAR and directs ecology to repeal CAR (RCW 70A.65.200 (9) (c)).

Given all these developments, the rule is no longer in effect and for these reasons, ecology has repealed CAR.

Citation of Rules Affected by this Order: Repealing chapter 173-442 WAC.

Statutory Authority for Adoption: Washington Clean Air Act, chapter 70A.15 RCW; Climate Commitment Act, chapter 70A.65 RCW.

Adopted under notice filed as WSR 23-07-131 on March 22, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 27.

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

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

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

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

Date Adopted: July 18, 2023.

Laura Watson
Director

OTS-4253.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-442-010	Scope.
WAC 173-442-020	Definitions.
WAC 173-442-030	Applicability.
WAC 173-442-040	Exemptions.
WAC 173-442-050	Baseline GHG emissions value for non-EITE covered parties.
WAC 173-442-060	GHG emission reduction pathway.
WAC 173-442-070	GHG emission reduction pathway and emission reduction requirement for EITE covered parties.
WAC 173-442-100	Emission reduction units.
WAC 173-442-110	Generating emission reduction units.
WAC 173-442-120	Recording emission reduction units.
WAC 173-442-130	Banking emission reduction units.
WAC 173-442-140	Exchanging emission reduction units.
WAC 173-442-150	Criteria for activities and programs generating emission reduction units.
WAC 173-442-160	Activities and programs recognized as generating emission reduction units.
WAC 173-442-170	Limitations on the use of allowances.
WAC 173-442-200	Demonstrating compliance.
WAC 173-442-210	Compliance report.
WAC 173-442-220	Verification.
WAC 173-442-230	Registry.
WAC 173-442-240	Reserve.
WAC 173-442-250	Compliance report and verification due date.
WAC 173-442-320	Program review.
WAC 173-442-330	Air operating permit.
WAC 173-442-340	Enforcement.
WAC 173-442-350	Confidentiality.
WAC 173-442-360	Addresses.
WAC 173-442-370	Severability.

WSR 23-15-100
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 18, 2023, 3:07 p.m., effective August 18, 2023]

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

Purpose: This new chapter 388-112B WAC for behavioral health workers, facility based workers, geriatric behavioral health worker training and curriculum requirements sets competencies and standards to be used by nursing home facilities. The new WAC chapter creates the curriculum required by RCW 74.39A.078 and set rules for approval of the curriculum by the department. HB 1548 was codified as RCW 74.39A.078. This law requires the department of social and health services to adopt rules to establish minimum competencies and standards for the approval of curricula for facility-based workers serving persons with behavioral health needs and geriatric behavioral health needs. The curricula must include at least 30 hours of training specific to the diagnosis, care, and crisis management of residents with a mental health disorder, traumatic brain injury, or dementia. The curricula must be outcome-based, and the effectiveness measured by demonstrated competency in the core specialty areas using a competency test.

Citation of Rules Affected by this Order: New WAC 388-112B-0010, 388-112B-0020, 388-112B-0030, 388-112B-0040, 388-112B-0043, 388-112B-0045, 388-112B-0050, 388-112B-0060, 388-112B-0070, and 388-112B-0080.

Statutory Authority for Adoption: RCW 18.20.270, 74.39A.020, 74.39A.078, and 74.42.360.

Adopted under notice filed as WSR 23-07-071 on March 13, 2023.

A final cost-benefit analysis is available by contacting David Chappel, P.O. Box 45600, Lacey, WA 98504-5600, phone 360-725-2516, email david.chappell@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 10, Amended 0, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, Amended 0, Repealed 0.

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

Date Adopted: July 18, 2023.

Lisa N. H. Yanagida
Chief of Staff

SHS-4965.3

Chapter 388-112B WAC
BEHAVIORAL HEALTH WORKERS-FACILITY BASED WORKERS-GERIATRIC BEHAVIORAL
HEALTH WORKER TRAINING AND CURRICULUM REQUIREMENTS

NEW SECTION

WAC 388-112B-0010 What definitions apply to this chapter? The following definitions apply to this chapter:

(1) "**Challenge test**" means a competency test without first taking the class for which the test is designed.

(2) "**Competency**" means the integrated knowledge, skills, or behavior expected of a worker after completing the training in a required topic area. Learning objectives are associated with each competency.

(3) "**Competency testing**" means evaluating a student to determine if they can demonstrate the required level of skill, knowledge, and behavior with respect to the identified learning objectives of a particular course.

(4) "**DSHS**" or "**Department**" means the department of social and health services and the department's employees.

(5) "**Facility**" means a nursing home as defined in RCW 18.51.010.

(6) "**Geriatric behavioral health worker**" means a person who has received specialized training devoted to diagnoses, care, and crisis management of residents with a mental health disorder, traumatic brain injury, or dementia.

(7) "**Geriatric behavioral health worker training**" means department-approved curricula for facility-based geriatric behavioral health workers serving persons with behavioral health needs as described in RCW 74.42.360 (2) (c) (i) (B).

(8) "**Learning objectives**" means measurable, written statements that clearly describe what a worker must minimally learn to meet each competency. Learning objectives are identified for each competency. Learning objectives provide consistent, common language and a framework for curriculum designers, the curriculum approval process, and testing.

[]

NEW SECTION

WAC 388-112B-0020 What are the purposes of this chapter? The purposes of this chapter are to describe the following:

(1) The standards and minimum competencies of the geriatric health worker training curriculum;

(2) The approval process for the behavioral health worker training curriculum; and

(3) The documentation required for the proof of completion of the behavioral health worker training curriculum.

[]

NEW SECTION

WAC 388-112B-0030 What must geriatric behavioral health worker training include? (1) The geriatric behavioral health worker training curricula must include at least 30 hours of training specific to the diagnoses, care, and crisis management of residents. The curricula must include:

(a) Training related to mental health disorders;
(b) Training related to traumatic brain injury;
(c) Training related to dementia; and
(d) Training related to person-centered care or other additional, relevant information to be identified by the facility.

(2) The curricula must be outcome-based, and the effectiveness measured by demonstrated competency in the areas using one or more competency tests.

(3) The curricula must be balanced regarding time allowance and content to provide quality training in all topics listed in

(1) (a) (b) (c) (d) of this section.

(4) Curricula delivery can be flexible in arrangement of content and format.

(5) Competencies within the individual components of (1) (a) (b) (c) (d) of this section that are repetitive, such as trauma informed care and person-centered language, may be combined into a single portion of the curriculum.

[]

NEW SECTION

WAC 388-112B-0040 What are the competencies and learning objectives for the dementia portion of geriatric behavioral health worker training? Curricula developed and approved for the dementia portion of geriatric behavioral health worker training must include, at a minimum, all the knowledge, skills, topics, competencies, and learning objectives described in this section.

(1) Defining dementia.

(a) Introduction to dementia. The worker will review and identify common signs, symptoms, and types of dementia and identify the difference between dementia and conditions that might look like dementia.

(i) What is dementia: Symptoms, causes, parts of the brain, types of dementia; and

(ii) Forgetfulness, depression, delirium, urinary tract infection, mild cognitive impairment, and other conditions that might be mistaken for dementia.

(b) Hallucinations and delusions. The worker will identify common hallucinations and delusions a person with dementia may exhibit and identify physical, emotional, and environmental causes of hallucinations and delusions.

(c) Interactions with residents living with dementia: The worker will distinguish between positive and negative interactions and identify ways to enhance quality of life for the individual.

(i) The role and characteristics of the worker, such as empathy, dependability, patience, strength, flexibility, creativity;

(ii) Tools for self-care, such as reducing personal stress, setting goals, communicating effectively, asking for help, exercise, nutrition;

(iii) Learning from emotions;

(iv) Support.

(d) Environmental influences on residents' behaviors. The worker will adapt the environment to promote resident independence and minimize challenges, including:

(i) Physical environment such as adjusting the lighting, controlling sounds/noise, adjusting the temperature, rearranging the furniture, and identifying wayfinding methods;

(ii) Emotional environment such as staff interactions and approaches.

(e) Working with families. The worker will recognize common emotions family members experience with a loved one who has dementia, and identify difficulties family members may experience or express about their loved one's care by:

(i) Understanding the family unit;

(ii) Working with and supporting family members and friends by providing resources; and

(iii) Building trust.

(2) Sexuality and intimacy. The worker will identify safe and unsafe expressions of sexuality by demonstrating knowledge in:

(a) Sexuality and intimacy;

(b) Sexualized behavior;

(c) Prioritization of doing no harm;

(d) Individual attitudes about sexuality and intimacy;

(e) Lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ);

(f) Changes in sexual behavior, such as reduced interest, increased interest, sexual aggression, inhibitions, coping, and frustrations;

(g) Resident rights related to sexuality;

(h) Consent and appropriate reporting of nonconsensual sexual contact, including alleged and suspected sexual abuse;

(i) Talking to families about sex.

(3) Treatment of dementia. The worker will demonstrate an understand of:

(a) Conventional medicines used in the treatment of dementia and other drugs used with people who have dementia;

(b) Prohibition of chemical restraints; and

(c) Nonconventional therapies, such as natural medicine, cannabis, holistic therapies, and nutrition.

(4) Fostering communication and understanding.

(a) The worker will demonstrate the ability to communicate effectively with people living with dementia, and demonstrate an ability to recognize communication styles and ways to communicate effectively, such as:

(i) Verbal and nonverbal communication used by the resident;

(ii) Progression of dementia and ways communication changes over time;

(iii) Communication changes and common themes of communication seen in early, middle, and late phase dementia;

(iv) Successful methods to approach a resident who has dementia, such as starting a conversation or listening and interpreting information, being respectful, avoiding the use of reality orientation, and using nonverbal gestures; and

(v) The impact of culture and generational differences on resident behaviors.

(b) Trauma-informed care. The worker will recognize that past traumas can affect current thinking, behaviors, and actions, and will identify strategies to provide trauma informed care, including:

(i) Individual various common coping mechanisms following traumatic events;

(ii) Impacts culture and generation have on trauma;

(iii) Principles of trauma informed care, such as safety, trustworthiness, choice, collaboration, empowerment; and

(iv) Strategies for working with residents who have experienced trauma.

(5) Challenging behaviors. The worker will note common causes of resident's challenging behaviors, such as physical, environmental, and emotional triggers:

(a) Explore how the challenging resident behaviors might be a form of communication, and

(b) Approaching and addressing the challenging behaviors with methods such as:

(i) A standardized problem-solving method such as Plan-Do-Study-Act (PDSA), five why's, or similar;

(ii) Safe ways to approach a resident expressing a challenging behavior; and

(iii) Calming techniques;

(6) Person centered approach. The worker will demonstrate the ability to use person-centered language in the work they do.

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NEW SECTION

WAC 388-112B-0043 What are the competencies and learning objectives for the mental health portion of geriatric behavioral health worker training? Curricula developed and approved for the mental health portion of geriatric behavioral health worker training will include all knowledge, skills, topics, competencies, and learning objectives described in this section.

(1) Introduction to mental disorders. The worker will review definitions, common signs, and symptoms and identify types of mental illness.

(a) Stigma and mental disorders;

(b) Common myths about mental illness;

(c) Differentiating forms of mental disorders; and

(d) Common mental health conditions seen in the skilled nursing facility, such as:

(i) Anxiety Disorder;

(ii) Bipolar disorder;

(iii) Borderline personality disorder;

(iv) Depression;

(v) Dissociative disorder;

(vi) Neurodevelopmental disorders, such as:

(A) Intellectual disability;

(B) Autism spectrum disorder; and

(C) Attention-deficit hyperactivity disorder;

(vii) Obsessive-compulsive disorder;

- (viii) Posttraumatic stress disorder;
- (ix) Schizoaffective disorder;
- (x) Schizophrenia; and
- (xi) Related conditions including but not limited to:
 - (A) Anosognosia;
 - (B) Dual diagnoses;
 - (C) Psychosis;
 - (D) Risk of suicide;
 - (E) Self-harm;
 - (F) Sleep disorders; and
 - (G) Substance use and/or abuse.

(2) Compassionate and trauma-informed mental health. The worker will recognize and identify the following strategies to provide informed care and support resilience:

- (a) Impact of culture and ethnicity;
- (b) Impact of generation on resident experience;
- (c) Impact of religion;
- (d) Co-occurring disorders;
- (e) Trauma informed care;
- (f) Trauma informed approach; and
- (g) Resilience.

(3) Supports for wellness. The worker will identify and understand the following:

- (a) How to determine if a resident is at baseline;
- (b) Steps to take if the resident's mental or emotional status seems to be deteriorating;
- (c) Person centered approach to care and mental wellness; and
- (d) Common types of treatments and therapies including:
 - (i) Medication;
 - (ii) Chemical restraints;
 - (iii) Nondrug therapies including:
 - (A) Natural medicine;
 - (B) Cannabis;
 - (C) Holistic therapies; and
 - (D) Nutrition.

(4) Getting help and self-care. The worker will recognize the importance of wellness and identify strategies to prevent burnout, and know how to seek help, if needed.

(5) Respectful communication and communication dynamics. The worker will demonstrate an ability to recognize communication styles and ways to communicate effectively including skills in the areas of:

- (a) Communication and privacy;
 - (b) Listening;
 - (c) Empathy;
 - (d) Nonverbal vs verbal communication;
 - (e) Seeking clarification;
 - (f) Identifying behaviors impacting communication and their triggers; and
 - (g) The impact of culture and generational differences.
- (6) Boundaries. The worker will demonstrate an understanding of creating healthy professional boundaries.
- (a) Importance of boundaries for mental health;
 - (b) Personal and professional boundaries;
 - (c) Setting boundaries; and
 - (d) Assertiveness.

(7) Creative approaches to challenging behaviors. The worker will demonstrate the sequence of steps to approach challenging behaviors by setting limits and providing consistency in response.

(8) Crisis management. The worker will identify potential stressors to prevent crisis and demonstrate steps for de-escalation considering the following topics:

- (a) Definition of crisis;
- (b) When a crisis occurs;
- (c) How to avert or prevent crisis;
- (d) Decompensation of the resident; and
- (e) Aggression and violence of a resident leading to a crisis.

(9) Suicide prevention. The worker will identify current facts about suicide, recognize warning signs for suicidal behavior, and communicate about suicide using a person-centered approach including:

- (a) Definition and history around suicide including medically assisted suicide;
- (b) Risk factors to suicide;
- (c) Indicators of suicidal behavior;
- (d) Talking about suicide and asking questions;
- (e) Resources on suicide prevention;
- (f) Stigma around suicide;
- (g) History of the worker;
- (h) Grief support resources.

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NEW SECTION

WAC 388-112B-0045 What are the competencies and learning objectives for the traumatic brain injury portion of geriatric behavioral health worker training? The competencies and learning objectives for the traumatic brain injury portion of geriatric behavioral health worker curriculum will include all knowledge, skills, topics, competencies, and learning objectives described in this section.

(1) Anatomy of the brain and brain injury basics. The worker will identify parts of the brain and have an understanding of how injuries may affect a Traumatic Brain Injury survivor. The worker will also identify possible signs, symptoms, severity levels, types of brain injury, and describe the regions of the brain and functions associated with each region.

- (a) Anatomy of the brain including parts and functions; and
- (b) Types of brain injury:
 - (i) Acquired brain injury;
 - (ii) Traumatic brain injury;
 - (iii) Concussion;
 - (iv) Brain cell damage;
 - (v) Secondary Events.
- (c) Severity:
 - (i) Mild;
 - (ii) Moderate;
 - (iii) Severe.
- (d) Possible effects of the injury:
 - (i) Apraxia;
 - (ii) Attention and memory;
 - (iii) Behavioral and emotional changes;

- (iv) Bladder and bowel changes;
- (v) Dizziness and balance;
- (vi) Fatigue;
- (vii) Headaches;
- (viii) Muscle weakness/immobility;
- (ix) Pain;
- (x) Post-Traumatic Stress Disorder (PTSD);
- (xi) Seizures;
- (xii) Sensory changes;
- (xiii) Sleep;
- (xiv) Spasticity;
- (xv) Swallowing, appetite, and weight;
- (xvi) Visual problems.

(2) Brain injury management. The worker will recognize and identify strategies to provide individualized quality care and management of symptoms for individuals with brain injury including:

- (a) Trauma informed care;
 - (b) Approach;
 - (c) Person centered approach and language;
 - (d) Enhancing recovery and healing process:
 - (i) Physical;
 - (ii) Short term (6-9 month)/Recovery or stabilize;
 - (iii) Long-term potential;
 - (iv) Sensory hypersensitivity;
 - (v) Additional considerations.
 - (e) Dual diagnoses (pre or post injury);
 - (i) Substance use disorder;
 - (ii) Mental health diagnoses;
 - (iii) Developmental disabilities;
 - (iv) Suicide.
 - (f) Quality of life therapies:
 - (i) Occupational;
 - (ii) Speech;
 - (iii) Physical;
 - (iv) Music;
 - (v) Art;
 - (vi) Yoga and meditation;
 - (vii) Laughter yoga.
 - (g) Prevention:
 - (i) Falls prevention;
 - (ii) Re-injury.
 - (h) Activities of daily living and functional independence.
- (3) Behavior, mood, and cognition intervention and resolution.

The worker will demonstrate an approach to challenging behaviors to recognize and resolve changes in behavior, mood, and cognition.

- (a) Exploring behaviors;
- (b) De-escalation strategies;
- (c) Specific behavioral challenges and steps.

(4) Communication. The worker will demonstrate the ability to recognize communication styles and methods to communicate effectively with brain injury survivors, families of survivors, and other professionals.

- (a) Social Communication;
- (b) Communication tips for workers:
 - (i) Communicate clearly;
 - (ii) Provide support and opportunities for practice;
 - (iii) Be kind when giving constructive feedback;

- (iv) Have realistic expectations.
- (c) Communicating with TBI survivors:
 - (i) Initiating conversation;
 - (ii) Following conversation;
 - (iii) Taking turns in conversation;
 - (iv) Difficulty with annunciating;
 - (v) Nonverbal communication.
- (d) Cultural diversity and communication;
- (e) Communicating with the family:
 - (i) Involve the family;
 - (ii) Supporting families;
 - (iii) When there is no family.
- (f) Communicating with professionals;
- (g) Reporting.
- (5) Self-care:
 - (a) Worker health and well-being;
 - (b) Take responsibility for your own care;
 - (c) Goals and self-care planning including examples of self-care.

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NEW SECTION

WAC 388-112B-0050 What is the curriculum approval process for geriatric behavioral health curriculum? A facility or other curriculum developer seeking approval for a geriatric behavioral health curriculum under this chapter will meet the following requirements:

- (1) Submit the required curriculum application form; and
 - (a) A department-approved crosswalk linked to the competencies and learning objectives in this chapter; or
 - (b) A copy of the test(s) that will be used to determine student competency.
- (2) Attest that the curriculum at a minimum includes:
 - (a) Student materials that support the curriculum and learning resource materials such as learning activities, audio-visual materials, handouts, and books; and
 - (b) The methods or approaches to be used for different sections of the course, including for each lesson:
 - (i) Learning activities that incorporate adult learning principles;
 - (ii) Practice of communication strategies to increase competency;
 - (iii) Feedback to the student; and
 - (iv) An emphasis on facilitation by the instructor.
 - (c) A list of the sources or references, if any, used to develop the curriculum;
 - (d) Methods of facilitation and student evaluation; and
 - (e) A plan for updating material.

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NEW SECTION

WAC 388-112B-0060 What components must competency testing include? Competency testing must include the following components:

- (1) Written evaluation to show the level of comprehension and knowledge of the training's learning objectives; and
- (2) A scoring guide for the tester with clearly stated criteria and minimum proficiency standards.

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NEW SECTION

WAC 388-112B-0070 Is there a challenge test for geriatric behavioral health worker training? There is no challenge test for geriatric behavioral health worker training.

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NEW SECTION

WAC 388-112B-0080 What documentation is required for successful completion of geriatric behavioral health worker training? Geriatric behavioral health worker training must be documented by a certificate, transcript, or proof of successful completion of training issued by a qualified instructor that includes:

- (1) The name of the student;
- (2) The title of the training as approved by the department;
- (3) The number of hours of the training;
- (4) The name of the facility providing the training;
- (5) The instructor's name;
- (6) The instructor's signature or other authorized signature from the training entity; and
- (7) The completion date of the training.

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WSR 23-15-105
PERMANENT RULES
DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed July 18, 2023, 4:37 p.m., effective August 18, 2023]

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

Purpose: This amendment enables the department of children, youth, and families to take enforcement action in the event a licensee doesn't ensure lifesaving medication is available in emergencies. This rule is intended to save lives. In July 2022, an identical rule was updated in the licensing requirements for child foster homes (WAC 110-148-1565). Due to the rising number of cases of opioid overdoses in our state, including affected foster care children and youth, life-saving medication such as naloxone (Narcan) must be available as an effective way to swiftly reverse the effects of an overdose in group care facilities. In addition, requiring all other life-saving medication (e.g., rescue inhalers, EpiPens, insulin) to be accessible during emergencies will only increase the likelihood of saving lives in group care facilities during medical emergencies.

Citation of Rules Affected by this Order: Amending WAC 110-145-1850.

Statutory Authority for Adoption: Chapters 13.34 and 74.13 RCW; RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030.

Adopted under notice filed as WSR 23-09-075 on April 19, 2023.

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

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

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

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

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

Date Adopted: July 18, 2023.

Brenda Villarreal
Rules Coordinator

OTS-4295.1

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1850 What requirements are there for the storage of medications? (1) Prescription and over-the-counter medications must be kept in a locked container in a manner that minimizes the risks for medication errors.

(2) Human medication and animal medication must be kept separate from each other and in locked containers.

(3) Life-saving medications must be accessible in an emergency.

[WSR 18-14-078, recodified as § 110-145-1850, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1850, filed 12/11/14, effective 1/11/15.]

WSR 23-15-119

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 19, 2023, 10:33 a.m., effective August 19, 2023]

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

Purpose: Update current rules to align with statute resulting from HB 1790, passed in 2022, that provides clarity on the requirements and procedures for issuing temporary license plates.

Citation of Rules Affected by this Order: Amending WAC 308-56A-410 No application required, 308-56A-420 Delivery of vehicle on dealer temporary permit, and 308-56A-425 Obtaining dealer temporary permits.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority.

Adopted under notice filed as WSR 23-11-146 on May 24, 2023.

A final cost-benefit analysis is available by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 19, 2023.

Ellis Starrett
Rules and Policy Manager

OTS-4621.1

AMENDATORY SECTION (Amending WSR 07-22-090, filed 11/6/07, effective 12/7/07)

WAC 308-56A-140 Department temporary ((~~permit~~)) license plate.

(1) **What is a department temporary ((~~permit~~)) license plate?** A department temporary ((~~permit consists of a system-generated permit and a cardboard temporary "plate"~~)) license plate is a system-generated license plate printed on durable paper material which may be issued in lieu of a registration certificate and license plates when:

(a) The vehicle is not currently licensed in Washington; and

((~~For the purposes of this section, a vehicle may be considered unlicensed if the current license expires within sixty days of application for the department temporary permit, or the vehicle's license plates are missing or unreadable; and~~))

(b) Appropriate vehicle documentation to title and license the vehicle is not immediately available but is likely to be available within ~~((sixty))~~ 60 days; and

(c) The vehicle was purchased from someone other than a licensed Washington dealer or is scheduled for inspection by the Washington state patrol; and

(d) For the purposes of this section, a vehicle may be considered unlicensed if the current license expires within 60 days of application for the department temporary license plate, or the vehicle's license plates are missing or unreadable.

(2) **How long is a department temporary ~~((permit))~~ license plate valid?** The department temporary ~~((permit))~~ license plate is valid for no longer than ~~((sixty))~~ 60 days from the date of application.

(3) **Where do I apply for and obtain a department temporary ~~((permit))~~ license plate?** You may apply for a department temporary ~~((permit))~~ license plate at any Washington vehicle licensing office.

(4) **What fees are due when applying for a department temporary ~~((permit))~~ license plate?** All applicable taxes, title, license fees and inspection fees are due when the department temporary ~~((permit))~~ license plate is issued. Any fees for permanent license plates are due when the department temporary ~~((permit))~~ license plate is cleared.

(5) **How do I display the ~~((cardboard))~~ temporary license plate?** You must display the ~~((cardboard))~~ temporary license plate ~~((where it is visible from outside of the vehicle or towed vehicle (such as on the inside left side of the rear window), or you may weatherproof the plate and place it in the license plate holder. Carry the cardboard temporary plate in the vehicle or the towing vehicle))~~ the same as described for a permanent license plate in RCW 46.16A.200 (5) (a), in the same location or locations where permanent license plates are displayed for vehicles. The temporary license plate must be secured so as to remain stable and readable during movement or in windy conditions.

(6) **If my vehicle is eligible for monthly gross weight, how many months of gross weight must I purchase with a department temporary ~~((permit))~~ license plate?** If your vehicle is eligible for monthly gross weight, you must purchase a minimum of two months' gross weight license to correspond with the duration of the department temporary ~~((permit))~~ license plate. You may receive credit as described in WAC 308-96A-220(7) for gross weight license already purchased.

(7) **How do I clear the department temporary ~~((permit))~~ license plate and obtain a registration certificate and license plates for my vehicle?** You may obtain a registration certificate and license plates for your vehicle at any vehicle licensing office by submitting:

- (a) An application for certificate of ownership; and
- (b) An odometer disclosure statement, if applicable; and
- (c) License plate fees; and
- (d) Other applicable documentation, fees, and taxes.

(8) **What fees are due when clearing a department temporary ~~((permit))~~ license plate?** In addition to other fees as prescribed by law, the title application fee and license plate fees are due when the department temporary ~~((permit))~~ license plate is cleared.

(9) **How do I obtain a replacement department temporary ~~((permit))~~ license plate?** You may obtain a ~~((photocopy of the))~~ replacement department temporary ~~((permit))~~ license plate by contacting any vehicle licensing office ~~((who will acquire the photocopy from the department))~~. You must provide the vehicle identification number or the department temporary ~~((permit))~~ license plate number. The replacement

department temporary ((~~permit~~)) license plate will retain the same expiration date as the original.

(10) (~~(How do I obtain a replacement cardboard temporary "plate"?~~) You may obtain a replacement cardboard temporary "plate" at any Washington vehicle license office where it was purchased. You must provide the vehicle identification number or the department temporary permit number.

~~(11))~~ **May ((a)) another department temporary ((~~permit~~)) license plate be ((~~extended~~)) issued after the expiration of the first?** Yes, ((a)) when necessary, another department temporary ((~~permit~~)) license plate may be ((~~extended~~)) issued on a case-by-case basis upon departmental approval.

An extension of a department temporary ((~~permit~~)) license plate cannot be granted for vehicles described in subsection (6) of this section when no more than two months' gross weight was purchased. Additional gross weight cannot be issued until the department temporary ((~~permit~~)) license plate is cleared.

[Statutory Authority: RCW 46.01.110. WSR 07-22-090, § 308-56A-140, filed 11/6/07, effective 12/7/07; WSR 04-08-080, § 308-56A-140, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216. WSR 03-12-006, § 308-56A-140, filed 5/22/03, effective 6/22/03; WSR 99-12-031, § 308-56A-140, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110. WSR 93-14-084, § 308-56A-140, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110, 46.12.151 and 46.12.050. WSR 92-03-077, § 308-56A-140, filed 1/14/92, effective 2/14/92; Order MV 208, § 308-56A-140, filed 7/31/74.]

AMENDATORY SECTION (Amending WSR 11-18-047, filed 8/31/11, effective 10/1/11)

WAC 308-56A-420 Delivery of vehicle on dealer temporary ((~~permit~~)) license plate. (~~((1))~~) **How does a Washington licensed vehicle dealer deliver a vehicle using a dealer temporary ((~~permit~~)) license plate?**

((a)) (1) Washington licensed vehicle dealers may deliver a vehicle that is not currently registered, or that does not have valid Washington license plates, tabs, decals, or gross weight, or the current tabs will expire within (~~(forty-five)~~) 45 days of the date of delivery, by using ((~~an e-permit or a hard copy (paper/card stock) dealer temporary permit~~)) a dealer temporary license plate.

((b)) (2) The application for title part of the dealer temporary ((~~permit~~)) license plate form must be properly and completely filled out by the selling or leasing dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the purchaser or lessee. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s) or lessee.

((c)) (3) The Washington licensed vehicle dealer must collect all fees required for titling and registration of a vehicle.

~~((d) For e-permits, the permit printed by the e-permitting system must display the expiration date and e-permit number.)~~ (4) All temporary license plates must be printed through the e-permitting system. The date of expiration is (~~(forty-five)~~) 45 calendar days from

the date the vehicle is physically delivered to the purchaser or lessee.

~~((e)) For hard copy (paper/card stock) permits, the Washington licensed vehicle dealer must detach the card stock portion of the dealer temporary permit and record the date of expiration in dark, bold letters and numbers on the permit side of that copy. The date of expiration is forty-five calendar days from the date the vehicle is physically delivered to the purchaser or lessee.~~

~~((f)) (5) A dealer may preprint and hold up to 10 temporary license plates purchased through the e-permitting system for off-line use, with the expiration date to be manually recorded in dark, bold letters and numbers upon use. The date of expiration for preprinted temporary license plates is 45 calendar days from the date the vehicle is physically delivered to the purchaser or lessee. A dealer may not have more than 10 preprinted temporary license plates at one time unless an exception is approved by the department. The e-permitting system will not allow a dealer to preprint additional temporary license plates, beyond the 10 allowed, until the previously issued temporary license plates are properly filed in the e-permitting system and all required information is recorded with the department.~~

~~(6) The application copies must be used by the Washington licensed dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), when a second temporary ((permit)) license plate is authorized; the selling dealer must submit the application and all titling and licensing fees to the department of licensing or an authorized licensing agent within ~~((forty-five)) 45~~ calendar days from the date the vehicle is physically delivered to the purchaser or lessee. The date that the selling or leasing dealer physically delivers the vehicle to the purchaser or lessee will start the ~~((forty-five)) 45~~ day interval of an application for a certificate of title in the purchaser's or lessee's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.~~

~~((g)) (7) The ~~((e-permit or hard copy (paper/card stock) dealer temporary permit)),~~ temporary vehicle registration~~((r))~~ and a purchase order identifying the vehicle and the date that the vehicle was physically delivered to the purchaser or lessee must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the dealer temporary permit.~~

~~((h)) (8) The ~~((e-permit or hard copy (paper/card stock)))~~ dealer temporary ~~((permit)) license plate~~ must be displayed ~~((on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing behind the vehicle))~~ in a manner consistent with the requirements in RCW 46.16A.200 (5) (a) for a permanent license plate, in the same location or locations where permanent license plates are displayed for vehicles. The dealer temporary license plate must be secured so as to remain stable and readable during movement or in windy conditions.~~

~~((i)) (9) The ~~((e-permit or hard copy (paper/card stock)))~~ dealer temporary ~~((permit)) license plate~~ is valid for not more than ~~((forty-five)) 45~~ calendar days starting with the date that the vehicle is physically delivered to the purchaser or lessee.~~

~~((j)) (10) The ~~((e-permit or hard copy (paper/card stock)))~~ dealer temporary ~~((permit)) license plate~~ will not be issued:~~

~~((i)) (a) For a dealer inventoried vehicle that has not been sold or a dealer or dealer-employee operated vehicle;~~

~~((ii))~~ (b) As a demonstration permit;
~~((iii))~~ (c) For a vehicle processed as a courtesy delivery;
~~((iv))~~ (d) For out-of-state residents unless Washington registration is intentionally being obtained.

~~((k))~~ (11) Fees ~~((paid for e-permit or hard copy (paper/card stock)))~~ for dealer temporary ~~((permit))~~ license plate application forms are not refundable unless the dealer ceases doing business as a vehicle dealer.

~~((l))~~ (12) Washington licensed dealers must maintain a record of each dealer temporary ~~((permit))~~ license plate acquisition and distribution including the following:

~~((i))~~ (a) Date and location of purchase of each ~~((permit))~~ temporary license plate and the ~~((permit))~~ plate number;

~~((ii))~~ (b) Identification of vehicles delivered on temporary ~~((permits))~~ license plates;

~~((iii))~~ (c) Dates of vehicle sales, leases, and deliveries ~~((--(2)))~~;

(d) Customer's complete name.

[Statutory Authority: RCW 46.01.110. WSR 11-18-047, § 308-56A-420, filed 8/31/11, effective 10/1/11; WSR 09-16-017, § 308-56A-420, filed 7/24/09, effective 8/24/09. Statutory Authority: RCW 46.70.160. WSR 05-14-092, § 308-56A-420, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 46.70.160 and 46.70.110. WSR 99-02-049, § 308-56A-420, filed 1/5/99, effective 2/5/99. Statutory Authority: RCW 46.70.160 and 46.70.124. WSR 94-21-055, § 308-56A-420, filed 10/13/94, effective 11/13/94. Statutory Authority: RCW 46.01.110. WSR 93-14-084, § 308-56A-420, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.70.160. WSR 90-10-013, § 308-56A-420, filed 4/20/90, effective 5/21/90; Order MV 208, § 308-56A-420, filed 7/31/74.]

AMENDATORY SECTION (Amending WSR 11-18-047, filed 8/31/11, effective 10/1/11)

WAC 308-56A-425 Obtaining dealer temporary ~~((permits))~~ license plates. (1) **What is a dealer temporary ~~((permit))~~ license plate?** For the purposes of vehicles, a dealer temporary ~~((permit))~~ license plate is a combination title application and temporary registration used by Washington licensed vehicle dealers when delivering a vehicle that is not currently registered, or does not have valid Washington license plates, tabs, decals, or gross weight, or the current tabs will expire within ~~((forty-five))~~ 45 days of the date of delivery.

(2) **How does a Washington licensed vehicle dealer obtain dealer temporary ~~((permits))~~ license plates?** Washington licensed vehicle dealers may purchase dealer temporary ~~((permits))~~ license plates at any Washington vehicle licensing office for the fee required in RCW 46.17.400.

(3) **What will Washington licensed vehicle dealers receive when purchasing dealer temporary ~~((permits))~~ license plates?** Washington licensed vehicle dealers will receive ~~((either:~~

~~((a) Hard copy (paper/card stock) dealer temporary permits; or~~

~~((b) Electronic dealer temporary permits (e-permits)).~~

~~((4) What are e-permits, and when are Washington licensed vehicle dealers required to use them?~~ E-permits are dealer temporary permits issued through an online e-permitting system required by RCW

46.16A.300. All Washington licensed vehicle dealers must use the e-permitting system by July 1, 2011.

~~(5) Will Washington licensed vehicle dealers be able to use and issue hard copy (paper/card stock) dealer temporary permits after July 1, 2011?~~ Washington licensed vehicle dealers will be able to use and issue hard copy (paper/card stock) dealer temporary permits after July 1, 2011, only if signed up for the e-permitting system.

~~(6) What are Washington licensed vehicle dealers required to do beginning July 1, 2011, when using and issuing hard copy (paper/card stock) dealer temporary permits?~~ In addition to the requirements in WAC 308-56A-420, Washington licensed vehicle dealers who issue hard copy (paper/card stock) dealer temporary permits must enter the hard copy (paper/card stock) dealer temporary permit information into the department's e-permitting system within twenty-four hours of issuance or hardware/software resolution or within twenty-four hours of returning to the office if the hard copy was issued off-site) access to printable temporary license plates through the department's e-permitting system.

(4) Will Washington licensed dealers be able to obtain unassigned temporary license plates for off-line use? A dealer may preprint and hold up to 10 unassigned temporary license plates purchased through the e-permitting system for off-line use, with the expiration date to be manually recorded in dark, bold letters and numbers upon use. A dealer may not have more than 10 unassigned temporary license plates at one time, unless an exception is approved by the department. The e-permitting system will not allow a dealer to preprint additional unassigned temporary license plates, beyond the 10 allowed, until the previously issued unassigned temporary license plates are properly filed in the e-permitting system and all required information is recorded with the department.

(5) What are the requirements for using unassigned temporary license plates? Washington licensed dealers who issue unassigned temporary license plates must enter the dealer temporary license plate information into the department's e-permitting system within 24 hours of issuance or hardware/software resolution, or within 24 hours of returning to the office if the hard copy was issued off-site. Failure to properly record the required information into the department's e-permitting system may result in a Washington licensed dealer being unable to preprint additional unassigned temporary license plates until the previously issued unassigned temporary license plates are accounted for.

(6) Will Washington licensed vehicle dealers be able to use previously purchased hard copy (paper/card stock) dealer temporary permits after July 1, 2023? Washington licensed dealers will no longer be able to purchase hard copy dealer temporary permits after July 1, 2023, but may issue any remaining stocks until July 15, 2023. After July 15, 2023, Washington licensed dealers must fully transition to using dealer temporary license plates printed through the department's e-permitting system. Dealer temporary permits issued by dealers will no longer be valid for unregistered vehicle use on public highways after September 1, 2023.

[Statutory Authority: RCW 46.01.110. WSR 11-18-047, § 308-56A-425, filed 8/31/11, effective 10/1/11.]

WSR 23-15-125
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed July 19, 2023, 11:05 a.m., effective August 19, 2023]

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

Purpose: To clarify language regarding the benefit options available to law enforcement officers' and firefighters' Plan 2 retirees and members who return to work in department of retirement systems-covered positions.

Citation of Rules Affected by this Order: New WAC 415-104-109.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 23-11-151 on May 24, 2023.

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

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

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

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

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

Date Adopted: July 19, 2023.

Tracy Guerin
Director

OTS-3799.4

NEW SECTION

WAC 415-104-109 How will my retirement membership be determined if I separate from my LEOFF 2 position and begin employment with a new employer in a position that is eligible for a different retirement system administered by DRS, such as PERS, PSERS, TRS, or SERS? (1) If you separate from LEOFF employment, but are not yet eligible to commence a normal retirement benefit, you will become a member in another DRS retirement system, if you meet the eligibility qualifications in that new system for purposes of your new position. You will become a dual member.

When you apply to begin your LEOFF 2 pension once you qualify for normal retirement, your membership in the new retirement system will end. You will not be eligible to begin collecting your pension in your other retirement plan until you have separated employment from that employer.

If you do not apply for your LEOFF pension immediately upon meeting normal retirement, your pension benefit will be paid retroactively following your application for your LEOFF benefit.

Example: After 20 years of service as a firefighter for the city of Spokane, at age 51 you separate from employment with the city and choose not to begin collecting an early retirement from LEOFF 2. You accept a PERS eligible position with Spokane County, at which point you are mandated into PERS membership. You will qualify as a dual member. At normal retirement age, you will be able to begin your LEOFF pension; however, if you do so your PERS membership will end, and you will not begin to draw a pension from PERS until you separate from employment with the county. If you do not begin your LEOFF pension at normal retirement age, you will continue to accrue PERS service credit and be able to retire from both systems when you separate employment. Your LEOFF pension will also be paid retroactively to normal retirement age.

Example: After 20 years of service as a firefighter for the Benton County, at age 45 you accept a PERS eligible position with the same employer (Benton County), and you are mandated into PERS membership. You will qualify as a dual member. At normal retirement age, you will not be able to begin your LEOFF pension since you have not yet separated employment with the county. When you do separate employment, your LEOFF pension will be paid prospectively based on your separation from employment with your employer.

(2) If you separate from LEOFF employment and are eligible to commence a normal retirement benefit, you will have the same requirements and options outlined in WAC 415-104-111(2).

Example: After 20 years of service as a police officer with the city of Seattle, you separate from employment with the city at age 56. Prior to commencing your LEOFF pension, you accept a SERS covered position with the Seattle public schools. You have two options:

(a) You can begin your LEOFF pension at any point and forgo membership in SERS.

(b) You can join SERS membership. You will not be able to begin your LEOFF pension until you have separated employment with the school district at which point you will receive a retroactive payment for the LEOFF pension payments you missed and your SERS pension benefit would begin if you qualify.

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