

**WSR 07-09-002**  
**NOTICE OF PUBLIC MEETINGS**  
**WHATCOM COMMUNITY COLLEGE**

[Filed April 4, 2007, 1:12 p.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regularly scheduled meeting on April 11, 2007, at 2:00 p.m. in the Syre Student Center, Conference Room 216, 237 West Kellogg Road, Bellingham, WA 98226. The board of trustees meeting is open to the public.

**WSR 07-09-009**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE**  
**REHABILITATION COUNCIL**  
**STATE INDEPENDENT LIVING COUNCIL**

[Filed April 5, 2007, 3:24 p.m.]

State Independent Living Council Quarterly Meetings  
 (With public forums held the evening of the first date listed)

January 23-24[, 2007]	Olympia Ameritel Inn on Martin Way
April 12-13, 2007	Pasco Red Lion
July 26 and 27, 2007	Hilton Garden Inn Mukilteo, Washington
October 11-12, 2007	Spokane - TBD

Washington State Rehabilitation Council

January 24-26[, 2007]	Olympia Ameritel Inn on Martin Way
April 19-20, 2007	Future of Flight Museum 8415 Paine Field Boulevard Mukilteo, WA
July 19-20, 2007	Spokane - TBD
October 18-19, 2007	Tacoma - TBD

**WSR 07-09-012**  
**NOTICE OF PUBLIC MEETINGS**  
**CONSERVATION COMMISSION**

[Filed April 6, 2007, 10:32 a.m.]

**REVISED PUBLIC MEETINGS NOTICE**

This is a revised schedule and location for the following months:

May 15, 2007 Special Meeting	1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner	Coordinated by: Adams Conservation District 402 East Main Ritzville, WA (509) 659-1553
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May 16, 2007 Planning Meeting	9:00 a.m.-4:00 p.m. WSCC Planning Meeting	Ritzville Best Western Bronco Inn 105 West Galbreath Way Ritzville, WA (509) 659-5002
May 17, 2007 Regular Meeting	8:30-4:00 p.m. WSCC Business Meeting	Ritzville Best Western Bronco Inn 105 West Galbreath Way Ritzville, WA (509) 659-5002
July 18, 2007 Special Meeting	1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner	Coordinated by: Snohomish Conservation District 528 91st Avenue N.E. Suite C Everett, WA (425) 335-5634
July 19, 2007 Regular Meeting	8:30 a.m.-4:00 p.m. WSCC Business Meeting	Everett Best Western Cascadia Inn 2800 Pacific Avenue Everett, WA (425) 258-4141
August 2, 2007 Special Meeting	WSCC/Fish and Wildlife Commission Joint Meeting	Anacortes Anacortes Inn 3006 Commercial Avenue Anacortes, WA (360) 293-3153
September 19, 2007 Special Meeting	1-5 p.m. Field Tour 6-8 p.m. Work Session	Coordinated by: Benton Conservation District 415 Wine Country Road Prosser, WA (509) 786-1923
September 20, 2007 Regular Meeting	8:30 a.m.-4:00 p.m. WSCC Business Meeting	Prosser Best Western - The Inn at Horse Heaven 225 Merlot Drive Prosser, WA (509) 786-7977
November 29, 2007	1:00-4:00 p.m. WSCC Business Meeting	Vancouver Hilton Hotel 301 West 6th Street Vancouver, WA (360) 993-4500

**WSR 07-09-015**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [April 5, 2007]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE AMENDMENT TO CrRLJ 4.2(g) ) NO. 25700-A-866

The Pattern Forms Committee having recommended the adoption of the proposed amendment to CrRLJ 4.2(g), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 5th day of April, 2007.

	<u>Alexander, C. J.</u>
<u>C. Johnson, J.</u>	<u>Chambers, J.</u>
<u>Madsen, J.</u>	<u>Owens, J.</u>
<u>Sanders, J.</u>	<u>Fairhurst, J.</u>
<u>Bridge, J.</u>	<u>J. M. Johnson, J.</u>

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 07-10 issue of the Register.

**WSR 07-09-016  
RULES OF COURT  
STATE SUPREME COURT**

[April 5, 2007]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO RPC ) NO. 25700-A-867  
1.15A(e) )

The Washington State Bar Association having recommended the adoption of the proposed amendments to RPC 1.15A(e), and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The enforcement of the current provisions in RPC 1.15A(e) requiring at least an annual written accounting to a client or third person for whom the lawyer is holding property are stayed during the rule making process.

(c) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(d) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 60 days from the published date. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of April, 2007.

For the Court  
Gerry L. Alexander  
CHIEF JUSTICE

**RPC 1.15A(e)  
Purpose**

The proposed amendment is intended to narrow the duty of a lawyer to account annually to a client regarding client property in the lawyer's possession. The existing rule was adopted in July 2006 as part of the "Ethics 2003" amendments, which became effective on September 1, 2006. Paragraph (e) of RPC 1.15A requires a lawyer, on at least an annual basis, to account to a client or third person for whom the lawyer is holding "property." When interpreted in conjunction with Comment [5] to the rule, however, the annual accounting requirement is overbroad and unduly burdensome. Comment [5] defines "property" to include "original documents affecting legal rights such as wills or deeds." By extending an annual written accounting requirement to all property, including original documents, RPC 1.15A(e) created a new reporting obligation that encompassed a potentially vast array of materials that lawyers routinely hold on behalf of clients. The benefits of periodically providing such information to clients are outweighed by the burdens involved in compliance. By limiting the requirement to "funds," the rule will exclude nonmonetary property from the annual reporting obligation, but the general obligation to safeguard all client property in the lawyer's possession will not be affected.

**RULES OF PROFESSIONAL CONDUCT (RPC)  
RULE 1.15A: SAFEGUARDING PROPERTY**

(a) - (d) [Unchanged.]

(e) A lawyer must promptly provide a written accounting to a client or third person after distribution of property or upon request. A lawyer must provide at least annually a written accounting to a client or third person for whom the lawyer is holding property funds.

(f) - (j) [Unchanged.]

**Washington Comments**  
[Unchanged.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 07-09-017  
RULES OF COURT  
STATE SUPREME COURT**

[April 5, 2007]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF NEW JuCR 11.3 ) NO. 25700-A-868

The Superior Court Judges' Association having recommended the adoption of New JuCR 11.3, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for

comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 60 days from the published date. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of April, 2007.

For the Court  
Gerry L. Alexander  
 CHIEF JUSTICE

GR 9 Cover Sheet

New JuCR 11.3

NOTICE TO FOSTER PARENTS, PREADOPTIVE PARENTS and RELATIVE CAREGIVERS

**Purpose:** Federal law requires the highest state court to have in effect a rule requiring state courts to ensure that foster parents, preadoptive parents and relative caregivers of a child in foster care under the responsibility of the state are notified of any proceeding to be held with respect to the child. (P.L. 109-239). The "Safe and Timely Interstate Placement of Foster Children Act of 2006" also gives foster parents, preadoptive parents and relative caregivers the *right* to be heard in those proceedings. The suggested rule would put Washington State in compliance with federal law. More importantly, it would ensure that those caring for our children in the foster care system under the responsibility of the Department of Social and Health Services receive timely notice of hearings so they may exercise their right to be heard by the court regarding those children. The federal law was signed July 3, 2006, and took effect October 1, 2006.

New JuCR 11.3

Notice to Foster Parents, Preadoptive Parents or Relative Caregivers

(a) **Applicability.** This rule applies to all proceedings under Chapter 13.34 RCW to be held with respect to a child in foster care under the responsibility of the Washington State Department of Social and Health Services Children's Administration ("the Department"). The Department is responsible for giving notice of such proceedings to the foster parents, preadoptive parents or relative caregivers who are providing care to the child at the time of the proceeding.

(b) **Content of the Notice.** The notice shall specify the time, place, and purpose of the proceeding, and shall inform the foster parents, preadoptive parents or relative caregivers of their right to be heard in such proceedings.

(c) **Method of Giving Notice.** Notice may be given by any means reasonably certain of notifying the foster parents, preadoptive parents or relative caregivers, including but not

limited to, notice in open court, mail, personal service, telephone, telegraph and email.

(d) **Time of Notice.** Notice shall be provided at least five court days before such proceedings; in cases where the foster child is placed with the foster parents, preadoptive parents or relative caregiver less than five court days before the proceeding, the Department shall provide notice as soon as practicable before the proceeding.

(e) **Verification of Notice.** The Department shall provide the Court with written verification of to whom, where, when, and how notice of the proceeding was provided to the foster parents, preadoptive parents or relative caregivers.

(f) **Party Status Not Conferred.** This rule does not confer party status upon any foster parent, preadoptive parent or relative caregiver solely on the basis of such notice and right to be heard at a proceeding.

WSR 07-09-018

RULES OF COURT

STATE SUPREME COURT

[April 5, 2007]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE AMENDMENTS TO ER 1101 ) NO. 25700-A-869  
 (c)(4) AND CrRLJ 4.1 )

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to ER 1101 (c)(4) and CrRLJ 4.1, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 60 days from the published date. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of April, 2007.

For the Court  
Gerry L. Alexander  
 CHIEF JUSTICE

GR 9 Cover Sheet

ER 1101(c)

**Purpose:** ER 1101 (c)(4) currently provides that the rules of evidence (other than with respect to privileges) do not apply in protection order proceedings under chapter 10.14

RCW (harassment) and chapter 26.50 RCW (domestic violence.) The Sexual Assault Protection Order Act, chapter 7.90 RCW, which was adopted by the legislature in 2006 (Laws of 2006, ch. 138), creates a new civil protection order for victims of sexual assault. This suggested change to the court rules would add the new sexual assault protection order to this evidentiary subsection.

A revision by the legislature in 1992 to the Domestic Violence Prevention Act stated that victims must have "easy, quick, and effective access to the court system [as] envisioned at the time the protection order process was first created." (Laws of 1992, ch. 111, §1.) Section (c)(4) of ER 1101 reflects the need for easy, quick and effective access to the court system by simplifying how evidence is presented in protection order hearings, which often involve pro se litigants. The same need for "easy, quick and effective access to the court" apply to the issuance of orders under the Sexual Assault Protection Order Act. Further, RCW 26.50.160, which requires the availability of the judicial information system (JIS) database in every court and specifies that the JIS contain information on the parties in a protection order proceeding, was amended to include a reference to the Sexual Assault Protection Order Act, indicating a need for the suggested change to ER 1101 (c)(4) so that all protection order hearings are conducted in a consistent manner. (Laws 2006, ch. 138, §26.)

This suggested rule change also contains a suggested revision to the caption of ER 1101 (c)(4), to clarify the scope of the subsection. The present caption of the subsection is "Applications for Domestic Violence Protection." However, the present subsection actually applies to both domestic violence proceedings and to harassment protection orders and the suggested rule change would expand the subsection to include sexual assault protection orders. The suggested caption, "Applications for Protection Orders", more accurately describes the subsection.

Finally, this suggested rule change clarifies the use of the information in the JIS by the court in a protection order proceeding. The second sentence of ER 1101 (c)(4) sets forth the procedure that a judge must follow if the judge proposes to consider information from a domestic violence database in a protection order proceeding. The legislation which enacted the Sexual Assault Protection Order Act included a section that amended RCW 26.50.160 to include this new type of order in the judicial information system database of protective orders. (Laws of 2006, ch. 138, §26.) The suggested rule change adds the word "provided" to the beginning of the language relating to state databases to make clear that the language is a proviso to the rule's exclusion of the protection order statutes, not a limitation on that which is allowed by subsection (4). The proviso should apply to all databases used by Washington courts. The suggested change in the second sentence of the subsection replaces the term "domestic violence database" with "civil or criminal database". This change reflects that the judicial information system database created by RCW 26.50.160 is required by that statute to contain information on many different types of civil and criminal protection orders, not just domestic violence protection orders.

## WASHINGTON RULES OF EVIDENCE (ER)

### RULE 1101. APPLICABILITY OF RULES

(a) - (b) [No changes.]

(c) **When Rules Need Not Be Applied.** The rules (other than with respect to privileges) need not be applied in the following situations:

(1) - (3) [No changes.]

(4) Applications for ~~Domestic Violence~~ Protection Orders. Protection order proceedings under RCW 7.90.10.14 and 26.50 ~~and 10.14~~. Provided, Wwhen a judge proposes to consider information from a domestic violence criminal or civil database, the judge shall disclose the information to each party present at the hearing; on timely request, provide each party with an opportunity to be heard; and, take appropriate measures to alleviate litigants' safety concerns. The judge has discretion not to disclose information that he or she does not propose to consider.

(d) [No changes.]

### Suggested Changes to CrRLJ 4.1 ARRAIGNMENT GR 9 Cover Sheet

**Purpose:** The suggested changes to CrRLJ 4.1 concern a defendant's access to an attorney at the arraignment stage of a criminal proceeding. CrRLJ 4.1 governs procedures for arraignments in courts of limited jurisdiction. In these courts, arraignment is usually the first appearance for persons charged with a misdemeanor offense. (It is usually only in-custody misdemeanor defendants who are seen at a CrRLJ 3.2.1 preliminary appearance.)

At arraignment, defendants are apprised of their rights in a criminal case and of the charges against them, for the first time. At the arraignment hearing the judge may also make a finding of probable cause and set bail and other conditions of release, in addition to asking a defendant to enter a plea of guilty or not guilty. While arraignment is a critical stage in the proceedings and thus should require the presence of counsel pursuant to CrRLJ 3.1, the current version of CrRLJ 4.1 is ambiguous regarding the requirement for counsel. The suggested amendments to this rule clarify the requirement for counsel to be available at arraignment for those unable to obtain counsel.

The current version of CrRLJ 4.1 states that a defendant may not be forced to enter a plea to the complaint until he or she has had a reasonable time to examine it and to consult with a lawyer, "if requested". *See* CrRLJ 4.1 (a)(2). The rule also requires the judge to "advise" a defendant on the record of the "right to be represented by a lawyer at arraignment and to have an appointed lawyer for arraignment if the defendant cannot afford one". *See* CrRLJ 4.1 (a)(3). By contrast, the superior court arraignment rule, CrR 4.1(c), requires that the judge inform any defendant who appears without counsel at arraignment of his or her right to have counsel before being arraigned. In the superior court, a judge is also obligated to assign counsel to a defendant if a defendant is not represented and is unable to obtain counsel.

The lack of clarity in CrRLJ 4.1 plays some role in the absence of uniformity in arraignment practices in courts of limited jurisdiction in Washington State. While some local jurisdictions provide counsel for unrepresented defendants at

arraignment, many do not. The failure to provide counsel at arraignment erodes the crucial right to counsel firmly established in the Sixth and Fourteenth Amendments to the U.S. Constitution and in the Washington State Constitution, where the right to counsel is co-extensive with its federal counterpart. See *Powell v. Alabama*, 287 U.S. 45 (1932); *Kirby v. Illinois*, 406 U.S. 682 (1972); *Coleman v. Alabama*, 399 U.S. 1 (1970); *State v. Long*, 104 Wn.2d 285 (1985). At arraignment calendars without defense counsel, prosecutors are able to negotiate directly with unrepresented and often unsophisticated defendants at their first appearance and judges often take guilty pleas from hurried and confused defendants before the defendants can review the matter with a lawyer. Moreover, in many courts, neither a defense lawyer nor a prosecutor is present at the arraignment hearing. The judge then is forced to play the roles traditionally assigned to advocates in our criminal justice system. A 2006 decision of the Commission on Judicial Conduct, *In re Ottinger*, identified many defective practices relating to the judge's handling of preliminary matters at arraignment. However, the decision lauds Judge Ottinger's decision to require a public defender at arraignment calendars to help remedy the concerns of the Judicial Conduct Commission:

Following June 2005, Respondent began requiring both prosecutors and public defenders to attend all arraignments and bail hearings in her courtroom. While Respondent ultimately waived the requirement for prosecutors to appear, she did continue to require the presence of public defenders at this critical stage of the proceeding.... This procedure ensured that defendants would have attorneys present to advise them at their first appearance and arraignments. This procedure was a very positive change, protected defendants' rights, and may serve as a model for other courts.

*In re Ottinger*, CJC No. 4475-F-119, page 6, lines 20-28 through page 7, line 1 (2006). (Commission recommendation approved by Washington Supreme Court in *In re Ottinger*, 2006 Wash.LEXIS 600 (2006).)

The suggested changes to CrRLJ 4.1 eliminate any ambiguity about the right to counsel at arraignment. Suggested CrRLJ 4.1 (c)(1) mirrors the language found in CrR 4.1(c), which is the superior court rule. CrRLJ 4.1 (c)(2) is added to make it clear that an attorney who acts as an "attorney of the day" for all unrepresented defendants fulfills the role of counsel. An "attorney of the day," by contract, represents all unrepresented defendants in a limited manner, i.e., for arraignment purposes only. This provision will allow compliance with the new rule by courts that do not screen and approve for appointment of counsel prior to arraignment. The rule does not require use of an "attorney of the day" and leaves courts free to provide counsel in other ways, such as screened appointments or video arraignments.

The suggested rule amendments also eliminate the waiver of jury trial at arraignment (CrRLJ 4.1 (c)(1)). A waiver at this stage is not found in the superior court arraignment rule and waiver of the constitutional right to jury at a preliminary appearance, without the benefit of time to thoroughly consult with counsel, is ill-advised. Although the current rule allows a defendant to withdraw the waiver within 10 days, this does not allow sufficient time to consult with counsel.

The changes proposed in the arraignment rule for courts of limited jurisdiction will create greater uniformity of practice, which leads to greater confidence within the Bar and the public. Judges who have not had the support of the executive for funds to provide counsel for unrepresented defendants at arraignment will have the force of the court rule behind budget requests.

## CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ)

### RULE 4.1 ARRAIGNMENT

~~(a) Procedures. After the complaint or the citation and notice has been filed, the defendant shall be arraigned thereon in open court.~~

#### ~~(+) Time.~~

~~(1) Defendant Detained in Jail. (i) The defendant shall be arraigned not later than 14 days after the date the complaint or citation and notice is filed in court, if the defendant is (A) (i) detained in a county or city jail in the county where the charges are pending, or (B) (ii) subject to conditions of release imposed in connection with the same charges.~~

~~(ii) (2) Defendant Not Detained in Jail. The defendant shall be arraigned not later than 14 days after that appearance which next follows the filing of the complaint or citation and notice, if the defendant is not detained in such jail or subject to such conditions of release. Any delay in bringing the defendant before the court shall not affect the allowable time for arraignment, regardless of the reason for the delay. For purposes of this rule, "appearance" has the meaning defined in CrRLJ 3.3 (a)(3)(iii).~~

~~(2) Reading and Plea. Arraignment shall consist of reading the complaint or the citation and notice to the defendant or stating to him or her the substance of the charge and calling on the defendant to plead thereto. The defendant shall be given a copy of the complaint or the citation and notice before being called upon to plead, unless a copy has previously been supplied. The defendant shall not be required to plead to the complaint or the citation and notice until he or she shall have had a reasonable time to examine it and to consult with a lawyer, if requested.~~

~~(3) Advisement. At arraignment, unless the defendant appears with a lawyer, the court shall advise the defendant on the record:~~

- ~~(i) of the right to trial by jury if applicable; and~~
- ~~(ii) of the right to be represented by a lawyer at arraignment and to have an appointed lawyer for arraignment if the defendant cannot afford one.~~

**(b) Objection to Arraignment Date — Loss of Right to Object.** A party who objects to the date of arraignment on the ground that it is not within the time limits prescribed by this rule must state the objection to the court at the time of the arraignment. If the court rules that the objection is correct, it shall establish and announce the proper date of arraignment. That date shall constitute the arraignment date for purposes of CrRLJ 3.3. A party who fails to object as required shall lose the right to object, and the arraignment date shall be conclusively established as the date upon which the defendant was actually arraigned.

**(e) Waiver. Counsel.**

(1) *Jury trial.* A waiver of jury trial at arraignment must be in writing and signed by the defendant. If the defendant waives a jury trial at arraignment, he or she must be advised of the right to withdraw the waiver and request a jury trial within 10 days of arraignment. Requirement of Counsel. If the defendant appears without counsel, the court shall inform the defendant of his or her right to have counsel before being arraigned. The court shall inquire if the defendant has counsel. If the defendant is not represented and is unable to obtain counsel, counsel shall be assigned to the defendant by the court, unless otherwise provided.

(2) *Lawyer.* If the defendant chooses to proceed without a lawyer, the court shall determine on the record that the waiver is made voluntarily, competently and with knowledge of the consequences. The defendant must be advised that waiver of a lawyer at arraignment does not preclude the defendant from asserting the right to a lawyer later in the proceedings. Limited Appearance Counsel. Counsel who is present to assist unrepresented defendants at an arraignment calendar may fulfill the requirement of counsel under this provision.

(d) **Name.** At arraignment, the court shall ask the defendant his or her true name. If the defendant's name has been incorrectly stated in the complaint or citation and notice, the court shall order the complaint or citation and notice to be corrected accordingly. **Waiver of Counsel.** If the defendant chooses to proceed without counsel, the court shall determine on the record that the waiver is made voluntarily, competently and with knowledge of the consequences. If the court finds the waiver valid, an appropriate finding shall be entered in the record. Unless the waiver is valid, the court shall not proceed with the arraignment until counsel is provided. Waiver of counsel at arraignment shall not preclude the defendant from claiming the right to counsel in subsequent proceedings in the cause, and the defendant shall be so informed.

**(c) Appearance by Defendant's Lawyer.** Except as otherwise provided by statute or by local court rule, a lawyer may enter an appearance or a plea of not guilty on behalf of a client for any offense. Such appearance or plea may be entered only after a complaint or citation and notice has been filed. **Name.** Defendant shall be asked his or her true name. If the defendant alleges that their true name is one other than that by which he or she is charged, it must be entered in the record, and subsequent proceedings shall be had against him or her by that name or other names relevant to the proceedings.

(1) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment.

(2) An appearance that waives arraignment but fails to state a plea shall be deemed to constitute entry of a plea of not guilty.

(3) An appearance under this rule constitutes a waiver of any defect in the complaint or the citation and notice except for failure to charge a crime which may be raised at any time and except for any other defect that is specifically stated in writing or on the record at the time the appearance is entered.

(4) A written appearance shall commence the running of the time periods established in rule 3.3 from the date of its receipt by the court, unless the time periods have previously been commenced by an appearance in open court.

(5) Telephonic requests or notices by either the defendant or the defendant's lawyer shall not constitute an arraignment or an appearance or entry of a plea, and shall not commence the running of the time periods under rule 3.3.

(6) The appearance by a lawyer authorized by this rule shall be construed as an "arraignment" under the other provisions of these rules.

**(f) Reading.** The complaint or citation and notice or the substance of the charge, shall be read to the defendant, unless the reading is waived, and a copy shall be given to the defendant.

**(g) Appearance by Defendant's Lawyer.** Except as otherwise provided by statute or by local court rule, a lawyer may enter an appearance or a plea of not guilty on behalf of a client for any offense. Such appearance or plea may be entered only after a complaint or citation and notice has been filed.

(1) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment.

(2) An appearance that waives arraignment but fails to state a plea shall be deemed to constitute entry of a plea of not guilty.

(3) An appearance under this rule constitutes a waiver of any defect in the complaint or the citation and notice except for failure to charge a crime which may be raised at any time and except for any other defect that is specifically stated in writing or on the record at the time the appearance is entered.

(4) A written appearance shall commence the running of the time periods established in rule 3.3 from the date of its receipt by the court, unless the time periods have previously been commenced by an appearance in open court.

(5) Telephonic requests or notices by either the defendant or the defendant's lawyer shall not constitute an arraignment or an appearance or entry of a plea, and shall not commence the running of the time periods under rule 3.3.

(6) The appearance by a lawyer authorized by this rule shall be construed as an "arraignment" under the other provisions of these rules.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 07-09-019**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[April 5, 2007]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO GR 30 ) NO. 25700-A-870

The Judicial Information System Committee having recommended the adoption of the proposed amendments to GR

30, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 60 days from the published date. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of April, 2007.

For the Court  
Gerry L. Alexander  
 CHIEF JUSTICE

### **GR 30**

**Purpose:** The Judicial Information Systems Committee (JISC) is proposing amendments to GR 30, Electronic Filing of Court Records. This rule became effective September 30, 2003. Since that time, the legal community has had the opportunity to implement this rule and several stakeholders have made suggestions and comments regarding possible amendments to GR 30 that would increase participation in electronic filing. Electronic filing and court records moved to the forefront in many of our courts due to the positive experiences users were having in federal court and the desire of the law enforcement community to electronically file citations, warrants, and certifications for probable cause. However, without the suggested amendments it is believed that few court users will take advantage of electronic filing in Washington State.

These suggested amendments simplify the ability of court users to electronically file while addressing concerns regarding proper authentication of electronic documents.

The following changes to GR 30 are being proposed:

#### **Definitions - Section (a)**

- Digital signature is defined using the statutory definition. (See proposed GR (a)(1).)
- Definition of "filer" was added to the definition section. (See proposed GR (a)(5).)

#### **Electronic filing authorization, exception. Service, and technology equipment - Section (b)**

- Requires filer or parties who agree to e-filing to provide their email address and to have a mailbox sufficient to receive electronic transmissions of court documents. (See proposed GR 30 (b)(3).)
- Removes statement that electronic filing is voluntary. The proposed rule permits local courts to

require attorneys (but not self-represented litigants) to electronically file. The work group felt that the revision would encourage attorneys to participate in electronic filing and protect a local court's authority to make e-filing mandatory.

The United States District Court – Western District now has mandatory electronic filing for attorneys. Ms Shirley Lindberg (retired as of August 2006) manager of the Court's electronic filing project addressed the work group and shared the success of their e-filing project because of the mandatory requirement. She reported that while almost every attorney who files in their court now prefers electronic filing, it wasn't until electronic filing was mandatory that the majority of attorneys began using it. She said more than one attorney commented, "I wouldn't have tried it unless you made me. Now I wouldn't go back." Modeled after the federal rule, this proposed amendment allows for an attorney to opt out of electronic filing if good cause is shown. The rule preserves and addresses the policy concern that electronic filing should not serve as a barrier to court access. (See GR 30 (b)(5).)

#### **Time of Filing, Confirmation, and Rejection - Section (c)**

- If a document is rejected for failing to comply with applicable electronic filing requirements, the clerk must state the reason for the rejection. (See GR 30 (c)(3).)

#### **Authentication of Electronic Documents - Section (d)**

- The requirement that the filer obtain a password and personal identification number from either the Administrative Office of the Courts or the clerk is removed. Instead, the filer must apply for and receive a user ID and password from the electronic filing service provider and file the document using the user ID and password. This will simplify the authorization process. The filer may also authorize another person to use his or her user ID and password thereby allowing paralegals and others to electronically file documents at the request of others. Similar electronic filing procedures are used in the United States District Court - Western District of Washington. (See GR 30 (d)(1)(A-C).)
- Any electronic document requiring the signature of an attorney may be signed with a digital signature or the manner set forth in GR 30 (d)(2)(A).
- Any electronic document requiring a signature of a non-attorney and not signed under penalty of perjury may be signed by either digital signature or in the manner described in GR 30 (d)(2)(B).
- A non-attorney signature that is made under penalty of perjury must either have a digital signature or be scanned with original document maintained by the filer for the duration of the case. (See GR 30 (d)(2)(C).)
- An arresting or citing officer may sign citations and notice of infractions by using his or her user ID and password. This allows officers to electronically file traffic tickets from their vehicles and addresses the

concerns of the eTickets project. (See GR 30 (d)(2) (D).)

- Documents that contain multiple signatures must be scanned unless the document contains digital signatures of all the signers or, for documents not signed under penalty of perjury, the signing attorney or judicial officer has the express authority to sign for another attorney or party and represents so in the document. The filer is required to maintain the document if any of the signatures are of non-attorneys. (See GR 30 (d)(2)(E).)
- Signatures on electronic signature pads (such as UPS uses) are accepted as long as authorized and facilitated by the court. (See GR 30 (d)(2)(F).)

<sup>1</sup> Please note that the numbering of the sections of the rule was changed to make it consistent with the other court rules. For example, what is referenced as "GR 30.1" has been changed to GR 30(a).

[SUGGESTED AMENDMENTS]

GR 30

ELECTRONIC FILING

GR 30.1 (a) Definitions.

(a1) "Digital signature" is defined in RCW 19.34.020.

(b2) "Electronic Filing" is the electronic transmission of information to a court or clerk for case processing.

(e3) "Electronic Document" is an electronic version of information traditionally filed in paper form, except for documents filed by facsimile which are addressed in GR 17. An electronic document has the same legal effect as a paper document.

(4) "Electronic Filing Technical Standards" are those standards, not inconsistent with this rule, adopted by the Judicial Information System Committee to implement electronic filing.

(5) "Filer" is the person whose user ID and password are used to file an electronic document.

Comment

The form of "digital signature" that is acceptable is not limited to the procedure defined by chapter 19.34 RCW, but may include other equivalently reliable forms of authentication as adopted by local court rule or general order.

GR 30.2 (b) Electronic filing authorization, exception, service, and technology equipment.

(a1) The clerk may accept for filing an electronic document that complies with the Court Rules and the Electronic Filing Technical Standards.

(b2) A document that is required by law to be filed in non-electronic media may not be electronically filed.

Comment

Certain documents are required by law to be filed in non-electronic media. Examples are original wills, certified records of proceedings for purposes of appeal, negotiable instruments, and documents of foreign governments under official seal.

(e3) **Electronic Transmission from the Court.** The clerk may electronically transmit notices, orders, or other

documents to ~~the party filing a party who has filed~~ electronically, ~~and to any other person who agrees or has agreed~~ to accept electronic documents from the court, and has provided the clerk the address of the party's electronic mailbox. It is the responsibility of the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(d4) **Electronic Service by Parties.** Parties may electronically serve documents on other parties of record only by agreement.

(e5) ~~Electronic filing is voluntary.~~ An attorney, party, court, or clerk is not required to accept or file electronic documents. A court may adopt a local rule that mandates electronic filing by attorneys; provided that the local rule is not inconsistent with this Rule and the Electronic Filing Technical Standards, and that the local rule permits paper filing upon a showing of good cause. Electronic filing should not serve as a barrier to access.

~~GR 30.3 An electronic document has the same legal effect as a paper document.~~

GR 30.4 (c) Time of Filing, Confirmation, and Rejection.

(a1) An electronic document is filed when it is received by the clerk's designated computer during the clerk's business hours; otherwise the document is considered filed at the beginning of the next business day.

(b2) The clerk shall issue confirmation to the filing party that an electronic document has been received.

(e3) The clerk may reject a document that fails to comply with ~~the court's applicable electronic~~ filing requirements. The clerk must notify the filing party of the rejection and the reason therefor.

GR 30.5 (d) Authentication of Electronic Documents.

(a1) **Procedures**

(A) A person seeking to file ~~filing or authenticate~~ an electronic document must have first apply either to the Administrative Office of the Courts or a clerk, approved by the Administrative Office of the Courts for a password and personal identification number, applied for and received a user ID and password from the applicable electronic filing service provider.

Comment

The committee encourages local clerks and courts to develop a protocol for uniform statewide single user ID's and passwords.

(B) All electronic documents must be filed by using the user ID and password of the filer.

(C) A filer is responsible for all documents filed with his or her user ID and password. No one shall use the filer's user ID and password without the authorization of the filer.

~~(b) All electronic documents must be filed using the password and personal identification number authorized in subsection (a). An electronic document is presumed to have been signed and authorized when the filer uses the authorized password and personal identification number to file the electronic document. The password and personal identification number cannot be used by, or on behalf of, anyone other than the person to whom it is assigned.~~

**(2) Signatures**

**(A) Attorney signatures** - An electronic document which requires an attorney's signature may be signed with a digital signature or signed in the following manner:

s/ John Attorney  
State Bar Number 12345  
ABC Law Firm  
123 South Fifth Avenue  
Seattle, WA 98104  
Telephone: (206) 123-4567  
Fax: (206) 123-4567  
E-mail: John.Attorney@lawfirm.com

**(B) Non-attorney signatures** - An electronic document which requires a non-attorney's signature and is not signed under penalty of perjury may be signed with a digital signature or signed in the following manner:

s/ John Citizen  
123 South Fifth Avenue  
Seattle, WA 98104  
Telephone: (206) 123-4567  
Fax: (206) 123-4567  
E-mail: John.Citizen@email.com

**(C) Non-Attorney signatures on documents signed under penalty of perjury** - Except as set forth in (d)(2)(D) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:

(i) Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or

(ii) Ensure the electronic document has the digital signature of the signer.

**(D) Arresting or citing officer signatures on citations and notices of infraction filed electronically in courts of limited jurisdiction** - A citation or notice of infraction initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses his or her user id and password to electronically file the citation or notice of infraction.

**(E) Multiple signatures** - If the original document requires multiple signatures, the filer shall scan and electronically file the entire document, including the signature page with the signatures, unless:

(i) The electronic document contains the digital signatures of all signers; or

(ii) For a document that is not signed under penalty of perjury, the signator has the express authority to sign for an attorney or party and represents having that authority in the document.

If any of the non-digital signatures are of non-attorneys, the filer shall maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter.

**(F) Court Facilitated Electronically Captured Signatures** - An electronic document that requires a signature may

be signed using electronic signature pad equipment that has been authorized and facilitated by the court. This document may be electronically filed as long as the electronic document contains the electronic captured signature.

(c) A document that is required by law to be executed under penalty of perjury must be electronically authenticated by the affiant/declarant using the affiant/declarant's password and personal identification number authorized in subsection (a). All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in RCW 9A.72.085 and GR 13.

(d) An electronic document filed in accordance with this rule shall bind the Signatory signer and function as the Signatory's signer's signature for any purpose, including CR 11. An electronic document shall be deemed the equivalent of an original signed document if the filer has and the affiant/declarant have complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in RCW 9A.72.085 and GR 13.

**GR 30-6 (e) Filing fees, electronic filing fees.**

(a) The clerk is not required to accept electronic documents that require a fee. If the clerk does accept electronic documents that require a fee, the local courts must develop procedures for fee collection that comply with the payment and reconciliation standards established by the Administrative Office of the Courts and the Washington State Auditor.

(b) Anyone entitled to waiver of non-electronic filing fees will not be charged electronic filing fees. The court or clerk shall establish an application and waiver process consistent with the application and waiver process used with respect to non-electronic filing and filing fees.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 07-09-020  
RULES OF COURT  
STATE SUPREME COURT  
[April 5, 2007]**

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO RPC 1.8(e) ) NO. 25700-A-871  
AND COMMENT 10, NEW 21 AND )  
RENUMBERED COMMENTS 22, 23 )  
AND 24 )

The Washington State Bar Association having recommended the adoption of the proposed amendments to RPC 1.8(e) and Comment 10, New 21 and renumbered Comments 22, 23, and 24, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby  
ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(j)(1), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 5th day of April, 2007.

	Alexander, C. J.
C. Johnson, J.	Chambers, J.
Madsen, J.	Owens, J.
Sanders, J.	Fairhurst, J.
Bridge, J.	J. M. Johnson, J.

**RULES OF PROFESSIONAL CONDUCT (RPC)**

**RULE 1.8: CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES**

(a) - (d) [Unchanged.]

(e) A lawyer shall not, while representing a client in connection with contemplated or pending litigation, provide advance or guarantee financial assistance to a client ~~in connection with pending or contemplated litigation~~, except that:

(1) a lawyer may advance ~~court costs and~~ or guarantee the expenses of litigation, ~~the repayment of which may be contingent on the outcome of a matter including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided the client remains ultimately liable for such expenses;~~ and

(2) ~~a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client in matters maintained as class actions only, repayment of expenses of litigation may be contingent on the outcome of the matter.~~

(f) - (l) [Unchanged.]

**Comment**

[1] - [9] [Unchanged.]

*Financial Assistance*

[10] **[Washington revision]** Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation. ~~These dangers do not warrant a prohibition on a lawyer lending a client court costs and litigation expenses, including the expenses of medical examination and the costs of obtaining and presenting evidence, because these advances are virtually indistinguishable from contingent fees and help ensure access to the courts. Similarly, an exception allowing lawyers representing indigent clients to pay court costs and litigation expenses regardless of whether these funds will be repaid is warranted. See Washington Comment [21].~~

[11] - [20] [Unchanged]

**Additional Washington Comments (21-234)**

*Financial Assistance*

[21] Paragraph (e) of Washington's Rule differs from the Model Rule. Paragraph (e) is based on former Washington RPC 1.8(e). The minor structural modifications to the general prohibition on providing financial assistance to a client do not represent a change in Washington law, and paragraph (e) is intended to preserve prior interpretations of the Rule and prior Washington practice.

*Client-Lawyer Sexual Relationships*

[242] Paragraph (j)(2) of Washington's Rule, which prohibits sexual relationships with a representative of an organizational client, differs from the Model Rule. Comment [19] to Model Rule 1.8 was revised to be consistent with the Washington Rule.

[223] Paragraph (j)(3) of the Rule specifies that the prohibition applies with equal force to any lawyer who assists in the representation of the client, but the prohibition expressly does not apply to other members of a firm who have not assisted in the representation.

*Personal Relationships*

[234] Model Rule 1.8 does not contain a provision equivalent to paragraph (l) of Washington's Rule. Paragraph (l) prohibits representations based on a lawyer's personal conflict arising from his or her relationship with another lawyer. Paragraph (l) is a revised version of former Washington RPC 1.8(i). See also Comment [11] to Rule 1.7.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 07-09-021**

**RULES OF COURT**

**STATE SUPREME COURT**

[April 5, 2007]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENT TO IRLJ 6.2 ) NO. 25700-A-872

The Judicial Information System Committee (JISC) having recommended the adoption of the proposed amendment to IRLJ 6.2, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective April 30, 2007.

DATED at Olympia, Washington this 5th day of April, 2007.

	<u>Alexander, C. J.</u>
<u>C. Johnson, J.</u>	<u>Tom Chambers, J.</u>
<u>Madsen, J.</u>	<u>Owens, J.</u>
	<u>Fairhurst, J.</u>
<u>Bridge, J.</u>	

**INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)**

**IRLJ 6.2  
MONETARY PENALTY SCHEDULE FOR  
INFRACTIONS**

**(a) Effect of Schedule.** The penalty for any infraction listed in this rule may not be changed by local court rule. The court may impose on a defendant a lesser penalty in an individual case. Provided that, whenever the base penalty plus statutory assessments results in a total payment that is not an even dollar amount, the base penalty is deemed to be amended to a higher amount which produces the next greatest even dollar total.

**(b) Unscheduled Infractions.** The penalty for any infraction not listed in this rule shall be ~~\$3742~~, not including statutory assessments. A court may, by local court rule, provide for a different penalty.

**(c) Infractions Not Covered.** This schedule does not apply to penalties for parking, standing, stopping, or pedestrian infractions established by municipal or county statute. Penalties for those infractions are established by statute or local court rule, but shall be consistent with the philosophy of these rules.

**(d) Penalty Schedule.** The following infractions shall have the penalty listed, not including statutory assessments.

Base Penalty

(1) Traffic Infractions	
Second Degree Negligent Driving	\$250
Wrong way on freeway (RCW 46.61.150)	<del>\$177</del> <u>182</u>
Wrong way on freeway access (RCW 46.61.155)	<del>\$82</del> <u>87</u>
Backing on limited access highway (RCW 46.61.605)	<del>\$82</del> <u>87</u>
Spilling or failure to secure load (RCW 46.61.655)	<del>\$82</del> <u>87</u>
Throwing or depositing debris on highway (RCW 46.61.645)	<del>\$82</del> <u>87</u>
Disobeying school patrol (RCW 46.61.385)	<del>\$82</del> <u>87</u>
Passing stopped school bus (with red lights flashing) (RCW 46.61.370)	<del>\$82</del> <u>87</u>
Violation of posted road restriction (RCW 46.44.080; RCW 46.44.105(4))	<del>\$177</del> <u>182</u>
Switching license plates, loan of license or use of another's (RCW 46.16.240)	<del>\$82</del> <u>87</u>
Altering or using altered license plates (RCW 46.16.240)	<del>\$82</del> <u>87</u>
 Operator's Licenses (RCW 46.20)	
No Valid Driver's License (With Identification)	\$250
All other RCW 46.20 infractions	<del>\$37</del> <u>42</u>
 Vehicle Licenses (RCW 46.16)	
Expired Vehicle License (RCW 46.16.010)	
Two months or less	<del>\$37</del> <u>42</u>
Over 2 months	<del>\$82</del> <u>87</u>
 Speeding (RCW 46.61.400) if speed limit is over 40 m.p.h.	
1-5 m.p.h. over limit	<del>\$22</del> <u>27</u>
6-10 m.p.h. over limit	<del>\$32</del> <u>37</u>
11-15 m.p.h. over limit	<del>\$47</del> <u>52</u>
16-20 m.p.h. over limit	<del>\$62</del> <u>67</u>
21-25 m.p.h. over limit	<del>\$77</del> <u>82</u>
26-30 m.p.h. over limit	<del>\$97</del> <u>102</u>

## Base Penalty

31-35 m.p.h. over limit	<del>\$122</del> <u>127</u>
36-40 m.p.h. over limit	<del>\$147</del> <u>152</u>
Over 40 m.p.h. over limit	<del>\$177</del> <u>182</u>
Speeding if speed limit is 40 m.p.h. or less	
1-5 m.p.h. over limit	<del>\$32</del> <u>37</u>
6-10 m.p.h. over limit	<del>\$37</del> <u>42</u>
11-15 m.p.h. over limit	<del>\$52</del> <u>57</u>
16-20 m.p.h. over limit	<del>\$72</del> <u>77</u>
21-25 m.p.h. over limit	<del>\$97</del> <u>102</u>
26-30 m.p.h. over limit	<del>\$122</del> <u>127</u>
31-35 m.p.h. over limit	<del>\$147</del> <u>152</u>
Over 35 m.p.h. over limit	<del>\$177</del> <u>182</u>
Speed Too Fast for Conditions (RCW 46.61.400(1))	<del>\$37</del> <u>42</u>
Rules of the Road	
Failure to stop (RCW 46.61.050.)	<del>\$37</del> <u>42</u>
Failure to stop on approach of emergency vehicle (RCW 46.61.210)	\$500
Failure to yield the right of way (RCW 46.61.180, .185, .190, .205, .235, .300, .365)	<del>\$37</del> <u>42</u>
Failure to yield the right of way on approach of emergency vehicle (RCW 46.61.210)	\$500
Following too close (RCW 46.61.145, .635)	<del>\$37</del> <u>42</u>
Failure to signal (RCW 46.61.310)	<del>\$37</del> <u>42</u>
Improper lane usage or travel (RCW 46.61.140)	<del>\$37</del> <u>42</u>
Impeding traffic (RCW 46.61.425)	<del>\$37</del> <u>42</u>
Improper passing (RCW 46.61.110, .115, .120, .125, .130)	<del>\$37</del> <u>42</u>
Prohibited and improper turn (RCW 46.61.290, .295, .305)	<del>\$37</del> <u>42</u>
Crossing double yellow line left of center line (RCW 46.61.100, .130, .140)	<del>\$37</del> <u>42</u>
Operating with obstructed vision (RCW 46.61.615)	<del>\$37</del> <u>42</u>
Wrong way on one-way street (RCW 46.61.135)	<del>\$37</del> <u>42</u>
Failure to comply with restrictive signs (RCW 46.61.050)	<del>\$37</del> <u>42</u>
Accident	
If an accident occurs in conjunction with any of the listed rules-of-the-road infractions or speed too fast for conditions, the penalty for the infraction shall be:	<del>\$62</del> <u>67</u>
Equipment (RCW 46.37)	
Illegal use of emergency equipment (RCW 46.37.190)	<del>\$82</del> <u>87</u>
Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.37.390 (1) and (3))	
First offense (the penalty may be waived upon proof to the court of compliance)	<del>\$42</del> <u>47</u>
Second offense within 1 year of first offense	<del>\$62</del> <u>67</u>
Third and subsequent offenses within 1 year of first offense	<del>\$82</del> <u>87</u>
Any other equipment infraction (RCW 46.37.010)	<del>\$37</del> <u>42</u>

## Base Penalty

## Motorcycles

Any infraction relating specifically to motorcycles (including no valid endorsement, RCW 46.20.500) \$37 42

## Parking

Illegal parking on roadway (RCW 46.61.560) \$30

Any other parking infraction (not defined by city or county ordinance) \$20

## Pedestrians

Any infraction regarding pedestrians (not defined by city or county ordinance) \$22 27

## Bicycles

Any infraction regarding bicycles \$27 32

## Load Violations

(all under RCW 46.44, except over license capacity) (see RCW 46.16)

Over legal—tires, wheelbase (RCW 46.44.105(1))

(First offense) \$67 72

(Second offense) \$97 102

(Third offense) \$112 117

In addition to the above (RCW 46.44.105(2)) 3 cents per excess pound

Over license capacity (RCW 46.16.145)

(First offense) \$52 57

(Second offense) \$97 102

(Third offense) \$112 117

Violation of special permit \$62 67

Failure to obtain special permit \$62 67

Failure to submit to being weighed \$62 67

Illegal vehicle combination (RCW 46.44.036) \$62 67

Illegally transporting mobile home \$676 772

Any other infraction defined in RCW 46.44 \$47 52

## Violation of Federal Motor Carrier Safety Regulations

(RCW 46.32.010)

Logbook/Medical Certificate \$64 69

Equipment/All Others \$37 42

## Private Carrier (RCW 46.73)

Failure to display valid medical exam \$64 69

Violation of daily log book

Driver not out of service \$64 69

Driver out of service \$90 95

## Off-Road Vehicles (ATVs) (RCW 46.09)

Any RCW 46.09 infraction \$42 47

## Base Penalty

Snowmobiles (RCW 46.10)	
Any RCW 46.10 infraction	\$42 <u>47</u>
Failure to respond to notice of infraction or failure to pay penalty (RCW 46.63.110(3))	\$25
Failure to provide proof of motor vehicle insurance (RCW 46.30.020)	\$250
(2) Commercial Vehicle Infractions	
Defective Equipment/Driver Safety (auto transp.) (WAC 480-30-095)	\$37 <u>42</u>
Commercial Vehicle License (auto transp.) (WAC 480-30-095(1))	\$37 <u>42</u>
Defective Equipment/Driver Safety (charter/excursion bus) (WAC 480-40-075)	\$37 <u>42</u>
Commercial Vehicle License (charter/excursion bus) (WAC 480-40-075(1))	\$37 <u>42</u>
Defective Equipment/Driver Safety (solid waste transp.) (WAC 480-70-400)	\$37 <u>42</u>
Commercial Vehicle License (solid waste transp.) (WAC 480-70-400(1))	\$37 <u>42</u>
Failure To Have Proof of Insurance (RCW 81.80.190)	\$250
Defective Equipment/Driver Safety (WAC 480-12-180)	\$37 <u>42</u>
Commercial Vehicle License (WAC 480-12-180(1))	\$37 <u>42</u>
Defective Equipment/Driver Safety (limousine) (WAC 480-35-090)	\$37 <u>42</u>
Commercial Vehicle License (limousine) (WAC 480-35-090(1))	\$37 <u>42</u>
(3) Parks and Recreation Infractions	
Display of Snowmobile Registration Number, Decals, and Validation Tabs (WAC 308-94-050)	<del>\$50</del> <u>55</u>
Off-Road Vehicle Traffic Prohibited (WAC 332-52-030(4))	\$37 <u>42</u>
Travel Off-Road or Off-Trail (WAC 332-52-030 (4)(c))	\$37 <u>42</u>
Spark-Arresting Muffler Required (WAC 332-52-030 (4)(h))	\$37 <u>42</u>
Yield Right of Way to:	
Log Hauling and Gravel Trucks (WAC 332-52-030 (4)(l))	\$37 <u>42</u>
Animal-Drawn Vehicles/Persons Riding Animals (WAC 332-52-030 (4)(l))	\$37 <u>42</u>
Following Closer Than 150 Feet (WAC 332-52-030 (4)(m))	\$37 <u>42</u>
Moving Through Livestock Herd Without Direction (WAC 332-52-030 (4)(o))	\$37 <u>42</u>
Parking on the Traveled Portion of the Roadway (WAC 332-52-030 (4)(q))	\$30
Excessively Rev Vehicle Engine (WAC 332-52-030 (4)(r))	\$37 <u>42</u>
Driving/Parking Vehicles (WAC 332-52-050(1))	\$37 <u>42</u>
Bicycles/Motorbikes/Motorcycles on Posted Trails (WAC 332-52-050(3))	\$37 <u>42</u>
Driving Motor Vehicle in Camp (WAC 332-52-050(4))	\$37 <u>42</u>
Moorage and Use of Marine Facilities (WAC 352-12-010)	\$37 <u>42</u>
Moorage Fees (WAC 352-12-020)	\$37 <u>42</u>
Seasonal Permits (WAC 352-12-030)	\$37 <u>42</u>
Use of Onshore Campsites (WAC 352-12-040)	\$37 <u>42</u>
Self-Registration (WAC 352-12-050)	\$62 <u>67</u>
Parking (WAC 352-20-010)	\$24
Motor Vehicles on Roads and Trails (WAC 352-20-020)	\$62 <u>67</u>
Speed Limits (WAC 352-20-030)	\$37 <u>42</u>
Vehicles in Snow Areas (WAC 352-20-040)	\$62 <u>67</u>
Trucks and Commercial Vehicles (WAC 352-20-050)	\$37 <u>42</u>

	Base Penalty
Camping (WAC 352-32-030)	<del>\$62</del> <u>67</u>
Campsite Reservation (WAC 352-32-035)	<del>\$37</del> <u>42</u>
Picnicking (WAC 352-32-040)	<del>\$37</del> <u>42</u>
Park Periods (Unlawful Entry) (WAC 352-32-050)	<del>\$62</del> <u>67</u>
Park Capacities (WAC 352-32-053)	<del>\$37</del> <u>42</u>
Peace and Quiet (WAC 352-32-056)	<del>\$62</del> <u>67</u>
Pets (WAC 352-32-060)	<del>\$37</del> <u>42</u>
Horseback Riding (WAC 352-32-070)	<del>\$37</del> <u>42</u>
Use of Nonmotorized Cycles or Similar Devices in State Parks (WAC 352-32-075)	<del>\$37</del> <u>42</u>
Swimming (WAC 352-32-080)	<del>\$37</del> <u>42</u>
Games (WAC 352-32-090)	<del>\$37</del> <u>42</u>
Disrobing (WAC 352-32-100)	<del>\$37</del> <u>42</u>
Tents, etc., on Beaches (WAC 352-32-110)	<del>\$37</del> <u>42</u>
Lakes Located Wholly Within State Park Boundaries—Internal Combustion Engines Prohibited (WAC 352-32-155)	<del>\$37</del> <u>42</u>
Lakes located Partially Within State Park Boundaries—Internal Combustion Engines Prohibited (WAC 352-32-157)	<del>\$37</del> <u>42</u>
Solicitation (WAC 352-32-195)	<del>\$62</del> <u>67</u>
Intoxication in State Park Areas (WAC 352-32-220)	<del>\$137</del> <u>142</u>
Food and Beverage Containers on Swimming Beaches (WAC 352-32-230)	<del>\$37</del> <u>42</u>
Use of Metal Detectors in State Parks (WAC 352-32-235)	<del>\$37</del> <u>42</u>
Self-Registration (WAC 352-32-255)	<del>\$62</del> <u>67</u>
Sno-Park Permit (WAC 352-32-260)	<del>\$37</del> <u>42</u>
Sno-Park Permit Display (WAC 352-32-265)	<del>\$37</del> <u>42</u>
Vehicular Traffic—Where Permitted—Generally (WAC 352-37-030)	<del>\$62</del> <u>67</u>
Equestrian Traffic (WAC 352-37-080)	<del>\$37</del> <u>42</u>
Pedestrians To Be Granted Right of Way (WAC 352-37-090)	<del>\$37</del> <u>42</u>
Beach Parking (WAC 352-37-100)	\$24
Overnight Parking or Camping Prohibited (WAC 352-37-110)	<del>\$62</del> <u>67</u>
Speed Limits (WAC 352-37-130)	<del>\$37</del> <u>42</u>

## (4) Boating Infractions

Operating Vessel in Negligent Manner (RCW 79A.60.030)	<del>\$162</del> <u>167</u>
No Personal Flotation Device (PFD) on Vessel for Each Person (RCW 79A.60.160(1))	<del>\$37</del> <u>42</u>
Personal Flotation Device Not the Appropriate Size (RCW 79A.60.160(1))	<del>\$37</del> <u>42</u>
Personal Flotation Device Not Readily Accessible (RCW 79A.60.160(1))	<del>\$37</del> <u>42</u>
Observer Required on Board Vessel (RCW 79A.60.170(2))	<del>\$37</del> <u>42</u>
Observer To Continuously Observe (RCW 79A.60.170(2))	<del>\$37</del> <u>42</u>
Failure To Display Skier Down Flag (RCW 79A.60.170(2))	<del>\$37</del> <u>42</u>
Flag/Pole Not to Specifications (RCW 79A.60.170(2))	<del>\$37</del> <u>42</u>
Observer Does Not Meet Minimum Qualifications (RCW 79A.60.170(3))	<del>\$62</del> <u>67</u>
Water Skier Not Wearing Personal Flotation Device (RCW 79A.60.170(4))	<del>\$62</del> <u>67</u>
Overloading of Vessel Beyond Safe Carrying Ability (RCW 79A.60.180(1))	<del>\$112</del> <u>117</u>
Carrying Passengers in Unsafe Manner (RCW 79A.60.180(1))	<del>\$62</del> <u>67</u>
Overpowering of Vessel Beyond Vessel's Ability To Operate Safely (RCW 79A.60.180(2))	<del>\$112</del> <u>117</u>
Person Not Wearing Personal Flotation Device (PFD) on Personal Watercraft (RCW 79A.60.190(1))	<del>\$62</del> <u>67</u>

Base Penalty

Failure To Give Accident Information to Law Enforcement (RCW 79A.60.200(1))	<del>\$112</del> <u>117</u>
Motor Propelled Vessels Without Effective Muffler in Good Working Order and Constant Use (RCW 79A.60.130(1))	\$37 <u>42</u>
Sound Level in Excess of 90 Decibels for Engines Made Before 1/1/94 Using Stationary Test (RCW 79A.60.130(1))	\$37 <u>42</u>
Sound Level in Excess of 88 Decibels for Engines Made on or After 1/1/94 Using Stationary Test (RCW 79A.60.130(1))	\$37 <u>42</u>
Sound Level in Excess of 75 Decibels Using Shoreline Test (RCW 79A.60.130(3))	\$37 <u>42</u>
Removing, Altering or Modifying Muffler or Muffler System (RCW 79A.60.130(7))	\$37 <u>42</u>
Manufacturing, Selling, or Offering for Sale Any Vessel Equipped With Noncomplying Muffler or Muffler System (RCW 79A.60.130(8))	<del>\$62</del> <u>67</u>
Vessel Exemption/Exception for Competing in Racing Events Carried on Board Operating Vessel (RCW 79A.60.130(8))	\$37 <u>42</u>
Personal Flotation Devices (PFDs) (WAC 352-60-030)	\$37 <u>42</u>
Visual Distress Signals (WAC 352-60-040)	\$37 <u>42</u>
Ventilation (WAC 352-60-050)	\$37 <u>42</u>
Navigation Lights and Sound Signals (WAC 352-60-060)	\$37 <u>42</u>
Steering and Sailing (WAC 352-60-070)	\$37 <u>42</u>
Fire Extinguishing Equipment (WAC 352-60-080)	\$37 <u>42</u>
Backfire Flame Control (WAC 352-60-090)	\$37 <u>42</u>
Liquefied Petroleum Gas (WAC 352-60-100)	\$37 <u>42</u>
Canadian Vessels (WAC 352-60-110)	\$37 <u>42</u>

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 07-09-023**  
**INTERPRETIVE AND POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Filed April 6, 2007, 4:49 p.m.]

586-3274, e-mail JKildahl@dshs.wa.gov, web site <http://www1.dshs.wa.gov/dcs/index.shtml>.

**Notice of Interpretive/Policy Statements**

**April 6, 2007**

In accordance with RCW 34.05.230(12), the following interpretive/policy statements issued by the department of social and health services have been filed:

**Economic Services Administration**  
**Division of Child Support**

Document Title: Canary Notice 260.  
 Subject: Implementing UIFSA 2001.  
 Effective Date: March 28, 2007.

Document Description: Canary Notice 260 is written to familiarize division of child support (DCS) staff with the new forms and procedures necessary to implement the Uniform Interstate Family Support Act (UIFSA) 2001.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Technical Writer, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360)

**WSR 07-09-025**  
**POLICY STATEMENT**  
**UNIVERSITY OF WASHINGTON**  
 [Filed April 9, 2007, 11:06 a.m.]

The University of Washington has recently created or revised the following policy statements:

- "University Travel Policy Regarding Travel on Private Aircraft and Acceptance of Payment of Travel Costs," effective January 24, 2007, (Administrative Policy Statement 71.1).
  - "Alterations to UW Seattle Campus Buildings and Grounds," effective February 9, 2007, (Administrative Policy Statement 56.6).
  - "University-Wide Organization List," revised effective February 26, 2007, (Administrative Policy Statement 1.2).
  - "Civil Disorders," Administrative Order No. 2, revised effective March 7, 2007, (*University Handbook*, Vol. 2, Part I, Chapter 12, Section 12-21, Subsection C.2).
- To view any current policy statement from the *Administrative Policy Statements*, go to <http://www.washing->

ton.edu/admin/rules/APS/APSIndex.html; to view material from the *University Handbook*, go to <http://www.washington.edu/faculty/facsenate/handbook/handbook.html>. Or, to request a paper copy of any policy statement, contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 355509, Seattle, WA 98195, e-mail [rules@u.washington.edu](mailto:rules@u.washington.edu), or fax (206) 221-6917.

**WSR 07-09-029**  
**PUBLIC RECORDS OFFICER**  
**WASHINGTON STATE LOTTERY**

[Filed April 9, 2007, 4:17 p.m.]

Jana Jones, Director of Legal Services, Washington's Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4833, [jjones@walottery.com](mailto:jjones@walottery.com), has been designated as the Washington's lottery public records officer.

Christopher Liu  
 Director

**WSR 07-09-030**  
**NOTICE OF PUBLIC MEETINGS**  
**BUILDING CODE COUNCIL**

[Filed April 9, 2007, 4:17 p.m.]

In accordance with RCW 42.30.075, the following is a revised schedule of regular meetings of the Washington state building code council for calendar year 2007.

If you have questions or need additional information, please contact council staff at (360) 725-2967 or via e-mail at [sbcc@cted.wa.gov](mailto:sbcc@cted.wa.gov).

January 5, 2007	House Hearing Room D Olympia
March 9, 2007	Auburn City Hall Auburn
April 13, 2007	SeaTac City Hall SeaTac
June 8, 2007	Spokane City Council Chambers Spokane
September 14, 2007	SeaTac Area (location to be determined)
November 9, 2007	SeaTac Area (location to be determined)

All meetings are scheduled to begin at 10:00 a.m.

**WSR 07-09-043**  
**NOTICE OF PUBLIC MEETINGS**  
**LAW ENFORCEMENT OFFICERS' AND**  
**FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD**

[Filed April 11, 2007, 3:59 p.m.]

The law enforcement officers' and fire fighters' Plan 2 retirement board has cancelled their April 25, 2007, board meeting.

The next regularly scheduled meeting is Wednesday, May 30 at 9:30 a.m. located in the Washington state investment board room.

Please feel free to contact Jessica Burkhart at (360) 586-2322 or by e-mail at [jessica.burkhart@leoff.wa.gov](mailto:jessica.burkhart@leoff.wa.gov) should you have any questions.

**WSR 07-09-044**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**

(Office of Drinking Water)

[Filed April 11, 2007, 3:59 p.m.]

Title of Policy: Ultraviolet Disinfection Monitoring for Filtered Water Systems Complying with the Surface Water Treatment Rule.

Supersedes: Not applicable.

Issuing Entity: Washington state department of health, division of environmental health, office of drinking water.

Description: This policy clarifies the monitoring, operational, and reporting requirements for water systems that install ultraviolet reactors to inactivate *Giardia lamblia* to meet the disinfection requirements of the surface water treatment rule.

Office Contact: Sam Perry, Department of Health, Office of Drinking Water, Northwest Regional Office, 20435 72nd Avenue South, Suite 200, Kent, WA 98032, (253) 395-6755, [sam.perry@doh.wa.gov](mailto:sam.perry@doh.wa.gov).

Effective Date: March 21, 2007.

Denise A. Clifford, Director  
 Office of Drinking Water

**WSR 07-09-045**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE**  
**REHABILITATION COUNCIL**

[Filed April 11, 2007, 4:00 p.m.]

You are invited to a community forum sponsored by the Washington state rehabilitation council, on Thursday, April 19, 2007, at 5:30 p.m. to 8:30 p.m., at the Future of Flight Museum, Aft Cabin, 8415 Paine Field Boulevard, Mukilteo, WA 98257.

ASL interpretation provided. Other reasonable accommodation happily provided on request.

Community Transit Route 113 stops seven blocks east at 84th and Mukilteo Speedway for transit information contact Community Transit at: Toll free [V] 1-800-562-1375, [V]

(425) 353-7432, TDD (425) 778-2188 or riders@commtrans.org.

To RSVP, to request reasonable accommodation, or a spoken language interpreter, please contact Grace Doyle at 1-866-252-2939 or doylepg@dshs.wa.gov.

If you are receiving this notice you may be familiar with DVR services. The Washington state rehabilitation council is a governor appointed council of volunteers working to improve the quality and availability of DVR services.

Our ability to improve services depends on you. We need your comments to understand what changes you'd like to have happen. We will be taking public comment from 6:30 to 8:30 p.m. During that time we ask that you focus on issues within the system as a whole rather than issues within a particular case. If you have an individual case concern representatives of the client assistance program will attend and be available to follow up.

Recently we have noticed that some people who attend our meetings aren't ready to go to work because they need services from other systems or organizations first. Even though our job is to focus on employment, we want to make it easier for people to connect with other resources in their community. Between 5:30 and 6:30 we have invited a few local organizations to set up tables with information about their services. YOU ARE NOT REQUIRED TO ATTEND. ATTENDANCE WILL NOT IMPACT YOUR ACCESS TO SERVICES. This forum will be recorded. To learn more about the council visit, www.wastrehabcouncil.org.

**WSR 07-09-047**

**NOTICE OF PUBLIC MEETINGS  
TRANSPORTATION IMPROVEMENT BOARD**

[Filed April 11, 2007, 4:26 p.m.]

Due to a scheduling conflict, the following transportation improvement board (TIB) meeting has been changed: November TIB meeting, previously scheduled November 29-30, 2007, in Tacoma; now scheduled November 15-16, 2007, in Tacoma.

Please contact Eileen Bushman at 586-1146 or at eileenb@tib.wa.gov if you need additional information.

**WSR 07-09-048**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON  
SCHOOL FOR THE DEAF**

[Filed April 12, 2007, 11:38 a.m.]

Following is updated information regarding special meetings by the Washington School for the Deaf board of trustees:

May Board Meeting - Cancelled.

June Board Meeting - Date has been changed to Friday, June 1 with a board retreat on Saturday, June 2 (no action will be taken at the retreat). These meetings will be held in the Olympia/Tacoma area. Once a location has been determined you will be notified.

**WSR 07-09-049**

**INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed April 12, 2007, 1:57 p.m.]

**ISSUANCE OF INTERPRETATIVE STATEMENT**

The department of revenue has issued Excise Tax Advisory 2038.08.17001 Sales to the Washington State National Guard (ETA 2038).

The purpose of this ETA is to explain the tax liabilities of suppliers and contractors doing business with the Washington State National Guard. The ETA distinguishes these tax liabilities from those of persons doing business with federal agencies, such as the Department of the Army and the United States Property and Fiscal Office.

The information provided in ETA 2038 is substantially the same as that previously provided in ETA 554.04.08.17001 (ETA 554), which has been cancelled. The explanation of tax liabilities in ETA 554 was correct, but the chart in the electronic version of the document summarizing the explanation did not read correctly because of formatting errors.

Copies of these documents are available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn  
Rules Coordinator

**WSR 07-09-050**

**NOTICE OF PUBLIC MEETINGS  
BEER COMMISSION**

[Filed April 12, 2007, 2:10 p.m.]

The Washington beer commission has rescheduled its meeting in May 2007. The meeting will be held as follows:

Date	Time	Meeting Type	Location
Tuesday, May 15, 2007	4:00 p.m.	Regular	Scuttlebutt Brewing Co. 1524 West Marine View Drive Everett, WA 98201 (425) 257-9316

Commission meetings are open to the public.

**WSR 07-09-056****CLEMENCY AND PARDONS BOARD**

[Filed April 12, 2007, 3:36 p.m.]

Clemency and Pardons Board Hearing  
 John L. O'Brien Building  
 Hearing Room D  
 June 8, 2007  
 10:00 a.m.

10:00 a.m.

1. Brixey, Steven (Pet. B) - Restoration of Civil Rights
2. Kelley, Michael (Pet. A) - Commutation
3. Pham, Hien (Pet. A) - Pardon

**WSR 07-09-063****DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed April 16, 2007, 11:16 a.m.]

## Notice of Public Hearing

Public Hearing: The department of social and health services is holding a public hearing on the possible withdrawal of the area agency on aging (AAA) designation of the Human Services Council/Southwest Washington Agency on Aging (HSC/SWAA) on May 21, 2007, at 2:00 p.m. to 7:00 p.m., at the Pearson Air Museum at the Vancouver National Historic Reserve, 1115 East 5th, Vancouver, WA 98661.

Directions: From I-5 take the Mill Plain Boulevard exit and follow aviation museum signs through Vancouver Barracks to 5th Street.

For a map of the location, please visit the Vancouver National Historic Reserve web site <http://vancouverhistoricreserve.org/visiting.html>.

For assistance for persons with disabilities, contact the DSHS Rules Coordinator by **5:00 p.m. on May 14, 2007**, TTY (360) 664-6178, phone (360) 664-6097, or e-mail [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Written Comments: You may submit written comments at the time and location of the hearing or send them by **7:00 p.m. on May 21, 2007**, to the DSHS rules coordinator, P.O. Box 45850, Olympia WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov), fax (360) 664-6185.

More Information: For more information related to the initiation of action by DSHS, visit the DSHS web site <http://www.adsa.dshs.wa.gov/professional/HSC/publichearing/>.

**WSR 07-09-065**

## NOTICE OF PUBLIC MEETINGS

**OFFICE OF THE****INTERAGENCY COMMITTEE**

(Invasive Species Council)

[Filed April 17, 2007, 8:40 a.m.]

The next public special meeting of the invasive species council will be **Wednesday, April 25, 2007, from 2:00 p.m. to 3:00 p.m.** in Room 537 of the Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504.

For further information, please contact Jennifer Dial, interagency committee for outdoor recreation (OIAC), (360) 902-3012.

The OIAC schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Jennifer Dial at the number listed above or by e-mail at [JenniferD@iac.wa.gov](mailto:JenniferD@iac.wa.gov).

**WSR 07-09-066**

## NOTICE OF PUBLIC MEETINGS

**WINE COMMISSION**

[Filed April 17, 2007, 8:41 a.m.]

Following is a change in date and location for the May 2007 Washington wine commission meeting.

The commission meeting originally scheduled for May 4 has been **moved to May 11**. The meeting will be held at the Courtyard by Marriott, 480 Columbia Point Drive, Richland, WA 99352. Meeting time (10 a.m. - 1:00 p.m.) has not changed.

If you need any additional information, please feel free to call Kim Abello at (206) 326-5753 or via e-mail [kabello@washingtonwine.org](mailto:kabello@washingtonwine.org).

**WSR 07-09-067**

## NOTICE OF PUBLIC MEETINGS

**BIG BEND****COMMUNITY COLLEGE**

[Filed April 17, 2007, 8:41 a.m.]

In accordance with RCW 42.30.075 please be advised that the board of trustees for Big Bend Community College, District No. 18, has revised its regular meeting schedule as follows: The May 22, 2007, 1:30 p.m. meeting is rescheduled and will be held on May 29, 2007, 1:30 p.m.

The meeting will be held in the Harden Community Room in the ATEC Building on the campus of Big Bend Community College, 7662 Chanute Street, Moses Lake, WA.

**WSR 07-09-068**  
**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**  
 [Filed April 17, 2007, 8:41 a.m.]

Pursuant to RCW 42.30.075, the April 23, 2007, board of trustees meeting will be held in the Penguin Student Building, Conference Rooms 258B and C of Gaiser Hall at 5:15 p.m.

<b>November 15</b> 8:00 - 4:00 <b>(also advisory council)</b>	<b>Seattle University</b> Student Center 130 901 12th Avenue Seattle
<b>December 13</b> 8:00 - 4:00	<b>State Investment Board</b> Board Room 2100 Evergreen Park Drive S.W. Olympia

Contact: Katie Youngers, phone (360) 753-7859.

**WSR 07-09-073**  
**NOTICE OF PUBLIC MEETINGS**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
 [Filed April 17, 2007, 10:49 a.m.]

**REVISED 2007 MEETING CALENDAR**

<b>Board Meeting</b>	<b>Location</b>
<b>January 25</b> 8:00 - 12:00	<b>The Evergreen State College</b> Longhouse 2700 Evergreen Parkway N.W. Olympia
<b>February 22</b> 8:00 - 12:00	<b>State Investment Board</b> Board Room 2100 Evergreen Park Drive S.W. Olympia
<b>March 22</b> 8:00 - 4:00	<b>State Investment Board</b> Board Room 2100 Evergreen Park Drive S.W. Olympia
<b>April 26</b> 8:00 - 4:00 <b>(also advisory council)</b>	<b>Tacoma Community Center</b> Senate Room Opgaard Building (#11) 6501 South 19th Tacoma, 98466
<b>May 24</b> 8:00 - 4:00	<b>Bellevue Community College</b> Boardroom, B201 300 Landerholm Circle S.E. Bellevue, 98007
<b>June 28</b> 8:00 - 4:00 <b>(also advisory council)</b>	<b>UW Bothell</b> North Creek Events Center 18115 Campus Way N.E. Bothell, 98011
<b>July 26</b> 8:00 - 4:00	<b>Eastern Washington University</b> Towanka Building Cheney
<b>September 27</b> 8:00 - 4:00 <b>(also advisory council)</b>	<b>WSU Tri-Cities</b> CIC 210/212 2710 University Drive Richland, 99354
<b>October 25</b> 8:00 - 4:00	<b>WSU Vancouver</b> To be determined 14204 N.E. Salmon Creek Avenue Vancouver

**WSR 07-09-076**  
**INTERPRETIVE AND POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed April 17, 2007, 1:15 p.m.]

In accordance with RCW 34.05.230(12), below are the policy and interpretive statements issued by the department for January - March 2007.

If you have any questions or need additional information, please call Josh Swanson at (360) 902-6805.

**Insurance Services**

**Employer Services and State Fund Claims Administration**

**Policy 60.03 - Release of Employer Information**

The attachment was updated to add two additional elements at the bottom of the matrix. This policy was amended January 1, 2007.

Contact Valerie Grimm, mailstop 4208, phone (360) 902-5005.

**Employer Services and State Fund Claims Administration**

**Policy 60.05 - Mailing Manual Order and Notices**

This is a new policy advising staff to mail manual orders by certified mail. This policy was issued January 1, 2007.

Contact Valerie Grimm, mailstop 4208, phone (360) 902-5005.

**Employer Services and State Fund Claims Administration**

**Policy 61.13 - Officials Employed at Amateur Athletic Events**

This policy was updated for clarity. This policy was amended January 1, 2007.

Contact Valerie Grimm, mailstop 4208, phone (360) 902-5005.

**Employer Services and State Fund Claims Administration**

**Policy 61.16 - On-the-Job Training (OJT) Premium and Coverage**

The information and formatting in this policy was updated. This policy replaces Employer Services Policy 3.12. This policy was amended January 1, 2007.

Contact Valerie Grimm, mailstop 4208, phone (360) 902-5005.

**Employer Services and State Fund Claims Administration****Policy 65.01 - Assessment of Penalty and Interest on Account Balances**

This policy updates and finalizes Interim Policy 6501 dated April 30, 2004. This policy was amended January 1, 2007.

Contact Valerie Grimm, mailstop 4208, phone (360) 902-5005.

**State Fund Claims Administration and Self Insurance****Policy 10.30 - Authorizing and Paying for Interpretive Services**

This policy has been removed because the content was outdated. The information can be found in other available resources. This policy was repealed January 1, 2007.

Contact Valerie Grimm, mailstop 4208, phone (360) 902-5005.

**Office of the Medical Director, Crime Victims, State Fund Claims Administration, and Self Insurance****Policy 40.03 - Bone Growth Stimulators**

This policy was updated to remove an authorization requirement under policy point number five that is no longer necessary. This policy was amended January 1, 2007.

Contact Valerie Grimm, mailstop 4208, phone (360) 902-5005.

**WSR 07-09-087**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
GENERAL ADMINISTRATION**

(State Capitol Committee)

[Filed April 18, 2007, 9:25 a.m.]

Please record the following *quarterly* state capitol committee (SCC) meetings for the 2007 calendar year in the Washington state register.

Thursday, April 26

Thursday, June 21

Thursday, October 25

Thursday, December 13

Please record in the Washington state register that the SCC meetings will be held in the General Administration Building, Room 207, Second Floor, 210 11th Avenue S.W., Olympia, WA. Each meeting will begin at 10:00 a.m.

If you have any questions, please contact Jennifer Cox at (360) 902-0975.

WHEN: April 26, 2007

TIME: 11:00 a.m. to 12:00 p.m.

LOCATION: General Administration Building  
Room 207