

**WSR 15-06-009**  
**PROPOSED RULES**  
**DEPARTMENT OF CORRECTIONS**

[Filed February 20, 2015, 1:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-21-090.

Title of Rule and Other Identifying Information: Chapter 137-80 WAC, Institutional industries.

Hearing Location(s): Edna Lucille Goodrich (ELG) Building, 7345 Linderson Way S.W., Room 1034, Tumwater, WA 98501, on April 9, 2015, at 1 p.m.

Date of Intended Adoption: April 9, 2015.

Submit Written Comments to: John Nispel, P.O. Box 41114, Olympia, WA 98504-1114, e-mail john.nispel@doc.wa.gov, fax (360) 664-2009, by April 6, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To reflect changes to the department of corrections (DOC) institutional industries programs. Achieve more consistent operation of institutional industries programs.

Reasons Supporting Proposal: References to DOC policy should be accurate.

Statutory Authority for Adoption: RCW 72.01.090.

Statute Being Implemented: RCW 72.09.100.

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

Name of Proponent: DOC, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Debra Eisen, Headquarters, (360) 725-8363.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. No financial impact.

February 19, 2015  
 Bernard Warner  
 Secretary

**Chapter 137-80 WAC**

**((INSTITUTIONAL)) CORRECTIONAL INDUSTRIES AND PROGRAMS**

AMENDATORY SECTION (Amending WSR 03-21-088, filed 10/17/03, effective 11/17/03)

**WAC 137-80-010 Purpose.** These rules and regulations are adopted pursuant to and in accordance with chapter 34.05 RCW. The purpose is to provide standards and procedures ~~((for the operation of the division of institutional industries))~~ necessary to ensure the implementation of a comprehensive offender work program. (See RCW 72.09.015(32).) The headings and captions for the above classes are used for convenience only and do not constitute a part hereof. The use of the term "class" to identify a work program does not restrict the department to a singular description of an offender work program within that class or the use of other offender work programs authorized by separate statute. The secretary may

adopt policies providing further guidance for establishing, among other things, offender participation eligibility and security requirements for each class of work program.

AMENDATORY SECTION (Amending WSR 07-12-073, filed 6/5/07, effective 7/6/07)

**WAC 137-80-020 Definitions.** ~~((1))~~ "Secretary" means the secretary of the department of corrections or his/her designee.

~~(2)~~ "Program administrator" means the administrator of the institutional industries program appointed by the secretary.

~~(3)~~ "Institutional industries board of directors" means the board established by the authority of the Corrections Reform Act of 1981, RCW 72.09.070.

~~(4)~~ "Free venture industries" means any industry producing goods or services for sale to both the public and private sector which is operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. Inmates shall be paid a wage by the organization of not less than sixty percent of the approximate prevailing wage within the state for the occupation, as determined by the director, or minimum wage, whichever is greater.

~~(5)~~ "Tax reduction industries" means any state-owned and operated enterprises designed to reduce the cost for services and goods for tax-supported agencies and for nonprofit organizations which assist persons who are poor or infirm. Products of these enterprises may be sold to public agencies and to nonprofit organizations which assist persons who are poor or infirm. Inmates shall be paid for their work on a gratuity scale, approved by the director, which shall not exceed the federal minimum wage.

~~(6)~~ "Institutional support industries" means any industry operated by the department of corrections designed and managed to provide basic work training and experience to the inmate. All able and eligible inmates who are assigned work and who are not working in other classes of industries are included in this class. Inmates shall be paid for their work in accordance with an inmate gratuity scale adopted by the secretary.

~~(7)~~ "Community work industries" means any industry operated by the department of corrections designed and managed to provide services in the inmate's resident community at a reduced cost. Services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations which assist the poor or infirm. Inmates shall receive a gratuity from a unit of local government which shall not exceed the minimum wage.

~~(8)~~ "Community restitution programs" means any program operated by the state, local unit of government, or a nonprofit agency which assists persons who are poor or infirm which is subject to supervision by the department of corrections which enables an offender, placed on probation, to work off all or part of a community service order as ordered by the sentencing court.

~~(9)~~ "Department" means the department of corrections.

~~(10)~~ "Institutional industries" means the program within the department of corrections charged with developing and

managing comprehensive work programs to provide work skills, work experience and exposure to the work ethic for offenders under the jurisdiction of the department-)) (1) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time, or imposed as part of a sentence, and served in the community subject to controls placed on the offender's movement and activities by the department. (See RCW 9.94A.030.)

(2) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(3) "Community supervision" means a period of time during which a convicted offender, while living in the community, is subject to crime-related prohibitions and other sentence conditions imposed by a court. (See RCW 9.94B.020 (2).)

(4) "Contracting entity" means a for-profit corporation, a public benefit nonprofit corporation, or public agency, as these terms are defined herein.

(5) "Correctional facility" means a facility, prison, or institution operated directly or by contract by the secretary for the purposes of incarcerating adults in total or partial confinement, as defined in RCW 9.94A.030.

(6) "Correctional industries advisory committee" or "committee" means the committee created under RCW 72.09.070 to make recommendations to the secretary regarding the implementation of RCW 72.09.100.

(7) "Crew supervisor" means a department or other public agency employee who provides security and custody supervision of offenders and coordinates offender transportation to offender work program sites.

(8) "Department" means the department of corrections.

(9) "DOSH" means the division of occupational safety and health, the part of the Washington state department of labor and industries (L&I) that develops and enforces safety and health rules.

(10) "For-profit corporation" means a corporation of two or more persons having a joint or common economic interest and is engaged in any lawful business under RCW 23B.03.-010.

(11) "Good-will project" means a type of Class IV project, the cost of which is paid by the department of corrections and the criteria for which is determined by the secretary or designee.

(12) "Gratuity" means the sum of money paid to an offender, in accordance with an hourly rate scale approved by the department, when the offender works in an eligible class industry.

(13) "Not-for-profit corporation" or "nonprofit corporation" means a corporation or organization, no part of the income of which is distributable to its members, directors, or officers.

(14) "Offender work programs" means comprehensive work programs designed to provide work skills, work experience and exposure to the work ethic for offenders.

(15) "Program director (director)" means the administrator of the correctional industries program appointed by the secretary.

(16) "Project agreement" means the written agreement required between a prison and a public benefit nonprofit cor-

poration or a public agency for offenders to perform Class IV good-will projects.

(17) "Public agency" means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of the state government; any agency of the United States; any Indian tribe recognized as such by the federal government; and any political subdivision of another state. (See RCW 39.34.020(1).)

(18) "Public benefit nonprofit corporation" means a corporation or an organization no part of the income of which is distributable to its members, directors, or officers and that holds a current tax exempt status as provided under 26 U.S.C. Sec. 501(c)(3) or is specifically exempted from the requirement to apply for its tax exempt status under 26 U.S.C. Sec. 501(c)(3). (See RCW 24.03.005.)

(19) "Secretary" means the secretary of the department of corrections or his/her designee.

(20) "Work location" means the location where offenders perform the services or create the products requested by the contracting entity; over which the contracting entity has the right of access or control and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now adopted or hereafter amended.

(21) "Work project description" means a localized agreement that operates under a master Class IV or Class V contract to detail the responsibilities of each party for each distinct project.

(22) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

(23) "Worker" means an offender who provides his or her personal labor, whether manual labor or otherwise, to a contracting entity or the department, as permitted by law.

AMENDATORY SECTION (Amending WSR 82-18-042, filed 8/27/82)

**WAC 137-80-030 Establishment of ((inmate)) offender programs.** In order to provide a comprehensive work program the department, in following the recommendation of the legislature, has adopted the following classes of work programs ((are adopted)) and made variations thereof:

- |     |            |  |
|-----|------------|--|
| (1) | Class I:   | Free venture industries;   |
| (2) | Class II:  | Tax reduction industries;  |
| (3) | Class III: | Institutional support industries;  |
| (4) | Class IV:  | Community work ((industries)) crews; and   |
| (5) | Class V:   | ((Community service programs)) Restitution, work release and community supervision or custody. |

((The above listed classes of work programs are adopted as codified in RCW 72.09.100. The secretary shall set forth department policy for the establishment of each class of work program, regulating, among others, inmates participation and wages, space rental and contracts for inmate employment-))

NEW SECTION**WAC 137-80-031 Class I: Free venture industries.**

(1) The employer model industries in this class shall be operated and managed in total or in part by any for-profit or nonprofit corporation pursuant to an agreement between the corporation and the department. The corporation shall produce goods or services for sale to both the public and private sector.

(2) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(3) The department shall review these proposed industries, including any potential new Class I industries work program or the significant expansion of an existing Class I industries work program, before the department contracts to provide such products or services. The review shall include the analysis required under RCW 72.09.115 to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new Class I correctional industries work program, or an agreement for a significant expansion of an existing Class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(4) The department shall supply appropriate security and custody services without charge to the participating firms.

(5) Offenders who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the program director of correctional industries. If the program director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(6) An offender who is employed in the Class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

NEW SECTION**WAC 137-80-032 Class II: Tax reduction industries.**

(1) The department may establish Class II industry work programs that are closely patterned after private sector industries but are designed primarily to reduce the cost of goods and services. Goods produced and services provided by Class II work programs shall be provided at a reduced cost and only be available to the department, other tax-supported agencies and nonprofit corporations.

(a) The industries selected for development within this class shall, as much as possible, match the available pool of offender work skills and aptitudes with the work opportunities in the free community. Offenders working in Class II work programs do so at their own free choice.

(b) Except as provided in RCW 39.26.251 and this section, the products and services of this class, including purchased products and services necessary for a complete product line, may be sold by the department to the following:

- (i) Public agencies;
- (ii) Nonprofit corporations;

(iii) Private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit corporation;

(iv) An employee and immediate family members of an employee of the department;

(v) A person under the supervision of the department and his or her immediate family members; and

(vi) A licensed health professional for the sole purpose of providing eyeglasses to enrollees of the state medical program at no more than the health professional's cost of acquisition.

(c) The secretary may issue guidance governing the type and quantity of items that may be purchased for other than resale purpose and sold under (b)(iv) and (v) of this subsection.

(d) Clothing manufactured by an industry in this class may be donated to public benefit nonprofit corporations that provide clothing free of charge to low-income persons, but under no circumstance shall uniforms to be worn by correctional officers employed with the department be made or assembled by offenders under the custody of the department.

(2) Security and custody services shall be provided at state expense by the department.

(3) The department may establish Class II work programs operated and managed in partnership with a public benefit nonprofit corporation pursuant to a contract between the corporation and the department to provide goods and/or services. The work programs may provide job training to offenders and may allow those offenders who have successfully completed a public benefit nonprofit corporation's job training program to request work assignment to the work program.

NEW SECTION**WAC 137-80-033 Class III: Institutional work programs.**

(1) Class III work programs are operated by the department to support operation and maintenance needs of the facility and if possible, offset tax and other public support costs. Offenders assigned to Class III industries work in the prison to support internal prison operations.

(2) A contract is not required for Class III programs.

(3) Each prison will determine its own Class III work programs.

(4) Whenever possible, Class III programs will provide forty hours per week of basic work, or work training and experience, to help offenders to qualify for better work both within institutional industries and in the community.

(5) With approval of the secretary, a facility may, by written contract, partner with a public benefit nonprofit corporation to provide job specific training and work to offenders within the prison. Work performed by the offenders must be designed to produce goods or services for public agencies and/or public benefit nonprofit corporations at a reduced cost.

After completion of training, offenders may request assignment to the Class III program in the prison in which they received job specific training. Offenders assigned to such Class III programs may be required by the program, to fulfill occasional job related work requirements outside of the

prison. Offenders approved for such off-site Class III work will be:

- (a) Approved, in advance, by the prison superintendent or designee, to leave the prison grounds;
- (b) Escorted by, and under the supervision of, a correctional officer at all times;
- (c) Required to return to the prison the same day. Overnight absences will not be permitted; and
- (d) Covered by the department offender health plan in the event of illness or injury while away from the prison.
- (6) The department will:
  - (a) Screen and select the offenders to work in Class III programs based upon eligibility criteria developed by the department;
  - (b) At state expense, provide the management, work supervision, security and custody services required for all Class III programs; and
  - (c) Compensate offenders for work in Class III programs.
    - (i) The compensation paid to offenders working under Class III job descriptions shall be the same across all prisons for work that utilizes the same or similar job descriptions; and
    - (ii) Compensation will be paid to offenders in accordance with the payment scale established by the department for Class III work.
- (7) Offenders working in Class III work programs are not eligible for industrial insurance benefits. (See RCW 72.60.102.)

#### NEW SECTION

##### **WAC 137-80-034 Class IV: Community work crews.**

Offenders in Class IV work status reside in facilities contracted for, owned or licensed by the department and participate in programs that have both education and work components.

- (1) Prisons may provide two types of Class IV services. The first or standard type (standard), will constitute the majority of Class IV work and be paid for by the recipient of the services. The second and far less frequent type of Class IV service, a "good-will project" (project), will be paid for by the department.
- (2) The secretary or designee will determine the criteria for Class IV good-will projects.
- (3) Class IV services may be initiated by the department or provided at the request of a public agency or a public benefit nonprofit corporation.
- (4) Class IV services are performed in the community, generally in the county in which the prison is located.
- (5) Offenders in the same facility, who perform Class IV work utilizing the same or similar job descriptions, shall be compensated equally for the services that they provide.
- (6) Class IV services do not require skilled labor, are not performed on private property, unless owned or operated by a public benefit nonprofit corporation, and have minimal negative impact on existing private industries or the labor force in the county where the service is provided.

- (7) For standard Class IV services:
  - (a) The department will require:
    - (i) A master contract, written with program input, in the department's office of contracts and legal affairs and signed by the department secretary or contracts administrator and an authorized representative of the public agency or public benefit nonprofit corporation requesting the work; and
    - (ii) The master contract is signed by both parties before a work project description, which operates under the master contract to detail the responsibilities of each party for each project, is signed and services may begin.
  - (b) The public agency or public benefit nonprofit corporation that requests/receives the services will:
    - (i) Sign a Class IV master contract and, for each distinct project, sign a work project description under that master contract;
    - (ii) Provide relevant job specific and site specific safety training to offenders so that they can safely perform the required work;
    - (iii) At no cost to the department, supervise the project and direct the work performed;
    - (iv) Pay the department directly:
      - (A) At the then current state mileage rate, for transporting offenders to and from the worksite each day; and
      - (B) Offender compensation for the work performed.
    - (v) Pay the cost of worker's compensation insurance coverage for each offender providing services, directly to the Washington state department of labor and industries.
    - (vi) At the start of each calendar quarter, report the total number of offender service hours received during the previous quarter, to the department of labor and industries.
- (8) For good-will projects the department will:
  - (a) Require a written and signed "project agreement" before offenders may begin work. The project agreement template:
    - (i) Is available from DOC contracts and legal affairs for completion and signature at the facility;
    - (ii) Must be signed by the prison superintendent or designee and an authorized representative of the public benefit nonprofit or public agency; and
    - (iii) Sent to DOC contracts and legal affairs, within two calendar days after it is signed by both parties.
  - (b) At state expense, provide the management, work supervision, security and custody services required;
  - (c) Compensate offenders for work performed;
  - (d) Pay department of labor and industries directly for offender worker's compensation insurance coverage for each offender providing services.
  - (e) At the start of each calendar quarter, report the total hours of offender good-will project services provided during the previous quarter to department of labor and industries; and
  - (f) A facility may, at its own discretion for a specific project, conduct the advance hazardous conditions and/or materials inspection itself or waive the requirement. Any waiver of the requirement will be based upon facility experience with the project site or the work to be performed.

(9) For all Class IV services:

(a) The department will:

(i) Screen and select the offenders for work crews based upon eligibility criteria developed by the department;

(ii) Review the public agency or public benefit nonprofit's hazardous conditions/materials report to assess whether to provide the requested services or require site remediation by the property owner before offenders begin the work;

(iii) Provide offenders with the necessary job specific protective clothing, as needed;

(iv) Transport offenders to and from worksites;

(v) Provide custody and security supervision of the offenders; and

(vi) Provide or coordinate the educational components of the program.

(b) The public agency or public benefit nonprofit corporation that requests/receives the services will conduct an advance hazardous conditions and materials assessment, in accordance with chapter 49.17 RCW, Washington Industrial Safety and Health Act, for each distinct project and report the results, in writing, to the department;

(10) Class IV correctional industries programs operated in work camps established pursuant to RCW 72.64.050 are managed under separate intergovernmental and local agreements and are exempt from these requirements.

#### NEW SECTION

**WAC 137-80-035 Class V: Restitution, work release, and community supervision or custody.** (1) Participants in this class are offenders who are:

(a) In court ordered community restitution programs;

(b) In work release status; or

(c) Under community supervision or custody.

(2) Class V programs require a master contract, written in the department's office of contracts and legal affairs and signed by the department secretary or contracts administrator and an authorized representative of the public agency or public benefit nonprofit corporation requesting the work. The master contract must be signed by both parties before a work project description, which operates under the master contract to detail the responsibilities of each party for each project, is signed and services may begin.

(3) Class V programs may be operated by the department or by another public agency. Services in this class may only be provided to public agencies or to public benefit nonprofit corporations. The department may, by written contract, operate Class V crews that include offenders under the jurisdiction of other governmental entities. The department's authority over offenders under the jurisdiction of other governmental entities will be limited to that which is necessary for those offenders to participate on department Class V crews.

(4) When Class V programs are operated by the department, the department will:

(a) Transport offenders to and from worksites;

(b) Provide custody and security supervision of the offenders;

(c) Review the hazardous conditions/materials report to assess whether to provide the requested services or require site remediation before offenders begin the work; and

(d) Provide offenders with job specific personal protection clothing, as needed.

(5) The public agency or public benefit nonprofit corporation that receives the services will:

(a) Conduct an advance hazardous conditions and materials assessment, in accordance with chapter 49.17 RCW, Washington Industrial Safety and Health Act, for each distinct project, and, in writing, report the results to the department;

(b) Provide relevant job specific and site specific safety training to offenders so that they can safely perform the required work;

(c) At no cost to the department, supervise the project and direct the work performed by the offenders;

(d) Pay the department, at the then current state mileage rate, for transporting offenders to and from the project site each day; and

(e) Pay the Washington state department of labor and industries directly for the cost of worker's compensation insurance coverage for every offender providing services. (See WAC 137-80-080 and RCW 51.12.045.)

AMENDATORY SECTION (Amending WSR 03-21-088, filed 10/17/03, effective 11/17/03)

**WAC 137-80-040 Sale of goods.** (1) The (~~program administrator~~) director or his/her designee may sell all articles, materials, and supplies authorized by statute to be produced or manufactured in correctional institutions to any state agency, political subdivision of the state or as otherwise authorized by statute.

(2) The secretary shall require those institutions under his/her direction to give preference to those articles, materials, and supplies produced or manufactured by (~~institutional~~) correctional industries when purchases are made for institution needs.

(3) The (~~program administrator~~) director may cause to be prepared annually, at such times he/she may determine, lists containing the descriptions of all articles and supplies manufactured and produced in state correctional institutions; copies of such list shall be sent to the supervisor of purchasing and to all departments, institutions and agencies of the state of Washington.

AMENDATORY SECTION (Amending WSR 82-18-042, filed 8/27/82)

**WAC 137-80-050 Proceeds of sale.** Except for any sum recommended by the (~~institutional industries board of directors~~) committee to be returned to the state general fund, all net profits from institutional industries shall be placed in a special revolving fund (Class II account) and shall be used exclusively, without appropriation, in the expansion and improvement of Class II industries.

AMENDATORY SECTION (Amending WSR 03-21-088, filed 10/17/03, effective 11/17/03)

**WAC 137-80-060 Inmate job opportunities.** (See RCW 72.09.120.) The ~~((program administrator))~~ director shall cause to be periodically prepared and distributed to a central location in each institution a list of ~~((prison))~~ correctional industries' and programs' job opportunities. This list shall include, but not be limited to, job descriptions and the educational and skill requirements of each job and shall be made available to institution personnel ~~((of the institution))~~, institutional industries and ~~((to the inmates))~~ offenders.

NEW SECTION

**WAC 137-80-070 Safety and health.** (1) As required by the state division of occupational safety and health (DOSH), participants in offender work programs will be provided a safe and healthy workplace free from recognized hazards.

(2) All correctional industries and programs will adhere to relevant federal and state safety laws as well as to departmental safety policies and requirements.

(3) The department will determine whether or not offenders may perform the requested services in Classes IV and V. The department's determination will be based upon the written results of a hazardous conditions and materials assessment, performed in accordance with chapter 49.17 RCW, Washington Industrial Safety and Health Act, and conducted and provided to the department by the recipient of the offender services.

(4) Offenders in Classes I, IV, and V shall receive work and safety training and any necessary personal protective equipment (PPE), in accordance with the contract scope of work and/or the work project description.

(5) Offenders participating in Class III programs are not considered "employees" for DOSH purposes.

(6) For DOSH purposes, offenders participating in Class V programs may be considered "employees" of the public agency or public benefit nonprofit corporation for which the services were performed. (See RCW 51.12.045.)

NEW SECTION

**WAC 137-80-080 Industrial insurance.** (1) No inmate compensated for work in correctional industries shall be considered as an employee or to be employed by the state or the department.

(2) Offenders working in Classes I, II, and IV of correctional industries are eligible for industrial insurance benefits as provided by Title 51 RCW.

(3) Offenders working in Class III industries are ineligible for industrial insurance benefits.

(4) For offenders working in Class V, industrial insurance medical aid coverage will be purchased by the entity for which the offenders are performing the work. To initiate coverage, the contracting entity will complete, sign and submit directly to L&I, the L&I application for elective coverage of excluded employees (application), before the occurrence of an injury or contraction of an occupational disease, by an offender to be covered.

(a) For offenders performing community restitution work, the contracting entity will check box 10 (community service workers) of the application;

(b) For offenders in work release status or under community supervision or custody, the contracting entity will check box 9 (volunteer worker, 6901 - Community improvement project) of the application.

(5) Any premiums or assessments due under Title 51 RCW for an offender's coverage shall be the obligation of the contracting entity for which the offender is performing the work, and shall be paid directly to the department of labor and industries by the contracting entity. Except that, L&I premiums due for offenders performing Class IV good-will projects shall be paid directly to L&I by the department.

NEW SECTION

**WAC 137-80-090 Work crew costs and responsibilities.** (1) Nothing in this chapter shall be construed as limiting the regulatory authority of the department of labor and industries in determining health and safety compliance and employer status for purposes of DOSH and Title 51 RCW, the issuance or review of citations or corrective actions related to health and safety compliance in the workplace provided the offender crew, or in determining responsibility for payment of fees due under Title 51 RCW.

It is understood that the responsible divisions within the department of labor and industries shall act independently in any review of claims or citations. Public agencies and public benefit nonprofit corporations that contract with the department will be responsible for safety and health conditions at the worksite, have the responsibility and the authority for ensuring that any hazardous condition is corrected, and as applicable, pay the cost of each offender's industrial insurance coverage and gratuity.

(2) The department will provide security and custody supervision of offenders to fulfill its mission to improve public safety and to maintain custody as required by state law.

NEW SECTION

**WAC 137-80-100 Application limited to this chapter.** The powers and authority conferred by this chapter shall be construed as limited to this chapter and nothing herein shall be construed as applying to any other offender work programs authorized by federal law or Washington state law. Neither shall anything contained herein be construed as limiting any other powers or authority of any public agency.

**WSR 15-06-031**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed February 25, 2015, 1:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-23-090.

Title of Rule and Other Identifying Information: WAC 308-104-019 Renewal of driver's license or identicard by electronic commerce—Eligibility.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA (check in at counter on first floor), on April 7, 2015, at 3:00 p.m.

Date of Intended Adoption: April 8, 2015.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 570-7048, by April 6, 2015.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by April 6, 2015, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend WAC 308-104-019 to permit holders of enhanced driver's license or identicards (EDL/IDs) to renew by electronic commerce.

Statutory Authority for Adoption: RCW 46.01.110, 46.20.120.

Statute Being Implemented: RCW 46.20.120.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Clark Holloway, Olympia, (360) 902-3846; Implementation and Enforcement: Julie Knittle, Olympia, (360) 902-3850.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3) and 34.05.310 (4)(g).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i).

February 25, 2015

Damon Monroe

Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-15-019, filed 7/9/10, effective 8/9/10)

**WAC 308-104-019 Renewal of driver's license or identicard by electronic commerce—Eligibility.** An applicant for a driver's license renewal or identicard renewal may apply by electronic commerce if permitted under this section.

(1) A person whose valid driver's license is about to expire may be allowed to renew by electronic commerce if the person:

(a) Is eligible to renew his or her driver's license by electronic commerce under the provisions of RCW 46.20.120 (3)(b) or (4)(b);

(b) Has previously been issued a digital driver's license;

(c) Is at least twenty-four and not more than seventy years of age;

(d) Has a valid Social Security number on file with the department;

(e) Has a valid mailing address on his or her driving record as maintained by the department;

(f) Does not have a commercial driver's license, (~~enhanced driver's license or identicard~~) instruction permit, or agricultural permit;

(g) Has not paid a fee owed to the department with a check that has been dishonored;

(h) Has not failed to appear, respond, or comply with the terms of or in response to a traffic citation or notice of traffic infraction; and

(i) Does not have any actions pending against his or her driver's license or driving privileges.

(2) A person applying for driver's license renewal by electronic commerce must:

(a) Certify that he or she has had no mental or physical condition or is not taking any medication which could impair his or her ability to operate a motor vehicle safely;

(b) Make the necessary certification under WAC 308-104-010(2); and

(c) Complete the required application and pay all applicable fees.

(3) A person whose valid identicard is about to expire may renew by electronic commerce if the person:

(a) Is eligible to renew his or her identicard by electronic commerce under the provisions of RCW 46.20.117 (3)(b);

(b) Is at least twenty-four years of age; and

(c) Has previously been issued a digital identicard.

(4) A person applying for identicard renewal by electronic commerce must complete the required application and pay all applicable fees.

(5) The department may specify the means and establish procedures by which a person may make an application under this section.

## WSR 15-06-041

### PROPOSED RULES

### WASHINGTON STATE LOTTERY

[Filed February 27, 2015, 9:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-14-060.

Title of Rule and Other Identifying Information: WAC 315-10-025 Cost to purchase an instant game ticket.

Hearing Location(s): Washington's Lottery, 814 4th Avenue, Olympia, WA 98506, on April 7, 2015, at 0900.

Date of Intended Adoption: April 7, 2015.

Submit Written Comments to: Jana Jones, P.O. Box 43000, Olympia, WA 98506, e-mail jjones@walottery.com.

Assistance for Persons with Disabilities: Contact Debbie Robinson by April 6, 2015, TTY (360) 586-0933 or (360) 664-4815.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The lottery commission wishes to change WAC 315-10-025 in order to maintain best practices regarding pricing currently utilized in the lottery industry by raising the allowable cost of scratch tickets to \$30.00.

Statutory Authority for Adoption: RCW 67.70.040 (1)(3).

Statute Being Implemented: RCW 67.70.040.

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

Name of Proponent: Washington state lottery commission, governmental.

Name of Agency Personnel Responsible for Drafting: Jana Jones, Washington's Lottery, (360) 664-4833; Implementation: Washington's Lottery; and Enforcement: Len Brudvik, Washington's Lottery, (360) 664-4742.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The only business allowed by law to sell lottery products are existing licensed lottery retailers.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed WAC changes do not give rise to a cost-benefit analysis.

February 26, 2015  
Jana L. Jones  
Director of Legal Services

AMENDATORY SECTION (Amending WSR 10-16-025, filed 7/23/10, effective 8/23/10)

**WAC 315-10-025 Cost to purchase an instant game ticket.** The price of an instant game ticket shall not be less than \$1.00 and not more than \$((~~20.00~~)) 30.00, except for those tickets used in media promotions authorized by the director and retailer incentive programs authorized by the commission.

**WSR 15-06-043**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Filed February 27, 2015, 11:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-02-079.

Title of Rule and Other Identifying Information: Filing and recording fees for survey maps, the proposed rule is an amendment to the existing rule in WAC 332-150-030 setting the recording fee surcharge for survey maps. The board of natural resources is authorized by RCW 58.24.070 to review the current fee and determine if it needs to be adjusted in order to provide appropriate funding support for the public land survey office in the department of natural resources.

Hearing Location(s): Board of Natural Resources, Natural Resources Building, 1111 Washington Street S.E., Room #172, Olympia, WA 98501, on Tuesday, April 7, 2015, at 10:00 a.m.

Date of Intended Adoption: May 5, 2015.

Submit Written Comments to: Patrick Beehler, 1111 Washington Street S.E., Olympia, WA 98504-7030, e-mail pat.beehler@dnr.wa.gov, fax (360) 902-1191, by April 15, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend WAC 332-150-030 by increasing the recording fee surcharge for

any surveys, subdivision plats, short plats or condominium surveys, plats or maps from the current fee of forty-six dollars to sixty-four dollars per instrument, effective July 1, 2015.

Reasons Supporting Proposal: Provide additional funding for the public land survey office of the department of natural resources to help meet the legislative expectations under chapter 58.24 RCW as the statewide source of land surveying information.

Statutory Authority for Adoption: RCW 58.24.070.

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

Name of Proponent: Department of natural resources, governmental.

Name of Agency Personnel Responsible for Drafting: Patrick J. Beehler, 1111 Washington Street, Olympia, WA 98501, (360) 902-1181; Implementation and Enforcement: Dale Mix, 1111 Washington Street, Olympia, WA 98501, (360) 902-1199.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no fiscal impact to the professional land surveyor preparing the map.

A cost-benefit analysis is not required under RCW 34.05.328. There is no fiscal impact to the professional land surveyor preparing the map.

February 27, 2015  
Kyle Blum  
Deputy Supervisor  
for State Uplands

AMENDATORY SECTION (Amending WSR 02-15-126, filed 7/19/02, effective 8/19/02)

**WAC 332-150-030 Filing and recording fees.** Effective ((~~August 19, 2002~~)) July 1, 2015, each county auditor shall collect the fee of ((~~forty-six~~)) sixty-four dollars per instrument in addition to any other fees required by law, as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats or condominium surveys, plats or maps.

**WSR 15-06-055**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed March 3, 2015, 10:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-19-041.

Title of Rule and Other Identifying Information: Seal of biliteracy, WAC 392-415-070 and new WAC 392-410-350.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), 600 Washington Street, OSPI Policy Room 2nd Floor, Olympia, WA 98501, on April 13, 2015, at 11:30 a.m.

Date of Intended Adoption: April 15, 2015.



Submit Written Comments to: Paris Granville, P.O. Box 47200, 600 Washington Street S.E., Olympia, WA 98504-7200, e-mail [paris.granville@k12.wa.us](mailto:paris.granville@k12.wa.us) [[paris.granville@k12.wa.us](mailto:paris.granville@k12.wa.us)], fax (360) 725-3017, by April 12, 2015.

Assistance for Persons with Disabilities: Contact Kristin Murphy by April 6, 2015, TTY (360) 664-3631 or (360) 725-6133.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** To provide guidelines for school districts to award the seal of biliteracy to their graduating students. The rule outlines the criteria that assessments should meet to qualify for the seal of biliteracy. The seal recognizes real skills and proficiency, not seat time.

**Reasons Supporting Proposal:** The seal recognizes the literacy skills that [of] Washington bilingual students independent of courses taught. This validates their identity and starts to capture a small portion of the outside skill. There are many different options for students to earn the seal.

**Statutory Authority for Adoption:** RCW 28A.300.575 and 28A.230.125.

**Statute Being Implemented:** RCW 28A.230.125.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** The seal of biliteracy contains an implementation and maintenance budget.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Paris Granville, OSPI, (360) 725-6129; and **Enforcement:** Jessica Vavrus, OSPI, (360) 725-6432.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

March 3, 2015  
Randy Dorn  
State Superintendent  
of Public Instruction

## NEW SECTION

**WAC 392-410-350 Seal of biliteracy.** (1) The authority for this section is RCW 28A.300.575, which authorizes the office of the superintendent of public instruction to adopt rules establishing criteria for award of the Washington state seal of biliteracy.

(2) Graduating high school students must meet the following criteria to be awarded the Washington state seal of biliteracy:

(a) Students must demonstrate proficiency in English by (i) meeting the statewide minimum graduation requirements in English under WAC 180-51-066 through 180-51-068, as amended; and (ii) meeting the state standard on the reading and writing or English language arts assessments under RCW 28A.655.061; and

(b) Students must demonstrate proficiency in one or more world languages through any one of the following methods:

(i) Passing a foreign language advanced placement examination with a score of three or higher;

(ii) Passing an International Baccalaureate examination with a score of four or higher;

(iii) Demonstrating intermediate-mid level proficiency or higher in the world language based on the American Council on the Teaching of Foreign Languages (ACTFL) proficiency guidelines, using assessments approved by the office of superintendent of public instruction for competency-based credits;

(iv) Qualifying for four competency-based credits by demonstrating proficiency in the world language at intermediate-mid level or higher based on the ACTFL proficiency guidelines, according to the school district's policy and procedure for competency-based credits for world languages; or

(v) Demonstrating proficiency in speaking, writing, and reading the world language through other national or international assessments approved by the office of superintendent of public instruction at a level comparable to intermediate-mid level or higher based on the ACTFL proficiency guidelines.

(3) "Foreign language" and "world language" as used in this section means a language other than English, and includes, without limitation, American sign language, Latin, and Native American or other indigenous languages or dialects.

**AMENDATORY SECTION** (Amending WSR 06-23-041, filed 11/7/06, effective 12/8/06)

**WAC 392-415-070 Mandatory high school transcript contents—Items—Timelines.** (1)(a) The standardized high school transcript shall contain only the information listed in subsection (2) of this section in order to meet the statutory requirements under RCW 28A.230.125 for a statewide standardized transcript.

(b) Any other information the district or school may desire to include may be stapled to the transcript or otherwise provided with the transcript. Information that is not listed below shall not be included on the state standardized transcript:

(2)(a) Authorized and required transcript information ~~((effective now))~~ **must include:**

(i) The student's legal name (last name, first name, and middle name(s) or middle initial(s)), and other or former names used;

(ii) The name(s) of parent(s) or guardian(s);

(iii) The student's ~~((birthdate))~~ **birth date** (mm/dd/yyyy);

(iv) The student's school district identification number (if applicable);

(v) The school name, address, phone number, and name of the school district issuing the transcript;

(vi) A list of previous schools attended where credit was attempted (school name, city, state, and month and year of entrance and exit);

(vii) The student's academic history for all high school level courses attempted, including courses taken under RCW 28A.230.090(4) and including those courses where a student has withdrawn, and listed by report period for the grade level (month and year), course code and description, marks/grades earned as defined in WAC 392-415-050 (a mark/grade of "W" will be used to indicate a withdrawal from a course),

credits attempted and earned as defined in WAC 392-415-040, grade point average as defined in WAC 392-415-055, and a report period and cumulative summary of the student's high school level academic history((-));

(viii) Credits attempted for courses taken more than once to improve a grade/mark may count only once toward the number of credits required for graduation, except that credits attempted for courses taken more than once to improve a grade may count toward the number of credits required for graduation on the condition that the letter grades earned for all attempts are included in the calculation of the student's grade point average. For the purpose of this subsection, districts and schools shall not convert letter grades to grades/marks not used in the grade point average calculation.

(b) Authorized and required additional transcript information in effect for students who first entered ninth grade in the 2002-03 school year. The following courses, for which college credit can be earned, shall be designated on the transcript with the designation coding indicated. Courses completed and credits earned through running start shall be noted with an "R" designation. Courses completed and credits earned through advanced placement shall be noted with an "A" designation. Courses completed and credits earned through college in the high school shall be noted with a "C" designation. Courses completed and credits earned through an international baccalaureate program shall be noted with an "I" designation. Courses completed which earn college credit through techprep and/or the corresponding credits or certification earned shall be noted with a "T" designation. Courses that meet or satisfy higher education coordinating board core course requirements shall be noted with a "B" designation. Courses completed and credits earned through an honors option shall be noted with an "H" designation.

(c) Authorized and required additional transcript information in effect beginning with students who first entered ninth grade in the 2004-05 school year:

(i) Notation that the high school and beyond plan graduation requirement was met or not met by the student;

(ii) Notation that the culminating project graduation requirement was met or not met by the student; and

(iii) If applicable, notation that the certificate of academic achievement graduation requirement was met or not met by the student; (~~and~~)

(iv) If applicable, notation that the certificate of individual achievement graduation requirement was met or not met by the student((-)); and

(v) If applicable, notation of whether the student has earned the Washington state seal of biliteracy as provided under WAC 392-410-350.

(3) Each issuance of the transcript shall include a report date (mm/dd/yyyy), graduation date (noting month and year), end of transcript record (signifying no more authorized data), office of superintendent of public instruction (OSPI) transcript form version number, and page number ('x' of 'y').

(4) The signature of the authorized school official (name, title, and date) and seal of the district, if available. The signature of the authorized school official may be affixed electronically, subject to a written district policy that addresses signature security and assures that the authorized school official

acknowledges, in writing, that affixing their signature electronically to the transcript is a legal and binding action.

## WSR 15-06-059

### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed March 3, 2015, 3:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-16-100.

Title of Rule and Other Identifying Information: Chapter 308-96A WAC, Vehicle licensing.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA (check in at counter on first floor), on April 15, 2015, at 3:00 p.m.

Date of Intended Adoption: April 16, 2015.

Submit Written Comments to: Brady Horenstein, P.O. Box 9030, Olympia, WA 98507-9030, e-mail bhorenstei@dol.wa.gov, fax (360) 570-7048, by April 14, 2015.

Assistance for Persons with Disabilities: Contact Brady Horenstein by April 14, 2015, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to align chapter 308-96A WAC with new license plate replacement requirements following a legislative change. License plates must now be replaced when a vehicle changes ownership in most cases instead of every seven years. This proposal changes the following sections within chapter 308-96A WAC: WAC 308-96A-021, 308-96A-026, 308-96A-056, 308-96A-057, 308-96A-064, 308-96A-065, 308-96A-070, 308-96A-071, 308-96A-072, 308-96A-073, 308-96A-074, 308-96A-076, 308-96A-077, 308-96A-078, 308-96A-079, 308-96A-175, 308-96A-176, 308-96A-202, 308-96A-203, 308-96A-210, 308-96A-260, 308-96A-300, 308-96A-530, 308-96A-545, and 308-96A-550.

Reasons Supporting Proposal: This rule making is necessary to bring chapter 308-96A WAC into compliance with RCW 46.16A.200, 46.16A.020, 46.16A.110, 46.17.200, 46.18.130, and 46.18.140 as modified by chapter 80, Laws of 2014 (2ESSB 5785).

Statutory Authority for Adoption: RCW 46.01.110, 46.16A.220, 46.18.050.

Statute Being Implemented: RCW 46.16A.200, 46.16A.-020, 46.16A.110, 46.17.200, 46.18.130, 46.18.140.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Brady Horenstein, Highways-Licenses Building, Olympia, Washington, (360) 902-3835; Implementation and Enforcement: Toni Wilson, Highways-Licenses Building, Olympia, Washington, (360) 902-3811.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule making does not impose more than a minor cost on businesses in

the industry. Thus, a small business impact statement is not required under RCW 19.85.030 (1)(a).

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

February 3, 2015  
Damon Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-08-079, filed 4/6/04, effective 5/7/04)

**WAC 308-96A-021 Replacement plates—Requirements. (1) How do I obtain replacement plate(s) for my current Washington plate(s)?**

You obtain replacement plate(s) by applying(=

~~(a) Either in person; or  
(b) By mail, to a Washington vehicle licensing office; or  
(c) Online through the department of licensing web page in conjunction with your registration renewal and seven-year replacement requirement)) to a Washington vehicle licensing office in person or by mail.~~

**(2) When do I need to replace my plate(s)?**

You need to replace your plate(s) if:

(a) Your plate(s) are lost, destroyed, or mutilated. For an additional fee, you may replace them with the same ((~~num-ber/letter~~) number and letter combination as long as the plate meets a current approved license plate configuration and background; or

(b) Your plate(s) are stolen. You may not request the same ((~~number/letter~~) number and letter combination (see the note at the end of this section); or

(c) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle. Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck; or

~~(d) ((Your vehicle license plates have reached the replacement cycle date established by this section by authority in RCW 46.16.233. For an additional fee, you may request the same number/letter combination as long as the plate meets a current approved license plate configuration and background.))~~ You took ownership of a vehicle, unless you met one of the exemptions in RCW 46.16A.200, or the vehicle is registered as a title purpose only or has one of the following nonstandard plates on it at the time of transfer:

(i) Horseless carriage plates;

(ii) Collector vehicle plates; or

(iii) Restored plates.

**(3) Who can apply for replacement plate(s)?**

One of the registered owners ((~~must~~) or the owner's authorized representative may apply for replacement plate(s).

**(4) What documentation do I need to apply for replacement plate(s)?**

(a) If your plate(s) are lost, stolen (see note at end of this section), destroyed, or mutilated, you need to submit an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's sig-

nature must be either notarized by a notary public or certified by an authorized employee of a Washington vehicle licensing office. A replacement plate fee will be charged. For an additional fee, the same ((~~number/letter~~) number and letter combination may be requested as long as the plate meets a current approved license plate configuration and background.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department will replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

**(5) What if the department issued incorrect plate(s) for my vehicle?**

When incorrect plate(s) have been issued due to departmental error, the department will replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged in this case.

~~(6) ((~~What is the replacement cycle date for my license plate?~~ The replacement cycle date for your license plate is seven years from the date the license plate(s) were issued. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.~~

~~(7) (~~When I am required to~~) If I replace special license plate(s) on a currently registered vehicle, will I receive the same license plate ((~~number/letter~~) number and letter combination? Yes, for an additional fee, if you are replacing license plates on a currently registered vehicle, your license plates will be replaced with the same ((~~number/letter~~) number and letter combination as shown on the vehicle computer record as long as the plate meets a current approved license plate configuration and background.~~

~~((8) What license plates are required to be replaced? Vehicles that have license plates seven years or older that include:~~

~~(a) Standard issue;~~

~~(b) Collegiate;~~

~~(c) HAM/MARS;~~

~~(d) Personalized;~~

~~(e) Ride share;~~

~~(f) Disabled person;~~

~~(g) Disabled veterans;~~

~~(h) Pearl Harbor survivors;~~

~~(i) Purple heart;~~

~~(j) Stadium;~~

~~(k) Square dancer;~~

~~(l) Honorary Consular;~~

~~(m) Former prisoner of war;~~

~~(n) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds or under;~~

~~(o) Special plate series created after January 1, 2003.~~

~~(9) What license plates are exempt from the replacement requirements?~~

~~(a) Prorated vehicles over 16,000 pounds licensed under chapter 46.87 RCW;~~

~~(b) Commercial vehicles with declared gross weight over 26,000 pounds under RCW 46.16.233;~~

~~(c) Collector vehicle, horseless carriage vehicle and restored plates;~~

~~(d) Plates issued to government agencies with exempt use class; and~~

~~(e) Medal of Honor license plates.))~~

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same ((number/letter)) number and letter combination will not be issued.

**AMENDATORY SECTION** (Amending WSR 05-13-118, filed 6/20/05, effective 7/21/05)

**WAC 308-96A-026 Vehicle transit permit. (1) What is a vehicle transit permit?**

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ((ownership)) title or registration. Use of the vehicle is restricted to the reason(s) indicated on the permit.

**(2) How may a vehicle transit permit be used?**

A vehicle transit permit may be used to obtain:

- (a) A Washington state patrol inspection;
- (b) A scale weight slip;
- (c) An emission test; or
- (d) Any other purpose that the department deems necessary.

**(3) Where do I obtain a vehicle transit permit?**

You may obtain a vehicle transit permit from Washington vehicle licensing offices.

**(4) How long is the vehicle transit permit valid?**

The permit is valid only for the days shown on the permit and may not exceed two days. The two days do not need to be consecutive.

**(5) What information is required to issue the vehicle transit permit?**

(a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;

- (b) Name and address of person obtaining the permit;
- (c) Specific purpose for which the permit is issued;
- (d) The date or dates on which the permit is valid, for a maximum of two days;
- (e) Applicant's signature; and
- (f) Signature of vehicle licensing agent or issuing authority.

**(6) How much does a vehicle transit permit cost?**

There is ~~((no fee for the vehicle transit permit, however vehicle licensing subagents charge))~~ a five dollar service fee to issue a vehicle transit permit.

**AMENDATORY SECTION** (Amending WSR 02-16-071, filed 8/6/02, effective 9/6/02)

**WAC 308-96A-056 Pearl Harbor survivor license plates. (1) Who is eligible to receive Pearl Harbor survivor license plates?** Pearl Harbor survivor license plates may be issued to qualified applicants as authorized in RCW ((46.16.305(4))) 46.18.270.

**(2) What documentation does a Pearl Harbor survivor or surviving spouse need to submit to obtain Pearl Harbor survivor license plates?**

(a) The Pearl Harbor survivor association certification required by RCW ((46.16.305(4)(e))) 46.18.270 (1)(e).

(b) Surviving spouses must also submit a copy of the death certificate and an affidavit that the spouse is not remarried.

**(3) May the spouse of a deceased Pearl Harbor survivor keep the Pearl Harbor survivor license plates?** Yes. To keep the Pearl Harbor survivor license plates, the surviving spouse must provide a copy of the Pearl Harbor survivor's death certificate and an affidavit that the spouse is not remarried in addition to the requirements of RCW ((46.16.305)) 46.18.270(4).

**(4) ((When I am required to)) If I replace my Pearl Harbor survivor license plate, will I receive the same license plate ((number/letter)) number and letter combination?** Yes. Upon request, you will receive replacement Pearl Harbor survivor license plates with the same ((number/letter)) number and letter combination as shown on the vehicle computer record.

**AMENDATORY SECTION** (Amending WSR 07-21-119, filed 10/23/07, effective 11/23/07)

**WAC 308-96A-057 Purple Heart license plates. (1) Under what authority does the department issue Purple Heart license plates?** ~~((The department issues Purple Heart license plates, under the authority of RCW 46.16.305 as written prior to 1990. Washington state law allowed the department to issue special license plate series denoting the age or type of vehicle or denoting special activities or interest, status, or contribution or sacrifice for the United States, the state of Washington, or citizens of the state of Washington, of a registered owner of that vehicle. The Washington legislature amended the law in 1990 allowing the department to continue issuing special license plates authorized under the law as it was before it was amended.))~~ RCW 46.18.280 authorizes the department to issue Purple Heart license plates.

**(2) Who may receive Purple Heart license plates?** Any Washington resident who:

(a) Has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots or spouse if the recipient is deceased;

(b) Was wounded or is the spouse of a person who was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005; and

(c) Is an owner, co-owner, lessee, or co-lessee of a vehicle requiring two license plates; or

(d) The spouse of a deceased recipient of a Purple Heart medal.

**(3) What documentation does a Purple Heart recipient or spouse of a deceased recipient need to submit to obtain Purple Heart license plates?** Purple Heart recipients or spouse of a deceased recipient applying for these license plates must submit:

(a) An application for Purple Heart license plates; and

(b) A copy of the armed forces document showing the recipient was awarded the Purple Heart medal.

(c) The surviving spouse of a deceased Purple Heart medal recipient may be issued a special Purple Heart license plate. In addition to confirm eligibility, the surviving spouse must submit the following:

(i) A copy of the death certificate of the deceased Purple Heart medal recipient; and

(ii) An affidavit that the applicant is not currently married.

(4) **May the spouse of a deceased Purple Heart recipient keep the Purple Heart license plates?** Yes. To keep the Purple Heart license plates the surviving spouse must provide:

(a) A copy of the Purple Heart recipient's death certificate; and

(b) An affidavit that the spouse has not remarried; and

(c) If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.

(5) ~~((When I am required to))~~ **If I replace my Purple Heart license plate, will I receive the same license plate number and letter combination?** Yes. If the vehicle owner requests and pays the fees in RCW ~~((46.16.233))~~ 46.16A.200, the Purple Heart license plates will be replaced with the same ~~((number/letter))~~ number and letter combination as shown on the vehicle computer record.

AMENDATORY SECTION (Amending WSR 02-17-024, filed 8/12/02, effective 9/12/02)

**WAC 308-96A-064 Transfer or loss/destruction of foreign organization special license plates.** (1) **Are foreign organization special license plates transferable?** Yes, they are transferable to another motor vehicle owned or leased by the representative of the foreign organization; however, the special license plates may not be transferred to anyone else.

(2) **How are foreign organization special license plates transferred to another vehicle?** Submit a request to the department to transfer the plates to another vehicle and pay a transfer fee as provided in RCW ~~((46.16.316))~~ 46.17.200 in addition to all other applicable fees and taxes.

(3) **How are foreign organization special license plates replaced if they become lost, destroyed, mutilated, or stolen?** The representative of the foreign organization must submit a request to the department for replacement license plates and pay a replacement plate fee as provided in ~~((chapter 46.16))~~ RCW 46.17.200 in addition to all other applicable fees and taxes.

(4) ~~((When I am required to))~~ **If I replace my foreign organization special license plates, will I receive the same license plate ((number/letter)) number and letter combination?** Yes. Upon request, you will receive replacement foreign organization special license plates with the same ~~((number/letter))~~ number and letter combination as shown on the vehicle computer record.

(5) **What do I do with the foreign organization special license plates if I sell or otherwise dispose of the vehicle?** The plates must be removed and either(=

~~((a)))~~ transferred to another vehicle owned or leased by the plate holder of the foreign organization ~~((and/or))~~ or immediately forwarded to the department~~((=or~~

~~((b)))~~ Transferred to another vehicle as provided in subsection (1) of this section).

(6) **How are foreign organization special license plates disposed of?** The plates must be removed by the rep-

resentative of the foreign organization and immediately forwarded to the department.

AMENDATORY SECTION (Amending WSR 07-20-110, filed 10/3/07, effective 11/3/07)

**WAC 308-96A-065 Personalized license plates.** (1) **What is a personalized license plate?** Personalized license plates are plates reflecting the registered owner's chosen format or designation and are limited to those described in RCW ~~((46.16.560, 46.16.570 and 46.16.580))~~ 46.04.385 and 46.18.275.

(2) **Are there any restrictions on the use of letters and numbers on personalized license plates?** Personalized license plates may be issued with one to seven characters. Motorcycles and motorcycle trailers can have up to six characters. The letters "I" and "O" and the numbers "1" (one) and "0" (zero) may not be issued as single-digit plates.

(3) **When may the department deny an application for or cancel personalized plates?**

(a) The department may deny an application for personalized license plates or cancel personalized license plates previously issued if it determines the plate configuration to be:

(i) Offensive to good taste and decency;

(ii) Potentially misleading;

(iii) Vulgar, profane, or sexually suggestive in nature;

(iv) A racial, ethnic, lifestyle, or gender slur;

(v) Related to alcohol or to illegal activities or substances;

(vi) Blasphemous;

(vii) Derogatory;

(viii) Slanderous;

(ix) A duplication of license plate or decal numbers provided in chapter 46.09, 46.10 or 46.16 RCW; or

(x) The personalized message appears to replicate the standard configuration for a special license plate; or

(xi) Contrary to the department's mission to promote highway safety.

(b) If the personalized license plates are canceled due to one or more reasons specified in subsection (3) of this section, the vehicle owner may:

(i) Apply for a refund for the fee paid under RCW ~~((46.16.585 and 46.16.606))~~ 46.17.210 and 46.68.435 for such license plates; or

(ii) Instead of a refund, apply for and upon approval be issued personalized license plates with a different configuration without payment of additional personalized license plate fees.

(c) The department may cancel personalized license plates if they are:

(i) Not renewed by the owner within forty-five days of the vehicle expiration; or

(ii) Removed from a vehicle and not transferred to a replacement vehicle within thirty days; or

(iii) Transferred to a new owner who does not make proper application for the plates within twenty-five days.

(4) **What special plates cannot be personalized?**

(a) Medal of honor;

(b) Horseless carriage;

(c) Restored;

- (d) Collector vehicle;
- (e) Ham and Mars license plates;
- (f) Former prisoner of war;
- (g) Pearl Harbor survivor;
- (h) Disabled veteran;
- (i) Exempt license plates.

**(5) If my registration for personalized license plates has elapsed, how do I get them reinstated or reissued?**

(a) If you are an owner of a personalized license plate and do not renew it within forty-five days, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(b) If you purchase a vehicle with a personalized plate and do not transfer the ownership of the personalized plate within twenty-five days, you forfeit ownership of the plate. The department will make that personalized plate available to the first applicant for that plate configuration.

(c) If you are the owner of a personalized license plate who does not transfer the plate as described in (b) of this subsection, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

**(6) Can I transfer my personalized license plate?** Yes, if you are the owner(s) of a vehicle with personalized license plates and sell, trade, or otherwise transfer ownership of the vehicle, you may transfer the plates to another vehicle within thirty days; (the personalized license plates may be transferred at any vehicle licensing office or through a vehicle dealer if the owner wishes to transfer a plate to a dealer-purchased vehicle) or transfer the plates to a new owner. If the plates are transferred to a new owner, the current owner must provide the new owner with a ~~((notarized/certified))~~ notarized or certified release of interest for the plates. The new owner must make application to the department within twenty-five days, including payment of the original personalized license plate fee.

**(7) How do I dispose of my personalized vehicle license plates?**

(a) You may turn the plates in to the department with a notarized release of interest from the owner(s) relinquishing the right to that personalized license plate configuration; or

(b) If your vehicle has personalized license plates and is sold to a wrecker or you accept a total loss claim from your insurance company and you choose not to retain the salvage, you must either transfer the plates to another vehicle within thirty days or turn the plates in to the department with a notarized release of interest from all registered owner(s) relinquishing the right to that personalized license plate.

~~((8) Will I ever have to replace my personalized vehicle license plate? Yes, the personalized license plates are subject to the seven-year vehicle license plate replacement schedule.))~~

AMENDATORY SECTION (Amending WSR 07-20-112, filed 10/3/07, effective 11/3/07)

**WAC 308-96A-070 Amateur radio operator special license plates.** (1) **Who may apply for amateur radio operator vehicle special license plate(s)?** Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur

radio call letters assigned by the Federal Communications Commission (FCC). These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters.

**(2) What documents are required to receive an amateur radio operator vehicle special license plate?** In addition to all other license fees required by law, the amateur radio operator must attach a copy of the current FCC license to the application. The operator must notify the department when the FCC license is canceled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator must send a copy of the new FCC license to the department.

**(3) How will the amateur radio operator license plates be displayed?** The amateur radio operator license plates must be displayed on a motor vehicle owned by the amateur radio operator unless the plates were issued and assigned to a vehicle prior to January 1, 1991. Prior to the January 1, 1991, date, the amateur radio operator license plates are allowed to be installed on any motor vehicle qualified under RCW ~~((46.16.305))~~ 46.18.205.

**(4) Are there any special fees required to obtain the amateur radio operator license plates?** In addition to all other license fees required by law, each applicant for amateur radio operator license plates must pay an additional license plate fee of five dollars for the plate and applicable fees as stated in RCW ~~((46.16.316))~~ 46.17.200 any time the plates are transferred to another vehicle.

**(5) When are the amateur radio operator special license plates canceled?** The effective date of the plate cancellation is the date the FCC license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid FCC license and paying the five-dollar fee for a new plate and applicable fees as stated in RCW ~~((46.16.316))~~ 46.17.200.

**(6) Are there any FCC operator special license plates that will not be issued?** Yes, if the call sign has WSP as part of the number letter combination.

~~((7) Will I ever have to exchange my amateur radio operator special license plates? Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your amateur radio operator special license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.))~~

AMENDATORY SECTION (Amending WSR 04-18-023, filed 8/24/04, effective 9/24/04)

**WAC 308-96A-071 Military affiliate radio system special license plates.** (1) **Who may apply for the military affiliate radio system station special license plates?** Any person having a valid military affiliate radio system (MARS) station license may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters and can only be displayed on a motor vehicle registered to the MARS station license holder.

(2) **Can a MARS special license plate be issued for my motorcycle?** No. Motorcycle license plates accommodate a maximum of six characters. MARS call letters consist of seven characters.

(3) **What documents are required to receive MARS special license plates?** In addition to all other license fees required by law, an applicant for MARS license plates must attach a copy of the current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The recipient of these plates must notify the department when the MARS station license has been canceled.

(4) **Are there any special fees required to obtain the MARS license plates?** In addition to all other license fees required by law, each applicant for MARS license plates must pay an additional license plate fee of five dollars for the plate and applicable fees as stated in RCW ~~((46.16.316))~~ 46.17.200 any time the plates are transferred to another vehicle.

(5) **When are the MARS license plates canceled?** The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate and applicable fees as stated in RCW ~~((46.16.316.~~

~~(6) **Will I ever have to exchange my MARS license plates?** Yes, the department has determined that all license plates be replaced on a seven year vehicle license rotation schedule; however, your MARS license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.)~~ 46.17.200.

AMENDATORY SECTION (Amending WSR 04-08-079, filed 4/6/04, effective 5/7/04)

**WAC 308-96A-072 Square dancer license plates.** (1) **Who may apply for square dancer license plates?** A registered owner of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of square dancers.

(2) **What vehicles may display square dancer license plates?** Square dancer license plates may be issued for vehicles required to display two license plates, except those vehicles licensed under the provisions of chapter 46.87 RCW.

(3) **Are special license fees required for square dancer license plates?** A special license plate fee of forty dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued.

(4) **How does the department define "current license plate registration"?** For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

~~((5) **Will I ever have to replace my square dancer license plates?** Yes, the department has determined that all license plates be replaced on a seven year replacement schedule. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same num-~~

~~ber/letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.))~~

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same ((number/letter)) number and letter combination will not be issued.

AMENDATORY SECTION (Amending WSR 09-06-030, filed 2/24/09, effective 3/27/09)

**WAC 308-96A-073 Antique vehicle—Horseless carriage license plate.** (1) **What is a horseless carriage license plate?** A horseless carriage license plate is a single license plate issued to a qualified motor vehicle owned by a collector as defined in RCW 46.04.125. It must be displayed on the rear of the vehicle for which it was issued.

(2) **What vehicles qualify for a horseless carriage license plate?** Any motor vehicle which is:

- (a) At least forty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle under RCW ~~((46.16.307))~~ 46.18.220.

(3) **May I transfer my horseless carriage license plate to another antique vehicle?** No. Horseless carriage license plates are not ~~((transferable))~~ transferable to any other motor vehicle.

(4) **What additional fees are required to obtain a horseless carriage license plate?** In addition to all other license fees required by law, the applicant must pay a fee of thirty-five dollars for a horseless carriage license plate.

~~((5) **Are horseless carriage license plates subject to periodic replacement?** No, the horseless carriage license plates are exempt from the vehicle license plate replacement schedule and are valid for the life of the vehicle.))~~

AMENDATORY SECTION (Amending WSR 04-08-079, filed 4/6/04, effective 5/7/04)

**WAC 308-96A-074 Collector vehicle and restored license plates.** (1) **What is a collector vehicle license plate?** For the purposes of this section, a collector vehicle license plate is a special license plate indicating "Collector Vehicle." The smaller size collector vehicle license plate is available for motorcycles. Collector vehicle owners must conform to the rules under RCW ~~((46.16.307))~~ 46.18.220.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

- (a) ~~((More than))~~ At least thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

~~((5))~~ **What are collector vehicle license plate(s) required to be replaced under RCW 46.16.233?** No, the collector vehicle license plates are exempt from the periodic vehicle license plate replacement schedule.

~~((6))~~ **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for general use in the year of the vehicle's manufacture. The restored license plate may not be a specialized license plate. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

~~((7))~~ **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle or on another vehicle.

~~((8))~~ **If I sell my vehicle may I keep my restored license plate?** Yes. The restored plate(s) may be reassigned to another qualifying vehicle.

~~((9))~~ **May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

~~((10))~~ **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department will require the certificate of ownership be submitted if that vehicle does not already have a "title purpose only" number.

~~((11))~~ **Will I be able to apply for a refund of fees I have paid if I decide to change my restored use plate to a regular issue plate?** No. There is no provision in the law to issue a refund should you decide to change to a regular issue plate.

~~((12))~~ **May I apply the fees I paid for my restored plate towards the purchase of regular issued plates?** No. Full fees must be paid for the new plates.

AMENDATORY SECTION (Amending WSR 05-01-003, filed 12/1/04, effective 1/3/05)

**WAC 308-96A-076 Law enforcement memorial special vehicle license plate series.** (1) **When ownership of a vehicle issued a law enforcement memorial license plate(s) changes, what happens to the plate(s)?** The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) **Will any new fees be charged when the law enforcement memorial license plate(s) are transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle, an additional fee for the law enforcement memorial license plate will be charged at the rate of one-twelfth of the annual law enforcement memorial license plate(s) fee for each additional month and partial month beyond the registration expiration date of the previous vehicle. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) **May law enforcement memorial license number plates be replaced with the same number if they become lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both plate(s), the owner must make application for new law enforcement memorial or other license plate(s) and pay the fees described in RCW ~~((46.16.270))~~ 46.17.200. See subsection ~~((5))~~ (4) of this section.

~~((4))~~ **Are law enforcement memorial license plate(s) subject to the vehicle license plate replacement schedule?** Yes, the law enforcement memorial license plate(s) are subject to the mandatory vehicle license plate replacement schedule in WAC 308-96A-021(8).

~~((5))~~ **When replacing law enforcement memorial license plate(s), is same license plate ((number/letter)) number and letter combination issued?** Yes. If the vehicle owner requests and pays the fees in RCW ~~((46.16.233))~~ 46.16A.200, the law enforcement memorial license plate(s) will be replaced with the same ~~((number/letter))~~ number and letter combination as shown on the vehicle computer record.

~~((6))~~ **Will my license plates that have been reported stolen be replaced with new license plates with the same ((number/letter)) number and letter combination?** If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same ~~((number/letter))~~ number and letter combination will not be issued. This is a law enforcement issue for the protection of the public.

AMENDATORY SECTION (Amending WSR 11-24-088, filed 12/7/11, effective 1/7/12)

**WAC 308-96A-077 Volunteer firefighter special vehicle license plate series.** (1) **Who may apply for the volunteer firefighters license plate(s)?** Any person that:

- Meets the requirements and has proven eligibility as per RCW 46.18.210;
- Is not requesting issue for a vehicle registered under chapter 46.87 RCW;
- Has paid all applicable fees and taxes.

The volunteer firefighters special license plate(s) will be issued upon proof of eligibility and receipt of all applicable fees.

(2) **What must be provided as proof that the applicant qualifies?** The applicant must provide documentation of service from the fire district(s) where they serve or have served.

(3) **When is proof required?** Upon initial application.



(4) **Can the volunteer firefighters special license plate(s) be retained if the applicant is no longer a volunteer firefighter?** Yes, if the license plate owner has at least ten years of service, the license plate can be retained and renewed.

(5) **If I have less than ten years of service, can I retain the plates if I am no longer a volunteer firefighter?** No, They must be surrendered at the next registration renewal date.

(6) **Is there a limit to the number of sets of license plates that a volunteer firefighter can have?** Yes, there is a maximum of two sets per applicant.

(7) **Are there any other circumstances when the volunteer firefighter plates must be surrendered?** Yes, if the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony. It is the responsibility of the license plate owner to notify the department and surrender the plates. However, if the department is notified of the conviction, the department has authority to cancel the plates under RCW ((46.12.160)) 46.12.550.

(8) **When ownership of a vehicle issued volunteer firefighters license plate(s) is transferred, what happens to the plate(s)?** The special license plate owner must remove the plate(s) from the vehicle. The plate owner may transfer the special plate(s) to a replacement vehicle by visiting a vehicle licensing office. License plate transfer and other applicable fees apply.

(9) **What fees are charged when the volunteer firefighters license plate(s) are transferred to a replacement vehicle?** If the registration expiration date for the replacement vehicle is later than the registration expiration date of the current vehicle, an abated fee for the volunteer firefighters license plate will be charged. It is charged at the rate of one-twelfth of the annual volunteer firefighters license plate(s) fee for each month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(10) ~~((Will volunteer firefighters license plate(s) ever need replacing?~~ Yes, the volunteer firefighters license plate(s) are subject to the mandatory vehicle license plate replacement schedule.

~~((+))~~ **When replacing volunteer firefighters license plate(s), is the same license plate ((number/letter)) number and letter combination issued?** No, unless the owner chooses to pay an additional fee to keep the same number. If the vehicle owner requests and pays the fees described in RCW ((46.16.233)) 46.16A.200, the volunteer firefighters license plate(s) may be replaced with the same ((number/letter)) number and letter combination as shown on the vehicle computer record.

~~((+2))~~ **(11) Will my license plates that have been reported stolen be replaced with new license plates with the same ((number/letter)) number and letter combination?** If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same ((number/letter)) number and letter combination will not be issued. This is a law enforcement issue for the protection of the public.

AMENDATORY SECTION (Amending WSR 05-01-002, filed 12/1/04, effective 1/3/05)

**WAC 308-96A-078 Professional firefighters and paramedics special vehicle license plate series.** (1) **Who may apply for the professional firefighters and paramedics (PFFP) license plate(s)?** Only members of the Washington state council of firefighters who are indicated on the vehicle record as a registered or coregistered owner of a vehicle may apply. The professional firefighters and paramedics license plate(s) will be issued upon proof of eligibility and receipt of all applicable fees.

(2) **What must be provided as proof that the applicant is a current member to the Washington state council of firefighters (WSCFF)?** A member of the Washington state council of firefighters must provide a current letter from the WSCFF and either a valid Washington state drivers license or identification card, or International Federation of Firefighters identification showing current membership.

(3) **When is proof of WSCFF membership required?** Upon initial application or vehicle registration renewal.

(4) **When ownership of a vehicle issued professional firefighters and paramedics license plate(s) is transferred, what happens to the plate(s)?** The special license plate owner must remove the plate(s) from the vehicle. The plate owner may transfer the special plate(s) to a replacement vehicle. License plate transfer fees apply.

(5) **Will any new fees be charged when the professional firefighters and paramedics license plate(s) are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle, an abated fee for the professional firefighters and paramedics license plate will be charged at the rate of one-twelfth of the annual professional firefighters and paramedics license plate(s) fee for each succeeding month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

~~((Will professional firefighters and paramedics license plate(s) ever need replacing?~~ Yes, the professional firefighters and paramedics license plate(s) are subject to the mandatory vehicle license plate replacement schedule.

~~((7))~~ **When replacing professional firefighters and paramedics license plate(s), is same license plate ((number/letter)) number and letter combination issued?** Yes. If the vehicle owner requests and pays the fees described in RCW ((46.16.233)) 46.16A.200, the professional firefighters and paramedics license plate(s) may be replaced with the same ((number/letter)) number and letter combination as shown on the vehicle computer record.

~~((8))~~ **(7) Will my license plates that have been reported stolen be replaced with new license plates with the same ((number/letter)) number and letter combination?** If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same ((number/letter)) number and letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

AMENDATORY SECTION (Amending WSR 05-01-210, filed 12/21/04, effective 1/21/05)

**WAC 308-96A-079 Helping Kids Speak special vehicle license plate series.** (1) **When ownership of a vehicle issued "Helping Kids Speak license plate(s)" is sold, traded, or otherwise transferred, what happens to the plate(s)?** The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) **Will any new fees be charged when the Helping Kids Speak license plate(s) are transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle the fee for the Helping Kids Speak plate will be charged at the rate of one-twelfth of the annual Helping Kids Speak plate(s) fee for each exceeding month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) **May Helping Kids Speak license number plates be replaced with the same number if they become lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both Helping Kids Speak license plate(s), the owner must make application for new Helping Kids Speak or other license plate(s) and pay the fees described in RCW ((46.16.270)) 46.16A.200. See note following subsection ((5)) (4) of this section.

(4) ~~((Will Helping Kids Speak license plate(s) ever need replacing? Yes, the Helping Kids Speak license plate(s) are subject to the mandatory vehicle license plate replacement schedule.~~

~~((5))~~ **When replacing Helping Kids Speak license plate(s), is the same license plate ((number/letter)) number and letter combination issued?** Yes. If the vehicle owner requests and pays the fees described in RCW ((46.16.233)) 46.16A.200, the Helping Kids Speak license plate(s) may be replaced with the same ((number/letter)) number and letter combination as shown on the vehicle computer record.

Note: If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same ((number/letter)) number and letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

AMENDATORY SECTION (Amending WSR 08-20-035, filed 9/23/08, effective 10/24/08)

**WAC 308-96A-175 Ride-sharing vehicles.** (1) **When may the department issue a ride share special license plate?** Ride share special license plates may be issued when:

The passenger motor vehicle is primarily used as a commute ride-sharing motor vehicle defined in RCW 46.74.010 (1). The vehicle owner may be issued special ride-share license plates by satisfying the provisions of RCW ((46.16.023)) 46.18.285. Any person desiring the special ride-share license plates must make application on a form approved by the department and pay all fees required by chapter 46.12 RCW and the special ride-share license plate

fee required by RCW ((46.16.023)) 46.18.285. The owner must then provide:

(a) For privately owned vehicles, a statement that the vehicle is being used as a ride-sharing vehicle; or

(b) For motor vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the motor vehicle is used as a commuter ride-sharing motor vehicle.

(c) A written statement that the motor vehicle is used for commuter ride-sharing if the passenger motor vehicle is owned, rented or leased by a government agency.

(2) **Can the ride-share license plate be transferred to another motor vehicle?** To transfer license plates to another motor vehicle, the owner must:

(a) Make application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Pay applicable fees stated in RCW ((46.16.316)) 46.17.200.

(3) **What happens when I remove or transfer special ride-share plates from my vehicle?** When you remove or transfer special ride-share license plates from one motor vehicle to another, you must:

(a) Purchase replacement license plates if the motor vehicle will be operated on public highways; and

(b) Pay applicable tax for the remaining license registration period for the vehicle.

(c) If use/sales tax was exempted but the vehicle was used less than thirty-six consecutive months as a ride-share motor vehicle, use tax is due and payable to the department of revenue.

(4) **What happens when the ride-share motor vehicle is sold or transferred to another person?**

(a) When a ride-share motor vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-share vehicle, the new owner must:

(i) Apply for a certificate of ((ownership)) title under chapter 46.12 RCW;

(ii) Apply for commuter ride-share exemption; and

(iii) Pay all required fees and taxes including the special license plate fee.

(b) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles must:

(i) Provide a statement that the motor vehicle is used as a commuter ride-share motor vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(ii) Submit a completed statement approved by the department that the motor vehicle qualifies as a commuter ride-sharing motor vehicle. If the registered owner fails to file a completed recertification form, the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

~~((5))~~ **Will I ever have to replace my ride-share vehicle license plate?** Yes, the ride-share vehicle license plates are subject to the seven-year vehicle license plate replacement schedule.)

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

**WAC 308-96A-176 Special transportation needs for ride-share vehicles.** (1) **Who may request application for special transportation needs for ride-share vehicles?** Private, nonprofit transportation providers furnishing ride share for persons with special transportation needs under chapter 81.66 RCW may be issued special ride-share license plates under RCW ((46.16.023)) 46.18.285 for passenger motor vehicles. The transportation provider must make application for special ride-share license plates on a form approved by the department. The application must include:

(a) A copy of the utilities and transportation commission's operating certificate authorizing the organization to operate in this state;

(b) Payment of all fees required under chapter 46.12 RCW; and

(c) Payment for the special ride-share license plate fee as provided in RCW ((46.16.023)) 46.18.285.

(2) **What is a passenger motor vehicle?** For purposes of this section, a passenger motor vehicle is defined as:

(a) A motor vehicle titled with a use class of PAS, but does not include a motor home;

(b) A bus with a seating capacity of fifteen or less including the driver;

(c) A cutaway, defined as a van or light truck cut off behind the cab, a bus-type body permanently affixed to the frame behind the cab, and a seating capacity of fifteen or less including the driver. A cutaway does not include a motor home; and

(d) A modified van, not more than twenty-eight feet in overall length, and a seating capacity of fifteen or less including the driver. A modified van does not include a motor home.

(3) **What happens when a transportation provider removes the special ride-share license plate or transfers the plate to another vehicle?**

(a) When the transportation provider removes the special ride-share license plates or transfers the plates to another vehicle owned by the transportation provider, replacement license plate fee, vehicle registration fee and abated RTA vehicle excise tax if necessary must be collected if the vehicle will continue to be operated on public highways. If the exemption is being removed within thirty-six consecutive months from obtaining the exemption, the full use or sales tax amount originally exempted will be due and payable to the department of revenue.

(b) If the special license plates are to be transferred to another vehicle, a new application for exemption must be filed as required under subsection (1) of this section with payment of the license plate transfer fee provided in RCW ((46.16.023(2))) 46.16A.200.

(4) **What is required to retain my ride-share exemption when I renew my registration?** When applying for registration renewal, the transportation provider must recertify that the vehicle is being used to provide transportation for persons with special transportation needs to be exempt from chapters 82.08 and 82.44 RCW. The department will provide recertification forms to registered owners of ride-share vehicles for filing with registration renewal applications.

AMENDATORY SECTION (Amending WSR 01-12-099, filed 6/6/01, effective 7/7/01)

**WAC 308-96A-202 Power units towing trailers with permanent registrations.** (1) **What determines if I pay the higher gross weight fees?**

If the declared gross weight of the power unit exceeds forty thousand pounds AND the power unit will be towing a trailer, the power unit must be licensed with a combination (CMB) or farm combination (FCB) use class. This results in higher gross weight fees.

(2) **How do I change to a CMB or FCB use class during the registration year?**

If you choose to change the use class of your power unit during the registration year, you will need to:

(a) Pay the additional gross weight fees for the remaining months of the gross weight license period currently in effect; and

(b) Immediately attach the combination decals between the lower ((~~both~~)) bolt holes on the front and rear license plates.

If the license plates were issued prior to January 1, 1987, new plates are required.

(3) **What if I change to a CMB or FCB use class at renewal time?**

If you change use class at renewal time, you will pay the gross weight fees for the new registration year. Fees are not due for the remainder of the current registration year. If the plates were issued prior to January 1, 1987, new plates are required. The combination decals assigned may not be attached to the license plates until the first day of the new registration year, when the new use class is effective.

(4) **What if I change from CMB or FCB to COM or FAR?**

If you change from CMB or FCB to COM or FAR, you will need to purchase new plates. Excess gross weight fees may be used to purchase additional months of gross weight to the end of the current registration year.

(5) **If I sell the power unit with a CMB or FCB use class, will the new owner need to purchase new plates?**

If the new owner retains the CMB or FCB use class, new plates are not required. If the use class is changed to commercial (COM) or farm (FAR), new plates are required.

(6) **If new plates are required because of the change of use class or because they were issued prior to January 1, 1987, am I required to pay replacement plate fees?**

((~~No, you would only pay the reflectorization fee in RCW 46.16.237 and plate fee in RCW 46.16.650~~)) Yes, under RCW 46.17.200.

AMENDATORY SECTION (Amending WSR 01-12-099, filed 6/6/01, effective 7/7/01)

**WAC 308-96A-203 Permanent trailer registrations.** (1) **Do I have an option of purchasing a permanent registration for my trailer to offset the higher fees on my power unit?**

Yes, if the power unit towing the trailer is properly licensed to tow a trailer with a permanent registration.

**(2) How does the power unit need to be licensed to tow a trailer with a permanent registration?**

The power unit must have a combination (CMB) or farm combination (FCB) use class.

**(3) How does the power unit qualify for the CMB or FCB use class?**

The declared gross weight of the power unit must exceed forty thousand pounds. The CMB and FCB use classes require a higher gross weight fees to offset the annual revenue loss of the permanently licensed trailer(s) the power unit is towing.

**(4) If I am not required to renew the permanent trailer registration each year, how is my registration kept updated?**

Your registration will show an expiration date of "PERM." Your vehicle record will show a current expiration date, which is updated annually((-))\_and your trailer plate will have a permanent trailer validation tab assigned to it.

**(5) Are there any restrictions on the use of the trailer with permanent plates?**

Yes, there is a restriction printed on the registration stating that the vehicle must be towed by a power unit with a CMB or FCB use class and gross weight in excess of forty thousand pounds.

**(6) How long is the permanent registration valid?**

The permanent registration is valid until ownership in the trailer changes. For purposes of this section, the following are not considered changes of ownership:

- (a) Addition or deletion of spouse or co-owner; or
- (b) Change of lessee with the same lessor.

**(7) What do I do if I want to cancel the permanent registration and register the trailer as commercial?**

You may change from CMB to COM use class at any time. You will need to pay all fees and taxes from the date of application to the expiration date shown on the vehicle record. A partial month requires a full month's fees. The license plates must be replaced when ownership changes on a trailer with CMB use class.

**(8) What type of plates do I display on a trailer with a permanent registration?**

A regular trailer plate, including a permanent trailer tab and combination decal, must be displayed on the trailer. The trailer may not display personalized or other special plates in this case.

**(9) How is the expiration date established for a permanent trailer registration?**

If the vehicle is unlicensed at the time of application, an expiration date is established based on the date of application as defined in WAC 308-96A-260. The permanent trailer plate fee is charged. If the vehicle is currently registered, either as COM or CMB, the permanent trailer plate fee is charged and the expiration date remains the same.

**(10) Do I need to get a new plate when I get a permanent trailer registration?**

If the vehicle is new, is currently registered to another owner with CMB use class, or the plate was issued prior to January 1, 1987, a new plate must be issued. If the vehicle is currently registered with a COM use class, and the plate has been issued since January 1, 1987, the permanent trailer tab and combination decal may be attached to the existing plate.

**(11) If the trailer has a permanent registration and I no longer wish to use the trailer, or I sell the trailer and the new owner does not wish to license the trailer, may a title purpose only title be issued?**

Yes, however, a title purpose only title will not eliminate the requirement for license fees to be paid. As soon as the vehicle is no longer used as a CMB trailer, license fees are due. The owner has the choice of:

- (a) Paying to change the use class to COM, in which case the registration would not need to be renewed the following year if it is not being used; or
- (b) Paying the permanent trailer registration fee one time and having the vehicle be licensed.

**(12) If I need to purchase new plates because of changing the use class or because the plates were issued prior to January 1, 1987, do I need to pay replacement plate fees?**

~~((No. You would only pay the reflectorization fee in RCW 46.16.237 and the plate fee in RCW 46.16.650))~~ Yes, under RCW 46.17.200.

AMENDATORY SECTION (Amending WSR 06-21-027, filed 10/9/06, effective 11/9/06)

**WAC 308-96A-210 Gross weight—Transfer of gross weight license to new owner. (1) Is a gross weight license transferable to a new owner at the time of transfer of ownership?**

~~((Yes. A gross weight license of twelve thousand pounds or less is transferred to a new owner at the time of transfer of ownership of the vehicle.))~~ Only for a gross weight license of fourteen thousand pounds or more. If the seller has signed off the gross weight license, the gross weight license of fourteen thousand pounds or more may be transferred to the new owner at the time of transfer of ownership of the vehicle. The seller also has the option of retaining the gross weight license to transfer to a replacement vehicle as provided in WAC 308-96A-220.

**(2) What happens if the gross weight license is neither transferred to the new owner or a replacement vehicle?**

Any gross weight credit not transferred to the new owner or to a replacement vehicle is forfeit and is not refunded.

**(3) What will be the start date of the gross weight license when transferred to the new owner?**

~~((a) The new gross weight license start date for twelve thousand pounds or less is the first day of current registration year; or~~

~~(b))~~ The new gross weight license start date for fourteen thousand pounds or more is the first day of the registration month in which application for transfer of ownership is made. A gross weight license cannot be purchased for a partial registration month. For example: If the current gross weight license start date was the 24th, the expiration is on the 23rd, and an application for transfer of ownership is made on the 17th, then the effective date of the new gross weight license is the 24th of the current registration month.

**(4) What would the new gross weight expiration date be?**

~~((a) If the current declared gross weight is twelve thousand pounds or less, the new gross weight expiration date is the same as the vehicle registration expiration date; or~~

~~((b)) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.~~

**(5) How many months' gross weight fees will I be charged when I apply for transfer of ownership?**

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of the declared gross weight amount. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW ~~((46.16.135))~~ 46.16A.455, when applicable, in addition to all other fees required to license the vehicle.

**(6) Will I receive credit for gross weight fees that have already been paid?**

If the previous owner has provided you with the signed off gross weight license, and the gross weight credit is fifteen dollars or more, you will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen, or destroyed, you must provide an affidavit of loss and a statement from the seller that the gross weight license has not been, or will not be, transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW ~~((46.16.135))~~ 46.16A.455.

AMENDATORY SECTION (Amending WSR 01-17-017, filed 8/3/01, effective 9/3/01)

**WAC 308-96A-260 Assignment of original registration year. How are registration years assigned?**

Vehicles licensed for the first time in this state will have expiration dates assigned under RCW ~~((46.16.006))~~ 46.16A.020 except as follows:

(1) Fleet vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) City, state, and county exempt vehicles using propane, butane, or natural gas will have a June 30<sup>th</sup> expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles, which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(3) Vehicles delivered on dealer temporary permits must be assigned expiration dates based on date of delivery as documented by the dealer.

(4) A February 29<sup>th</sup> expiration date will be reassigned to March 1<sup>st</sup>.

AMENDATORY SECTION (Amending WSR 09-20-078, filed 10/6/09, effective 11/6/09)

**WAC 308-96A-300 Changing assigned registration year. When will the assigned registration year of a vehicle be changed?**

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than the entire assigned registration year.

(2) The registered owner may request a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and license tab availability.

(3) When the vehicle is being added to a fleet.

(4) When ~~((a vehicle has been sold and the registration is no longer valid. (Example: When a vehicle has been sold with expired tabs, a new expiration date will be assigned at the time of registration renewal.)))~~ you took ownership of a vehicle that is being transferred, unless it met one of the exemptions in RCW 46.16A.200, or the vehicle is registered as a title purpose only or has one of the following nonstandard plates on it at the time of transfer:

(a) Horseless carriage plates;

(b) Collector vehicle plates; or

(c) Restored plates.

(5) When the registered owner is a member of the armed forces returning to Washington state after being stationed outside of Washington in accordance with RCW ~~((46.16.006))~~ 46.16A.020.

AMENDATORY SECTION (Amending WSR 13-04-007, filed 1/24/13, effective 2/24/13)

**WAC 308-96A-530 Veterans remembrance and military service award license plate emblems. (1) What license plate emblems are available?** The following license plate emblems are available:

(a) Veteran's remembrance emblems with the words "U.S. veteran";

(b) Military service award emblems in RCW 46.18.295;

(c) Distinguished Flying Cross.

(2) **Who may purchase license plate emblems?** Only persons qualified under RCW 46.18.295 may purchase license plate emblems.

(3) **What will I receive when I purchase license plate emblems?** In addition to a receipt, you will receive an emblem package including: One U.S. veteran emblem, military service award emblem, or Distinguished Flying Cross emblem; and any two of the following:

(a) Campaign ribbon remembrance emblem.

(b) U.S. flag emblem.

(4) **What campaign ribbon remembrance emblems or military service award emblems are available?** In addition to those in RCW 46.18.295, the following emblems are available:

(a) Afghanistan Campaign Medal.

(b) Armed Forces Services Medal.

(c) Iraq Campaign Medal.

(d) Korean Defense Medal.

(e) Kosovo Campaign Medal.

- (f) Merchant Marines Atlantic War Zone Medal.
- (g) Merchant Marines Middle East War Zone Medal.
- (h) Merchant Marines Pacific War Zone Medal.
- (i) National Defense Medal.
- (j) War on Terrorism Expeditionary Medal.
- (k) War on Terrorism Service Medal.

(5) **How much do license plate emblem packages cost?** License plate emblem packages cost ten dollars per package, in addition to fees authorized in RCW 46.17.040(2).

(6) **How do I display my license plate emblems?** In addition to the requirements and limitations in RCW 46.16A.210:

(a) When the veteran emblem, military service award emblem, or Distinguished Flying Cross emblem is displayed on a license plate, it must be displayed between the bottom license plate bolt holes;

(b) U.S. flags and emblems described in subsection (4) of this section must be displayed on the outside of each bottom license plate bolt hole. No more than two flags or small emblems may be affixed to any one license plate;

(c) For two-plated vehicles, you may display the emblems on either the front or rear license plate. You may buy a second package if you want to display emblems on both license plates.

Note: When a license plate displaying veteran's remembrance emblems is transferred to a new owner, the emblems must be removed.

(7) **Do the license plate emblems on my front license plate have to match the emblems on the rear license plate?** No, emblems displayed on the front license plate do not need to match emblems displayed on the rear license plate.

(8) **May I obtain a replacement or additional license plate emblem package?** Yes:

(a) If you choose to purchase an additional set, you will be charged the fee in subsection (5) of this section; or

(b) When the original emblems become faded or unrecognizable, you may obtain a replacement set at no fee ~~(see~~

~~(c) When the license plates are replaced as required by the mandatory plate replacement law, you may obtain a replacement set at no fee).~~

AMENDATORY SECTION (Amending WSR 13-23-056, filed 11/15/13, effective 12/16/13)

**WAC 308-96A-545 Gold Star license plate.** (1) **What is a Gold Star license plate?** The Gold Star license plate recognizes the eligible family members of United States armed forces members who have died while in service to their country or as a result of such service.

(2) **Who qualifies as an eligible family member of a member of the United States armed forces?** Eligible family members are listed in RCW 46.18.245. For purposes of this section, a widow or widower includes the surviving member of a registered domestic partnership.

(3) **What is required to purchase a Gold Star plate?** A copy of the certification letter to a qualifying widow, widower, parent, or child provided by the Washington state department of veterans affairs (WDVA) is required. The let-

ter will be used in addition to a special plate application to purchase the plate. No other documentation is required.

(4) **Can a Gold Star plate be transferred to a new owner?** No. The plate may only be transferred to a vehicle owned by the same registered owner who was certified as a qualifying widow, widower, parent, or child by WDVA. The plate cannot be transferred to a different registered owner. If the widow, widower, parent, or child transfers the plate to a new car registered to them, they are required to pay the plate transfer fee.

(5) **What fees are required to purchase the plate?** There is no special plate fee or special plate renewal fee for the Gold Star plate. The registered owner must pay all licensing and filing fees.

~~(6) **Is the plate subject to the mandatory plate replacement?** Yes, the plate must be replaced every seven years due to mandatory plate replacement requirements. Customers will not be charged the plate replacement fees, or the fee to keep their same number.~~

~~(7) **Can a Gold Star plate background be personalized?** Yes. A Gold Star plate background can be personalized; however, the customer is required to pay all fees associated with a personalized plate original purchase or renewal.~~

~~((8)) **7 Is a commercial vehicle eligible for a Gold Star plate as long as it is in the name of the qualifying widow, widower, parent, or child and not a business name?** Yes.~~

~~((9)) **8 Can a prorated vehicle display a Gold Star plate if the vehicle is under the name of the widow, widower, parent, or child that is eligible for this plate?** No per chapter 46.87 RCW.~~

AMENDATORY SECTION (Amending WSR 11-01-118, filed 12/20/10, effective 1/20/11)

**WAC 308-96A-550 Vehicle special collegiate license plates.** (1) **What are the criteria for establishing collegiate license plates?** Application for license plate series from an institution of higher education under RCW ~~((46.16.324))~~ 46.18.225 may be submitted to the department through the process established in RCW ~~((46.16.735 and 46.16.745))~~ 46.18.100 and 46.18.110. In addition the following criteria must be satisfied:

(a) The plates will consist of numbers, letters, colors, and a symbol or artwork approved by the department.

(b) The numbers and letters combination may not exceed seven positions.

(c) The plate series will not conflict with existing license plates.

(d) The plate design must provide at least four positions to accommodate serial numbering.

(e) The plate must not carry connotations which are offensive to good taste or decency, which may be misleading or vulgar in nature, a racial, ethnic, lifestyle, or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16A RCW.

(f) The plate must be designed so that it is legible and clearly identifiable by law enforcement personnel as an offi-

cial Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration including special, personalized, or exempt license plate(s). A collegiate license plate design may be issued in combination with a personalized plate as described in RCW ((46.16.604)) 46.18.277.

(2) **How is the design for a collegiate plate determined?** The institution of higher education must provide a design, including color and dimension specifications of the logo requested on the special collegiate license plate series, with their application. Design services may be purchased through the department. The design must be legible and clearly identifiable as a Washington state plate to be approved by the department, Washington state patrol, and the legislature.

(3) **Who may apply for the special collegiate license plate?** Upon receipt of all applicable fees, the special collegiate license plate will be issued to a registered owner of the vehicle.

(4) **When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates?** The owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle, a transfer fee to another vehicle shall be charged as provided in RCW ((46.16.316)) 46.17.200(1).

(5) **Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund will not be made for the remaining registration period.

(6) **Will I be able to retain my current collegiate license plate ((number/letter)) number and letter combination if my plate is lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate plates or other license plates and pay the fees described in RCW ((46.16.270 and 46.16.233)) 46.17.200 as applicable. See note following subsection ((9)) (8) of this section.

(7) ~~((Will I ever have to replace my collegiate license plate? Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.~~

~~((8))~~ **How does the department define "current license plate registration"?** For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

~~((9))~~ (8) **When I am required to replace my collegiate license plate, will I receive the same license plate ((number/letter)) number and letter combination?** Yes. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same ~~((number/letter))~~ number and letter combination as shown on the current

vehicle computer record as long as the plate meets a current approved license plate configuration and background.

**WSR 15-06-062**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed March 4, 2015, 9:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-17-120 on August 20, 2014.

Title of Rule and Other Identifying Information: Amendments to recreational fishing rules - technical edits for clarity and accuracy: WAC 220-56-100 Definitions—Personal-use fishing, 220-56-112 Sampling data and tag recovery, 220-56-115 Angling gear—Lawful and unlawful acts, 220-56-175 Catch record cards, 220-56-500 Game fish seasons—General rules, and 232-12-166 Northern squawfish sport-reward fishery Columbia and Snake rivers.

Hearing Location(s): Capital Events Center, 6005 Tye Drive S.W., Tumwater, WA 98512, on April 9-10, 2015, at 8:30 a.m.

Date of Intended Adoption: On or after April 17, 2015.

Submit Written Comments to: Joanna Eide, Washington Department of Fish and Wildlife (WDFW) Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Rules.Coordinator@dfw.wa.gov, fax (360) 902-2155, by April 3, 2015.

Assistance for Persons with Disabilities: Contact Tami Lininger by March 27, 2015, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule proposal makes technical changes and edits to update recreational fishing rules to ensure rule clarity, accuracy, and functionality.

Reasons Supporting Proposal: WDFW needs these changes to increase efficiency, functionality, and clarity of the rules within WDFW's administrative code. The changes also update rules, removing a reference to the former department of fisheries and correcting the reference to "Northern squawfish" in WAC 232-12-166 to the correct name for the fish: "Northern pikeminnow." The proposal is part of WDFW's larger efforts in the WAC overhaul project to streamline, update, and reorganize WDFW's administrative code.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This rule proposal will receive a public hearing at the April 9-10, 2015, fish and wildlife commission public meeting. More information on the agenda for the meeting, including the public hearing and briefing on this proposal, is

available at <http://wdfw.wa.gov/commission/meetings/2015/index.html>.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Joanna Eide, 1111 Washington Street S.E., Olympia, WA 98501, (360) 902-2403; and Enforcement: Steve Crown, 1111 Washington Street S.E., Olympia, WA 98501, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rule changes address recreational fishing rules and are technical in nature; they do not impact small business.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not involve hydraulics.

March 4, 2015  
Joanna M. Eide  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-05-082, filed 2/16/12, effective 3/18/12)

**WAC 220-56-100 Definitions—Personal-use fishing.**

The following definitions apply to personal use fishing rules in Titles 220 and 232 WAC:

(1) "Anadromous game fish" means steelhead, sea-run cutthroat trout, and sea-run Dolly (~~(Varden/bull))~~ Varden and bull trout.

(2) "Anti-snagging rule" means:

(a) Except when fishing with a buoyant lure (with no weights added to the lure or line) or trolling from a vessel or floating device, terminal fishing gear is limited to a lure or bait with one single point hook.

(b) Only single point hooks measuring not more than 3/4 inch from point to shank may be used and all hooks must be attached to or below the lure or bait.

(c) Weights may not be attached below or less than 12 inches above the lure or bait.

(3) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(4) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(5) "Bass" means largemouth and smallmouth bass.

(6) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(7) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(8) "Buoyant lure" means a lure that floats on the surface of freshwater when no additional weight is applied to the line or lure, and when not being retrieved by a line.

(9) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(10) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(11) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(12) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(13) "Frozen" means fish or shellfish that are hard frozen throughout.

(14) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(15) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish having a clipped adipose fin or a clipped ventral fin with a healed scar at the location of the clipped fin. A hatchery salmon is a salmon having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.

(16) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(17) "Hook and line" or "angling" (~~(shall be)~~) are identical in meaning and, except as provided in WAC 220-56-115, (~~(shall be)~~) are defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" (~~(shall be)~~) are identical in meaning.

(18) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(19) "Juvenile" means a person under fifteen year of age.

(20) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(21) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(22) "Opening day of lowland lake season" means the fourth Saturday in April.

(23) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(24) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.



(25) "Steelhead license year limit" means the maximum number of steelhead trout any one angler may retain from April 1st through the following March 31st.

(26) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks and bait is prohibited. Up to three hooks may be used. Only knotless nets may be used to land fish. In waters under selective gear rules, fish may be released until the daily limit is retained.

(27) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(28) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(29) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(30) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(31) "Steelhead" means sea-run rainbow trout over twenty inches in length.

(32) "Trolling" means a method of fishing from a vessel or floating device that is underway and under power.

(33) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(34) "Trout" means brown trout, bull trout, cutthroat trout, Dolly Varden, Eastern brook trout, golden trout, grayling, Kokanee (silver trout), lake trout, rainbow trout, tiger trout, and, in WAC ((~~232-28-619~~) 220-310-175 through 220-310-200, salmon from waters designated as "landlocked salmon rules apply."

(35) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(36) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(37) "Wild" when used to describe a salmon (Chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

(38) "Wild cutthroat release" means it is unlawful to retain any cutthroat trout that does not have a clipped adipose fin and a healed scar at the location of the clipped fin.

(39) "Wild steelhead release" means it is unlawful to retain any steelhead that does not have a clipped adipose or ventral fin and a healed scar at the location of the clipped fin.

AMENDATORY SECTION (Amending WSR 82-07-047, filed 3/18/82)

**WAC 220-56-112 Sampling data and tag recovery.** It is unlawful for any person to fail to comply with the directions of authorized department ((~~of fisheries~~)) personnel related to the collection of sampling data or material from

salmon or other food fish. It is also unlawful for any person to fail to relinquish upon request to the department any fish tag or any part of a salmon or other food fish containing coded wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

AMENDATORY SECTION (Amending WSR 13-06-070, filed 3/6/13, effective 4/6/13)

**WAC 220-56-115 Angling gear—Lawful and unlawful acts.** (1) It is unlawful for any person to use more than one line while angling for personal use, except:

(a) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in lakes, ponds, and reservoirs open to fishing unless listed as an exception in WAC 220-55-220. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in rivers and marine areas as noted in WAC 220-55-220 and ((~~232-28-619~~) 220-310-175 through 220-310-200.

(b) A second line using forage fish jigger gear is permissible while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(c) When fishing outside 3 miles from shore in Pacific Ocean waters for tuna species, anglers are not restricted on the number of rods or lines fished per angler, provided that no other species are possessed onboard the vessel. A violation of this subsection is an infraction, punishable under RCW 77.15.160, Infractions.

(2) It is unlawful for any person to take, fish for, or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel, except:

(a) It is unlawful to fish for or possess salmon taken for personal use with hand lines in marine waters of Puget Sound east of the mouth of the Sekiu River and in Washington waters at the mouth of the Columbia River east of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(b) It is permissible to leave a pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(c) It is permissible to use an electric power-operated reel designed for sport fishing attached to a pole.

(3) It is unlawful for any person while angling to fail to keep his angling gear under his or her direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed anglers and juvenile anglers aboard has been retained.

(5) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish or shellfish. If the person has harvested fish or shellfish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

(6) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 09-02-069, filed 1/6/09, effective 2/6/09)

**WAC 220-56-175 Catch record cards.** It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) ~~((In order to fish for or possess for personal use any Dungeness crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line, and in Catch Record Card Areas 5-13,))~~ An angler must obtain and have in his or her personal possession a valid and appropriate Puget Sound Dungeness crab catch record card as described in WAC 220-69-236 to fish for or possess for personal use any Dungeness crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line, and in Catch Record Card Areas 5-13.

(2) ~~((In order to fish for or possess for personal use any anadromous salmon, sturgeon, halibut, or steelhead,))~~ An angler must obtain and have in his or her personal possession a valid and appropriate catch record card as described in WAC 220-69-236 ~~((The only exception is for))~~ to fish for or possess for personal use any anadromous salmon, sturgeon, halibut, or steelhead except a catch record card is not required for:

(a) Commercially caught salmon retained for personal use, as provided ~~((for))~~ in WAC 220-20-016, and commercially caught sturgeon retained for personal use, as provided ~~((for))~~ in WAC 220-20-021 ~~((Also, a catch record card is not required for)); and~~

(b) Landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC ~~((232-28-619))~~ 220-310-175 through 220-310-200.

(3) ~~((To validate their catch record cards,))~~ Anglers must completely, accurately, and legibly complete all personal identification information in ink on the catch record card before detaching the card from its underlying copy or, for automated licenses, affixing the appropriate validation sticker to the catch record card to validate a catch record card. A catch record card remains valid as long as there is one or more unfilled spaces available for the species being fished for, except:

(a) ~~((In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington,))~~ A catch record card remains valid for catch-and-release sturgeon fishing when the sturgeon portion of the card is full in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington.

(b) ~~((A person may not))~~ It is unlawful to use a second or subsequent catch record card to retain sturgeon ~~((and))~~ or wild steelhead after the first card is full.

(4) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, anglers must enter, in ink, in the appropriate space on the card, the place, date of catch, and species (catch type). For sturgeon, anglers also must record the length of the fish; for halibut, anglers also must record the vessel type; and for salmon, anglers also must indicate whether or not the fish was marked by having clipped adipose fins.

(5) Immediately upon retaining a Puget Sound Dungeness crab aboard a vessel or on the shore, ~~((a))~~ fishers must enter, in ink, in the appropriate space on the Puget Sound Dungeness crab catch record card, the place and date of catch, the fishery type, and a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher must enter the total number of crab tally marks for each fishery type.

(6)(a) Every person issued a catch record card must, by April 30 of the year after they used the card, return the card to the department of fish and wildlife. People issued a Puget Sound Dungeness crab catch record card must return the card to the Washington department of fish and wildlife or report the card information at the designated internet site by the dates indicated on the card.

(b) ~~((Effective December 1, 2009, and thereafter,))~~ Failure to return a Dungeness crab catch record card or to report the Dungeness crab catch record card information at the designated internet site by the dates indicated on the card will result in a ten-dollar administrative fee. The administrative fee will be collected from anglers when they acquire a subsequent Puget Sound Dungeness crab endorsement.

(7) Any person possessing a catch record card must show the card to any law enforcement officer or authorized department employee who asks to inspect the card.

(8) A catch record card must not be transferred, borrowed, altered, or loaned to another person, ~~((unless pursuant to Substitute Senate Bill No. 6260, effective June 12, 2008))~~ except as authorized under RCW 77.32.565.

AMENDATORY SECTION (Amending WSR 13-20-021, filed 9/23/13, effective 10/24/13)

**WAC 220-56-500 Game fish seasons—General rules.** It is unlawful to fish for game fish except during the seasons and times below.

(1) Freshwater lakes, ponds and reservoirs: Open year-round except as provided for in WAC ~~((232-28-619))~~ 220-310-175 through 220-310-200.

(2) Freshwater rivers, streams, and beaver ponds:

(a) Rivers, streams, and beaver ponds that drain into Puget Sound, the Strait of Juan de Fuca, Pacific Ocean (excluding the Columbia River), Grays Harbor, and Willapa Bay are closed to fishing for game fish unless otherwise provided ~~((for))~~ in department rule.

(b) All ~~((other))~~ rivers, streams, and beaver ponds listed in WAC 220-310-175 through 220-310-200: Open the first Saturday in June through October 31 except as otherwise pro-

vided for in WAC (~~(232-28-619)~~) 220-310-175 through 220-310-200.

(3) Saltwater (all waters downstream and seaward of the mouths of rivers and streams generally defined in WAC 220-16-245 and specifically defined in WAC 220-56-105): Open year-round, except:

(a) Lake Washington Ship Canal - Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) Toliva Shoal - Waters within 500 yards of the Toliva Shoal buoy are closed waters from June 16 through April 30.

(c) Freshwater Bay - Waters south of a line from Angeles Point westerly to Observatory Point are closed July 1 through October 31.

(d) Tulalip Bay - Waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed waters.

(e) Agate Pass - Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to game fish angling from January 1 through March 31; however, a person can fish with gear meeting the fly-fishing-only requirements of WAC 220-56-210 as long as he or she does not use lead-core fly line. It is unlawful to retain any fish taken during the period January 1 through March 31.

(f) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek, and waters within the channel created when tidelands are exposed, are closed the entire year.

However, persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-55-065 may fish from the ADA-access site at the Hoodsport Salmon Hatchery, as long as such persons follow all department rules that apply to the adjoining waters of Marine Area 12.

(4) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested game fish. If the person has harvested game fish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the game fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

**AMENDATORY SECTION** (Amending WSR 99-03-029, filed 1/13/99, effective 2/13/99)

**WAC 232-12-166 Northern (~~(squawfish)~~) pikeminnow sport-reward fishery Columbia and Snake rivers.** The Washington department of fish and wildlife shall administer a bounty voucher program for Northern (~~(squawfish)~~) pikeminnow (*Ptychocheilus oregonensis*) taken by legal fishing methods, in waters open to fishing, from the mouth of the Columbia River to the boundary markers 650 feet below the fish ladders at Priest Rapids Dam; from the mouth of the Snake River to the boat restricted zone below Hells Canyon Dam, and from the backwaters and sloughs as well as up to 400 feet into the tributaries of the reaches listed above on the Columbia and Snake rivers. (~~(In addition,)~~) The following requirements (~~(shall)~~) must be met to qualify for a voucher:

(~~(a)~~) (1) Each angler must register in person, prior to fishing, at one of the registration stations each fishing day. A fishing day is a 24-hour period from 9:01 p.m. through 9:00 p.m. of the following day;

(~~(b)~~) (2) Each angler, in person must exchange their eligible Northern (~~(squawfish)~~) pikeminnow for a voucher during the posted hours, and at the same registration station where the angler registered during the same fishing day;

(~~(c)~~) (3) Each Northern (~~(squawfish)~~) pikeminnow must be eleven inches or longer in total length and presented in fresh condition or alive;

(~~(d)~~) (4) Anglers (~~(shall)~~) must provide information regarding their catch as requested by department personnel at the registration site and mail in survey forms; and

(~~(e)~~) (5) Anglers (~~(shall obtain)~~) must possess a valid Washington state fishing license and must use a single rod, reel, and line with up to three hooks with no more than three points each.

**WSR 15-06-063**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed March 4, 2015, 9:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-21-160 on October 22, 2014.

Title of Rule and Other Identifying Information: WAC 220-56-230 Bottomfish and halibut—Closed areas and 220-56-235 Possession limits—Bottomfish.

Hearing Location(s): Capital Events Center, 6005 Tye Drive S.W., Tumwater, WA 98512, on April 9-10, 2015, at 8:30 a.m.

Date of Intended Adoption: On or after April 17, 2015.

Submit Written Comments to: Joanna Eide, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Rules.Coordinator@dfw.wa.gov, fax (360) 902-2155, by April 3, 2015.

Assistance for Persons with Disabilities: Contact Tami Lininger by March 27, 2015, (360) 902-2207 or TTY 1-800-833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule change will allow a fishery for flatfish species in the portion of Quilcene and Dabob bays north of a line projected due east from Whitney Point to the Toandos Peninsula. Fishing will only be allowed in waters shallower than one hundred twenty feet deep.

Reasons Supporting Proposal: To allow limited increases to recreational fishing opportunity in areas where such effort will have negligible impact on Endangered Species Act listed rockfish and other species of concern.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.013, 77.04.055, 77.04.045, and 77.12.047.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This rule proposal will receive a public hearing at the April 9-10, 2015, fish and wildlife commission public meeting. More information on the agenda for the meeting, including the public hearing and briefing on this proposal, is available at <http://wdfw.wa.gov/commission/meetings/2015/index.html>.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Dayv Lowry, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2717; Implementation: Jim Scott, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2651; and Enforcement: Steven Crown, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule proposal only addresses recreational fishing opportunities and does not impact small business.

A cost-benefit analysis is not required under RCW 34.05.328. This rule proposal does not involve hydraulics.

March 4, 2015  
 Joanna M. Eide  
 Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 10-07-105, filed 3/19/10, effective 5/1/10)

**WAC 220-56-230 Bottomfish and halibut—Closed areas.** (1) It is unlawful to take, fish for, retain, or possess bottomfish or halibut taken for personal use from within the following areas:

(a) An eastward-facing C-shaped closed area defined as: Beginning at 48°N, 124°59'W; thence to 48°N, 125°18'W; thence to 48°18'N, 125°18'W; thence to 48°18'N, 124°59'W; thence to 48°11'N, 124°59'W; thence to 48°11'N, 125°11'W; thence to 48°04'N, 125°11'W; thence to 48°04'N, 124°59'W; thence to the point of origin.

(b) The "Westport Offshore Recreational YRCA" closed area, defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed: Beginning at 46°54.30'N, 124°53.40'W; thence to 46°54.30'N, 124°51.00'W; thence to 46°53.30'N, 124°51.00'W; thence to 46°53.30'N, 124°53.40'W, thence to the point of origin.

(c) The "South Coast Recreational YRCA" closed area, defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed: Beginning at 46°58.00'N, 124°48.00'W; thence to 46°55.00'N, 124°48.00'W; thence to 46°55.00'N, 124°49.00'W; thence to 46°58.00'N, 124°49.00'W; thence to the point of origin.

~~((d) Marine Area 12.)~~

(2) In Marine Area 4 east of the westernmost point of Cape Flattery(;) ~~and~~ Marine Area 5 through ~~((11 and))~~ 13, it is unlawful to take, fish for, retain, or possess bottomfish taken for personal use except from within the following areas:

(a) In Marine Area 4 east of the westernmost point of Cape Flattery, Marine Area 5, and Marine Area 6 west of the easternmost point of Dungeness Spit: Waters inside of an area approximating 120 feet (20 fathoms) described by following the coordinates: 124°44.20'W, 48°23.90'N; 124°40.00'W, 48°24.10'N; 124°36.46'W, 48°23.61'N; 124°21.24'W, 48°17.71'N; 124°14.43'W, 48°15.96'N; 124°02.02'W, 48°11.91'N; 123°34.51'W, 48°09.93'N; 123°31.13'W, 48°11.02'N; 123°24.13'W, 48°08.53'N; 123°06.02'W, 48°11.45'N; 123°06.02'W, 48°08.22'N.

(b) In the remaining portion of Marine Area 6, and Marine Areas 7 ~~((--))~~ through 11 and 13: Waters shallower than 120 feet (20 fathoms).

(c) In Marine Area 12 north of a true east line from Whitney Point to the Toandos Peninsula: Waters shallower than 120 feet (20 fathoms).

(3) It is unlawful to take, fish for, retain, or possess rockfish taken for personal use from Marine Areas 6 ~~((--and))~~ through 13.

**AMENDATORY SECTION** (Amending WSR 13-19-007, filed 9/5/13, effective 10/6/13)

**WAC 220-56-235 Possession limits—Bottomfish.** It is unlawful to fish for, retain, or possess sixgill, sevengill, or thresher sharks. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time may not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided, bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4): Limit 12 fish total, except limit 10 fish total east of the Bonilla-Tatoosh line, of all species and species groups of bottomfish, which may include no more than:

(a) Lingcod: 2 fish. Minimum length is 22 inches in Catch Record Card Areas 1 through 4.

(b) Rockfish: 10 fish. Release all canary and yelloweye rockfish. In Marine Area 4 east of the Bonilla-Tatoosh line: 6 fish. Only black or blue rockfish may be retained.

(c) Wolf-eel: 0 fish from Catch Record Card Area 4.

(d) Cabezon:

(i) Marine Areas 1 through 3: 2 fish.

(ii) Marine Area 4: 1 fish; the minimum size limit is 18 inches.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish in Marine Area 5 except	1 fish May 1 through September 30. Only black or blue rockfish may be retained.
----------------------------------	---

in Marine Area 5 west of Slip Point	3 fish. Only black or blue rockfish may be retained.
-------------------------------------	--

in Marine Area 6.	0 fish
-------------------	--------

Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7: 15 fish total for all species of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 11 and 13: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pacific hake	0 fish

(d) Catch Record Card Area 12: ~~((Closed))~~ 15 fish total for all species and species groups of bottomfish, which may include no more than:

<u>Rockfish</u>	<u>0 fish</u>
<u>Surfperch</u>	<u>0 fish</u>
<u>Pacific cod</u>	<u>0 fish</u>
<u>Pollock</u>	<u>0 fish</u>
<u>Flatfish (except halibut)</u>	<u>15 fish</u>
<u>Lingcod</u>	<u>0 fish</u>
<u>Wolf-eel</u>	<u>0 fish</u>
<u>Cabezon</u>	<u>0 fish</u>
<u>Pacific hake</u>	<u>0 fish</u>

(e) It is unlawful to possess lingcod taken by angling that are under 26 inches in length or over 36 inches in length. It is

unlawful to possess lingcod taken by spear fishing that are over 36 inches in length.

(f) In Marine Areas 5 through 11 and 13, the minimum size limit for cabezon is 18 inches. All cabezon must be released in Catch Record Card Areas 5 through 11 and 13 from December 1 through April 30.

(g) In Catch Record Card Area 5, the daily limit for rockfish is the first legal rockfish caught, except that west of Slip Point, the daily limit for rockfish is the first three legal rockfish caught. Only black or blue rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

(h) In Catch Record Card Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.

**WSR 15-06-064**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**  
 (Washington Apple Health)  
 [Filed March 4, 2015, 9:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-146.

Title of Rule and Other Identifying Information: WAC 182-550-3830 Adjustments to inpatient rates.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Pear Conference Room, CSP 107, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at [http://www.hca.wa.gov/documents/directions\\_to\\_csp.pdf](http://www.hca.wa.gov/documents/directions_to_csp.pdf) or directions can be obtained by calling (360) 725-1000), on April 21, 2015, at 10:00 a.m.

Date of Intended Adoption: Not sooner than April 22, 2015.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax (360) 586-9727, by 5:00 p.m., on April 21, 2015.

Assistance for Persons with Disabilities: Contact Kelly Richters by April 13, 2015, TTY (800) 848-5429 or (360) 725-1307 or e-mail [kelly.richters@hca.wa.gov](mailto:kelly.richters@hca.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To improve clarity of the agency's disproportionate share hospital criteria.

Reasons Supporting Proposal: The new language would clarify how in-state hospitals qualify for rate enhancement.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05160 [41.05.160].

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1408; Implementation and Enforcement: Tracy

Sayre, P.O. Box 45500, Olympia, WA 98504-5500, (360) 725-1835.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The joint administrative [rules] review committee has not requested the filing of a small business economic impact statement, and these rules do not impose a disproportionate cost impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

March 4, 2015  
Jason R. P. Crabbe  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 14-22-003, filed 10/22/14, effective 11/22/14)

**WAC 182-550-3830 Adjustments to inpatient rates.**

(1) The medicaid agency updates all the following components of a hospital's specific diagnosis-related group (DRG) factor and per diem rates between rebasing periods:

(a) Effective July 1st of each year, the agency updates all of the following:

- (i) Wage index adjustment;
- (ii) Direct graduate medical education (DGME); and
- (iii) Indirect medical education (IME).

(b) Effective January 1, 2015, the agency updates the sole community hospital adjustment.

(2) The agency does not update the statewide average DRG factor between rebasing periods, except:

(a) To satisfy the budget neutrality conditions in WAC 182-550-3850; and

(b) When directed by the legislature.

(3) The agency updates the wage index to reflect current labor costs in the core-based statistical area (CBSA) where a hospital is located. The agency:

(a) Determines the labor portion by multiplying the base factor or rate by the labor factor established by medicare; then

(b) Multiplies the amount in (a) of this subsection by the most recent wage index information published by the Centers for Medicare and Medicaid Services (CMS) when the rates are set; then

(c) Adds the nonlabor portion of the base rate to the amount in (b) of this subsection to produce a hospital-specific wage adjusted factor.

(4) DGME. The agency obtains DGME information from the hospital's most recently filed medicare cost report that is available in the CMS health care cost report information system (HCRIS) dataset.

(a) The hospital's medicare cost report must cover a period of twelve consecutive months in its medicare cost report year.

(b) If a hospital's medicare cost report is not available on HCRIS, the agency may use the CMS Form 2552-10 to calculate DGME.

(c) ~~(In the case where)~~ If a hospital has not submitted a CMS medicare cost report in more than eighteen months

from the end of the hospital's cost reporting period, the agency considers the current DGME costs to be zero.

(d) The agency calculates the hospital-specific DGME by dividing the DGME cost reported on worksheet B, part 1 of the CMS cost report by the adjusted total costs from the CMS cost report.

(5) IME. The agency sets the IME adjustment equal to the "IME adjustment factor for Operating PPS" available in the most recent CMS final rule impact file (~~(available)~~) on CMS's web site as of May 1st of the rate-setting year.

(6)(a) Effective January 1, 2015, the agency multiplies the hospital's specific conversion factor and per diem rates by 1.25 if the hospital meets the ~~((agency's sole community hospital))~~ criteria in this subsection.

(b) The agency considers an in-state hospital to ~~((be a sole community hospital))~~ qualify for the rate enhancement if all of the following conditions apply. The hospital must:

(i) Be certified by CMS as a sole community hospital as of January 1, 2013~~((-))~~;

(ii) Have a level III adult trauma service designation from the department of health as of January 1, 2014~~((-))~~;

(iii) Have less than one hundred fifty acute care licensed beds in fiscal year 2011~~((-))~~; and

(iv) Be owned and operated by the state or a political subdivision.

(v) Not ~~((qualify for))~~ participate in the certified public expenditures (CPE) payment program defined in WAC 182-550-4650.

**WSR 15-06-067**

**PROPOSED RULES**

**HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed March 4, 2015, 10:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-22-042.

Title of Rule and Other Identifying Information: WAC 182-535-1084 Dental-related services—Covered—Restorative services, 182-535-1090 Dental-related services—Covered—Prosthodontics (removable), 182-535-1094 Dental-related services—Covered—Oral and maxillofacial surgery services, 182-535-1098 Dental-related services—Covered—Adjunctive general services, 182-535-1099 Dental-related services for clients of the developmental disabilities administration of the department of social and health services, and 182-535-1100 Dental-related services—Not covered.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Pear Conference Room, CSP 107, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at [http://www.hca.wa.gov/documents/directions\\_to\\_csp.pdf](http://www.hca.wa.gov/documents/directions_to_csp.pdf) or directions can be obtained by calling (360) 725-1000), on April 7, 2015, at 10:00 a.m.

Date of Intended Adoption: Not sooner than April 8, 2015.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax (360) 586-9727, by 5:00 p.m., on April 7, 2015.

Assistance for Persons with Disabilities: Contact Kelly Richters by March 30, 2015, TTY (800) 848-5429 or (360) 725-1307 or e-mail [kelly.richters@hca.wa.gov](mailto:kelly.richters@hca.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is adding and removing language to clarify policy and is correcting a typographical error.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1348; Implementation and Enforcement: Dianne Baum, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1590.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has analyzed the proposed rules and concludes they do not impose more than minor costs for affected small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

March 4, 2015  
Jason R. P. Crabbe  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535-1084 Dental-related services—Covered—Restorative services.** Clients described in WAC 182-535-1060 are eligible for the dental-related restorative services listed in this section, subject to coverage limitations, restrictions, and client age requirements identified for a specific service.

(1) **Amalgam and resin restorations for primary and permanent teeth.** The agency considers:

(a) Tooth preparation, acid etching, all adhesives (including bonding agents), liners and bases, polishing, and curing as part of the restoration.

(b) Occlusal adjustment of either the restored tooth or the opposing tooth or teeth as part of the amalgam restoration.

(c) Restorations placed within six months of a crown preparation by the same provider or clinic to be included in the payment for the crown.

(2) **Limitations for all restorations.** The agency:

(a) Considers multiple restoration involving the proximal and occlusal surfaces of the same tooth as a multisurface restoration, and limits reimbursement to a single multisurface restoration.

(b) Considers multiple (~~preventive~~) restorative resins, flowable composite resins, or resin-based composites for the occlusal, buccal, lingual, mesial, and distal fissures and grooves on the same tooth as a one-surface restoration.

(c) Considers multiple restorations of fissures and grooves of the occlusal surface of the same tooth as a one-surface restoration.

(d) Considers resin-based composite restorations of teeth where the decay does not penetrate the dentoenamel junction (DEJ) to be sealants. (See WAC 182-535-1082(4) for sealant coverage.)

(e) Reimburses proximal restorations that do not involve the incisal angle on anterior teeth as a two-surface restoration.

(f) Covers only one buccal and one lingual surface per tooth. The agency reimburses buccal or lingual restorations, regardless of size or extension, as a one-surface restoration.

(g) Does not cover preventive restorative resin or flowable composite resin on the interproximal surfaces (mesial or distal) when performed on posterior teeth or the incisal surface of anterior teeth.

(h) Does not pay for replacement restorations within a two-year period unless the restoration has an additional adjoining carious surface. The agency pays for the replacement restoration as one multisurface restoration per client, per provider or clinic. The client's record must include X rays and documentation supporting the medical necessity for the replacement restoration.

(3) **Additional limitations on restorations on primary teeth.** The agency covers:

(a) A maximum of two surfaces for a primary first molar. (See subsection (6) of this section for a primary first molar that requires a restoration with three or more surfaces.) The agency does not pay for additional restorations on the same tooth.

(b) A maximum of three surfaces for a primary second molar. (See subsection (6) of this section for a primary posterior tooth that requires a restoration with four or more surfaces.) The agency does not pay for additional restorations on the same tooth.

(c) A maximum of three surfaces for a primary anterior tooth. (See subsection (6) of this section for a primary anterior tooth that requires a restoration with four or more surfaces.) The agency does not pay for additional restorations on the same tooth after three surfaces.

(d) Glass ionomer restorations for primary teeth, only for clients five years of age and younger. The agency pays for these restorations as a one-surface, resin-based composite restoration.

(4) **Additional limitations on restorations on permanent teeth.** The agency covers:

(a) Two occlusal restorations for the upper molars on teeth one, two, three, fourteen, fifteen, and sixteen if, the restorations are anatomically separated by sound tooth structure.

(b) A maximum of five surfaces per tooth for permanent posterior teeth, except for upper molars. The agency allows a maximum of six surfaces per tooth for teeth one, two, three, fourteen, fifteen, and sixteen.

(c) A maximum of six surfaces per tooth for resin-based composite restorations for permanent anterior teeth.

(5) **Crowns.** The agency:

(a) Covers the following indirect crowns once every five years, per tooth, for permanent anterior teeth for clients fifteen to twenty years of age when the crowns meet prior authorization criteria in WAC 182-535-1220 and the provider follows the prior authorization requirements in (c) of this subsection:

(i) Porcelain/ceramic crowns to include all porcelains, glasses, glass-ceramic, and porcelain fused to metal crowns; and

(ii) Resin crowns and resin metal crowns to include any resin-based composite, fiber, or ceramic reinforced polymer compound.

(b) Considers the following to be included in the payment for a crown:

(i) Tooth and soft tissue preparation;

(ii) Amalgam and resin-based composite restoration, or any other restorative material placed within six months of the crown preparation. Exception: The agency covers a one-surface restoration on an endodontically treated tooth, or a core buildup or cast post and core;

(iii) Temporaries, including but not limited to, temporary restoration, temporary crown, provisional crown, temporary prefabricated stainless steel crown, ion crown, or acrylic crown;

(iv) Packing cord placement and removal;

(v) Diagnostic or final impressions;

(vi) Crown seating (placement), including cementing and insulating bases;

(vii) Occlusal adjustment of crown or opposing tooth or teeth; and

(viii) Local anesthesia.

(c) Requires the provider to submit the following with each prior authorization request:

(i) Radiographs to assess all remaining teeth;

(ii) Documentation and identification of all missing teeth;

(iii) Caries diagnosis and treatment plan for all remaining teeth, including a caries control plan for clients with rampant caries;

(iv) Pre- and post-endodontic treatment radiographs for requests on endodontically treated teeth; and

(v) Documentation supporting a five-year prognosis that the client will retain the tooth or crown if the tooth is crowned.

(d) Requires a provider to bill for a crown only after delivery and seating of the crown, not at the impression date.

(6) **Other restorative services.** The agency covers the following restorative services:

(a) All recementations of permanent indirect crowns.

(b) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns for primary anterior teeth once every three years only for clients twenty years of age and younger as follows:

(i) For ages twelve and younger without prior authorization if the tooth requires a four or more surface restoration; and

(ii) For ages thirteen to twenty with prior authorization.

(c) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns, for primary posterior teeth once every three years without prior authorization if:

(i) Decay involves three or more surfaces for a primary first molar;

(ii) Decay involves four or more surfaces for a primary second molar; or

(iii) The tooth had a pulpotomy.

(d) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, and prefabricated resin crowns, for permanent posterior teeth excluding one, sixteen, seventeen, and thirty-two once every three years, for clients twenty years of age and younger, without prior authorization.

(e) Prefabricated stainless steel crowns for clients of the developmental disabilities administration of the department of social and health services (DSHS) without prior authorization according to WAC 182-535-1099.

(f) Core buildup, including pins, only on permanent teeth, only for clients twenty years of age and younger, and only allowed in conjunction with crowns and when prior authorized. For indirect crowns, prior authorization must be obtained from the agency at the same time as the crown. Providers must submit pre- and post-endodontic treatment radiographs to the agency with the authorization request for endodontically treated teeth.

(g) Cast post and core or prefabricated post and core, only on permanent teeth, only for clients twenty years of age and younger, and only when in conjunction with a crown and when prior authorized.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535-1090 Dental-related services—Covered—Prosthodontics (removable).** Clients described in WAC 182-535-1060 are eligible to receive the prosthodontics (removable) and related services, subject to the coverage limitations, restrictions, and client-age requirements identified for a specific service.

(1) **Prosthodontics.** The agency((=

~~(a))~~ requires prior authorization for all removable prosthodontic and prosthodontic-related procedures. Prior authorization requests must meet the criteria in WAC 182-535-1220. In addition, the agency requires the dental provider to submit:

~~((+))~~ (a) Appropriate and diagnostic radiographs of all remaining teeth.

~~((+))~~ (b) A dental record which identifies:

~~((A))~~ (i) All missing teeth for both arches;

~~((B))~~ (ii) Teeth that are to be extracted; and

~~((C))~~ (iii) Dental and periodontal services completed on all remaining teeth.

~~((+))~~ (2) **Complete dentures.** The agency covers complete dentures, ~~((as follows:~~

~~(i) A complete denture;~~) including ~~((a))~~ overdentures, ~~((is covered))~~ when prior authorized.

~~((+))~~ Three-month post-delivery care (e.g., adjustments, soft relines, and repairs) from the delivery (place-



ment) date of the complete denture, is considered part of the complete denture procedure and is not paid separately.

~~((iii))~~ (a) Complete dentures are limited to:

~~((A))~~ (i) One initial maxillary complete denture and one initial mandibular complete denture per client, per the client's lifetime;~~(and~~  
~~(B))~~.

(A) Replacement of a partial denture with a complete denture is covered:

(I) At least three years after the seat date of the last resin partial denture; or

(II) At least five years after the seat date of the last cast-metal partial denture.

(ii) One replacement maxillary complete denture and one replacement mandibular complete denture per client, per client's lifetime.

~~((iv))~~ (b) Replacement of a complete denture or overdenture is covered only if prior authorized, and only ~~((f))~~ when the replacement occurs at least five years after the seat date of the initial complete denture or overdenture ~~((being replaced. The replacement denture must be prior authorized))~~.

~~((v))~~ (c) The provider must obtain a signed Denture Agreement of Acceptance (HCA 13-809) form from the client at the conclusion of the final denture try-in for an agency-authorized complete denture. If the client abandons the complete denture after signing the agreement of acceptance, the agency will deny subsequent requests for the same type of dental prosthesis if the request occurs prior to the dates specified in this section. A copy of the signed agreement must be kept in the provider's files and be available upon request by the agency.

~~((e))~~ (3) Resin partial dentures. The agency covers resin partial dentures, as follows:

~~((f))~~ (a) A resin partial denture is covered for anterior and posterior teeth only when the ~~((partial denture meets the following agency coverage criteria:~~

~~(A))~~ following criteria are met:

(i) The remaining teeth in the arch must ~~((have a reasonable))~~ be free of periodontal ~~((diagnosis))~~ disease and have a reasonable prognosis;~~(and~~  
~~(B))~~.

(ii) The client has established caries control;~~(and~~  
~~(C) Only if)~~.

(iii) The client has one or more missing anterior teeth ~~((are missing))~~ or four or more missing posterior teeth ~~((are missing))~~ (excluding teeth one, two, fifteen, sixteen, seventeen, eighteen, thirty-one, and thirty-two). Pontics on an existing fixed bridge do not count as missing teeth;~~(and~~  
~~(D))~~.

(iv) There is a minimum of four stable teeth remaining per arch;~~(and~~  
~~(E))~~.

(v) There is a three-year prognosis for retention of the remaining teeth.

~~((iii))~~ (b) Prior authorization is required for resin partial dentures.

~~((iii))~~ (c) Three-month post-delivery care (e.g., adjustments, soft relines, and repairs) from the delivery (place-

ment) date of the resin partial denture, is considered part of the resin partial denture procedure and is not paid separately.

~~((iv))~~ (d) Replacement of a resin-based partial denture with ~~((any prosthetic is covered only if prior authorized at least three years after the delivery (placement) date of the resin or flexible base partial denture being replaced))~~ a new resin partial denture or a complete denture is covered if it occurs at least three years since the seat date of the resin-based partial denture. The replacement denture must be prior authorized and meet agency coverage criteria in ~~((e(i)))~~ (a) of this subsection.

~~((f))~~ (e) The agency does not cover replacement of a cast-metal framework partial denture, with any type of denture, within five years of the ~~((initial delivery (placement)))~~ seat date of the cast-metal partial denture.

~~((e))~~ (4) Provider requirements.

(a) The agency requires a provider to bill for a removable partial or complete denture only after the delivery of the prosthesis, not at the impression date. Refer to subsection ~~((2))~~ (5)(e) ~~((and (f)))~~ of this section for what the agency may pay if the removable partial or complete denture is not delivered and inserted.

~~((f))~~ (b) The agency requires a provider to submit the following with a prior authorization request for a removable resin partial or complete denture for a client residing in an alternate living facility (ALF) as defined in WAC 182-513-1301 or in a nursing facility as defined in WAC 182-500-0075:

(i) The client's medical diagnosis or prognosis;

(ii) The attending physician's request for prosthetic services;

(iii) The attending dentist's or denturist's statement documenting medical necessity;

(iv) A written and signed consent for treatment from the client's legal guardian when a guardian has been appointed; and

(v) A completed copy of the Denture/Partial Appliance Request for Skilled Nursing Facility Client (HCA 13-788) form available from the agency's published billing instructions which can be downloaded from the agency's web site.

~~((g))~~ (c) The agency limits removable partial dentures to resin-based partial dentures for all clients residing in one of the facilities listed in ~~((f))~~ (b) of this subsection.

~~((h))~~ (d) The agency requires a provider to deliver services and procedures that are of acceptable quality to the agency. The agency may recoup payment for services that are determined to be below the standard of care or of an unacceptable product quality.

~~((2))~~ (5) Other services for removable prosthodontics. The agency covers:

(a) Adjustments to complete and partial dentures three months after the date of delivery.

(b) Repairs:

(i) To complete dentures, once in a twelve-month period. The cost of repairs cannot exceed the cost of the replacement denture. The agency covers additional repairs on a case-by-case basis and when prior authorized.

(ii) To partial dentures, once in a twelve-month period. The cost of the repairs cannot exceed the cost of the replace-

ment partial denture. The agency covers additional repairs on a case-by-case basis and when prior authorized.

(c) A laboratory reline or rebase to a complete or partial denture, once in a three-year period when performed at least six months after the delivery (placement) date. An additional reline or rebase may be covered for complete or partial dentures on a case-by-case basis when prior authorized.

(d) Up to two tissue conditionings, only for clients twenty years of age and younger, and only when performed within three months after the delivery (placement) date.

(e) Laboratory fees, subject to the following:

(i) The agency does not pay separately for laboratory or professional fees for complete and partial dentures; and

(ii) The agency may pay part of billed laboratory fees when the provider obtains prior authorization, and the client:

(A) Is not eligible at the time of delivery of the partial or complete denture;

(B) Moves from the state;

(C) Cannot be located;

(D) Does not participate in completing the partial or complete denture; or

(E) Dies.

~~((f))~~ (iii) A provider must submit copies of laboratory prescriptions and receipts or invoices for each claim when billing for laboratory fees.

**AMENDATORY SECTION** (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535-1094 Dental-related services—Covered—Oral and maxillofacial surgery services.** Clients described in WAC 182-535-1060 are eligible to receive the oral and maxillofacial surgery services listed in this section, subject to the coverage limitations, restrictions, and client-age requirements identified for a specific service.

(1) **Oral and maxillofacial surgery services.** The agency:

(a) Requires enrolled providers who do not meet the conditions in WAC 182-535-1070(3) to bill claims for services that are listed in this subsection using only the current dental terminology (CDT) codes.

(b) Requires enrolled providers (oral and maxillofacial surgeons) who meet the conditions in WAC 182-535-1070(3) to bill claims using current procedural terminology (CPT) codes unless the procedure is specifically listed in the agency's current published *Dental-Related Services Provider Guide* as a CDT covered code (e.g., extractions).

(c) Covers nonemergency oral surgery performed in a hospital or ambulatory surgery center only for:

(i) Clients eight years of age and younger;

(ii) Clients from nine through twenty years of age only on a case-by-case basis and when the site-of-service is prior authorized by the agency; and

(iii) Clients any age of the developmental disabilities administration of the department of social and health services (DSHS).

(d) For site-of-service and oral surgery CPT codes that require prior authorization, the agency requires the dental provider to submit:

(i) Documentation used to determine medical appropriateness;

(ii) Cephalometric films;

(iii) Radiographs (X rays);

(iv) Photographs; and

(v) Written narrative/letter of medical necessity.

(e) Requires the client's dental record to include supporting documentation for each type of extraction or any other surgical procedure billed to the agency. The documentation must include:

(i) Appropriate consent form signed by the client or the client's legal representative;

(ii) Appropriate radiographs;

(iii) Medical justification with diagnosis;

(iv) Client's blood pressure, when appropriate;

(v) A surgical narrative and complete description of each service performed beyond surgical extraction or beyond code definition;

(vi) A copy of the post-operative instructions; and

(vii) A copy of all pre- and post-operative prescriptions.

(f) Covers routine and surgical extractions. Prior authorization is required when the:

(i) Extractions of four or more teeth per arch over a six-month period, ~~((per provider, results))~~ resulting in the client becoming edentulous in the maxillary arch or mandibular arch; or

(ii) Tooth number is not able to be determined.

(g) Covers unusual, complicated surgical extractions with prior authorization.

(h) Covers tooth reimplantation/stabilization of accidentally evulsed or displaced teeth.

(i) Covers surgical extraction of unerupted teeth for clients twenty years of age and younger.

(j) Covers debridement of a granuloma or cyst that is five millimeters or greater in diameter. The agency includes debridement of a granuloma or cyst that is less than five millimeters as part of the global fee for the extraction.

(k) Covers the following without prior authorization:

(i) Biopsy of soft oral tissue;

(ii) Brush biopsy.

(l) Requires providers to keep all biopsy reports or findings in the client's dental record.

(m) Covers the following with prior authorization (photos or radiographs, as appropriate, must be submitted to the agency with the prior authorization request):

(i) Alveoloplasty on a case-by-case basis (only when not performed in conjunction with extractions).

(ii) Surgical excision of soft tissue lesions only on a case-by-case basis.

(iii) Only the following excisions of bone tissue in conjunction with placement of complete or partial dentures:

(A) Removal of lateral exostosis;

(B) Removal of torus palatinus or torus mandibularis; and

(C) Surgical reduction of osseous tuberosity.

(iv) Surgical access of unerupted teeth for clients twenty years of age and younger.

(2) **Surgical incisions.** The agency covers the following surgical incision-related services:

(a) Uncomplicated intraoral and extraoral soft tissue incision and drainage of abscess. The agency does not cover this service when combined with an extraction or root canal treatment. Documentation supporting medical necessity must be in the client's record.

(b) Removal of foreign body from mucosa, skin, or subcutaneous alveolar tissue when prior authorized. Documentation supporting the medical necessity for the service must be in the client's record.

(c) Frenuloplasty/frenulectomy for clients six years of age and younger without prior authorization.

(d) Frenuloplasty/frenulectomy for clients from seven to twelve years of age only on a case-by-case basis and when prior authorized. Photos must be submitted to the agency with the prior authorization request. Documentation supporting the medical necessity for the service must be in the client's record.

(3) **Occlusal orthotic devices.** (Refer to WAC 182-535-1098 (4)(c) for occlusal guard coverage and limitations on coverage.) The agency covers:

(a) Occlusal orthotic devices for clients from twelve through twenty years of age only on a case-by-case basis and when prior authorized.

(b) An occlusal orthotic device only as a laboratory processed full arch appliance.

**AMENDATORY SECTION** (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535-1098 Dental-related services—Covered—Adjunctive general services.** Clients described in WAC 182-535-1060 are eligible to receive the adjunctive general services listed in this section, subject to coverage limitations, restrictions, and client-age requirements identified for a specific service.

(1) **Adjunctive general services.** The agency:

(a) Covers palliative (emergency) treatment, not to include pupal debridement (see WAC 182-535-1086 (2)(b)), for treatment of dental pain, limited to once per day, per client, as follows:

(i) The treatment must occur during limited evaluation appointments;

(ii) A comprehensive description of the diagnosis and services provided must be documented in the client's record; and

(iii) Appropriate radiographs must be in the client's record supporting the medical necessity of the treatment.

(b) Covers local anesthesia and regional blocks as part of the global fee for any procedure being provided to clients.

(c) Covers office-based oral or parenteral conscious sedation, deep sedation, or general anesthesia, as follows:

(i) The provider's current anesthesia permit must be on file with the agency.

(ii) For clients eight years of age and younger, and for clients any age of the developmental disabilities administration of the department of social and health services (DSHS), documentation supporting the medical necessity of the anesthesia service must be in the client's record.

(iii) For clients nine years of age ~~((and older))~~ to twenty years of age, deep sedation or general anesthesia services are

covered on a case-by-case basis and when prior authorized, except for oral surgery services. For oral surgery services listed in WAC 182-535-1094 (1)(b), deep sedation or general anesthesia services do not require prior authorization.

(iv) Prior authorization is not required for oral or parenteral conscious sedation for any dental service for clients twenty years of age and younger, and for clients any age of the developmental disabilities administration of DSHS. Documentation supporting the medical necessity of the service must be in the client's record.

(v) For clients from nine to twenty years of age who have a diagnosis of oral facial cleft, the agency does not require prior authorization for deep sedation or general anesthesia services when the dental procedure is directly related to the oral facial cleft treatment.

(vi) A provider must bill anesthesia services using the CDT codes listed in the agency's current published billing instructions.

(vii) For clients twenty-one years of age and older, prior authorization is required and will only be considered for those clients with medical conditions that prevent services from being provided without general anesthesia, such as tremors, seizures, and breathing difficulties.

(d) Covers administration of nitrous oxide, once per day.

(e) Requires providers of oral or parenteral conscious sedation, deep sedation, or general anesthesia to meet:

(i) The prevailing standard of care;

(ii) The provider's professional organizational guidelines;

(iii) The requirements in chapter 246-817 WAC; and

(iv) Relevant department of health (DOH) medical, dental, or nursing anesthesia regulations.

(f) Pays for dental anesthesia services according to WAC 182-535-1350.

(g) Covers professional consultation/diagnostic services as follows:

(i) A dentist or a physician other than the practitioner providing treatment must provide the services; and

(ii) A client must be referred by the agency for the services to be covered.

(2) **Professional visits.** The agency covers:

(a) Up to two house/extended care facility calls (visits) per facility, per provider. The agency limits payment to two facilities per day, per provider.

(b) One hospital ~~((call-))~~visit~~(( ))~~, including emergency care, per day, per provider, per client, and not in combination with a surgical code unless the decision for surgery is a result of the visit.

(c) Emergency office visits after regularly scheduled hours. The agency limits payment to one emergency visit per day, per client, per provider.

(3) **Drugs ~~((and/or))~~ and medicaments (pharmaceuticals).** The agency covers drugs ~~((and/or))~~ and medicaments, such as antibiotics, steroids, anti-inflammatories, or other therapeutic medications for clients twenty years of age and younger. The agency's dental program does not pay for oral sedation medications.

(4) **Miscellaneous services.** The agency covers:

(a) Behavior management when ~~((the assistance of one additional dental staff other than the dentist is required for the~~

~~following clients and documentation supporting the need for the behavior management must be in the client's record:))~~  
documentation supporting the need for behavior management is in the client's record. Behavior management is for clients whose documented behavior requires the assistance of one additional professional dental staff to protect the client and the professional staff from injury while treatment is rendered.

(i) Clients eight years of age and younger;  
 (ii) Clients from nine through twenty years of age, only on a case-by-case basis and when prior authorized;  
 (iii) Clients any age of the developmental disabilities administration of DSHS;

(iv) Clients diagnosed with autism; and  
 (v) Clients who reside in an alternate living facility (ALF) as defined in WAC 182-513-1301, or in a nursing facility as defined in WAC 182-500-0075.

(b) Treatment of post-surgical complications (e.g., dry socket). Documentation supporting the medical necessity of the service must be in the client's record.

(c) Occlusal guards when medically necessary and prior authorized. (Refer to WAC 182-535-1094(3) for occlusal orthotic device coverage and coverage limitations.) The agency covers:

(i) An occlusal guard only for clients from twelve through twenty years of age when the client has permanent dentition; and

(ii) An occlusal guard only as a laboratory processed full arch appliance.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535-1099 Dental-related services for clients of the developmental disabilities administration of the department of social and health services.** Subject to coverage limitations, restrictions, and client-age requirements identified for a specific service, the agency pays for the dental-related services listed under the categories of services in this section that are provided to clients of the developmental disabilities administration of the department of social and health services (DSHS). This chapter also applies to clients any age of the developmental disabilities administration of DSHS, unless otherwise stated in this section.

**(1) Preventive services.**

(a) Periodic oral evaluations. The agency covers periodic oral evaluations up to three times in a twelve-month period per client, per provider.

(b) Dental prophylaxis. The agency covers dental prophylaxis or periodontal maintenance up to three times in a twelve-month period (see subsection (3) of this section for limitations on periodontal scaling and root planing).

(c) Topical fluoride treatment. The agency covers topical fluoride varnish, rinse, foam or gel, up to three times within a twelve-month period, per client, per provider or clinic.

(d) Sealants. The agency covers sealants:

(i) Only when used on the occlusal surfaces of:

(A) Primary teeth A, B, I, J, K, L, S, and T; or

(B) Permanent teeth two, three, four, five, twelve, thirteen, fourteen, fifteen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, and thirty-one.

(ii) Once per tooth in a two-year period.

(2) **Other restorative services.** The agency covers the following restorative services:

(a) All recementations of permanent indirect crowns.

(b) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns for primary anterior teeth once every two years only for clients twenty years of age and younger without prior authorization.

(c) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns for primary posterior teeth once every two years for clients twenty years of age and younger without prior authorization if:

(i) Decay involves three or more surfaces for a primary first molar;

(ii) Decay involves four or more surfaces for a primary second molar; or

(iii) The tooth had a pulpotomy.

(d) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, and prefabricated resin crowns for permanent posterior teeth excluding one, sixteen, seventeen, and thirty-two once every two years without prior authorization for any age.

**(3) Periodontic services.**

(a) **Surgical periodontal services.** The agency covers:

(i) Gingivectomy/gingivoplasty once every three years.

Documentation supporting the medical necessity of the service must be in the client's record (e.g., drug induced gingival hyperplasia).

(ii) Gingivectomy/gingivoplasty with periodontal scaling and root planing or periodontal maintenance when the services are performed:

(A) In a hospital or ambulatory surgical center; or

(B) For clients under conscious sedation, deep sedation, or general anesthesia.

(b) **Nonsurgical periodontal services.** The agency covers:

(i) Periodontal scaling and root planing, one time per quadrant in a twelve-month period.

(ii) Periodontal maintenance (four quadrants) substitutes for an eligible periodontal scaling or root planing, twice in a twelve-month period.

(iii) Periodontal maintenance allowed six months after scaling or root planing.

(iv) Full-mouth or quadrant debridement allowed once in a twelve-month period.

(4) **Adjunctive general services.** The agency covers:

(a) Oral parenteral conscious sedation, deep sedation, or general anesthesia for any dental services performed in a dental office or clinic. Documentation supporting the medical necessity must be in the client's record.

(b) Sedation((s)) services according to WAC 182-535-1098 (1)(c) and (e).

(5) **Nonemergency dental services.** The agency covers nonemergency dental services performed in a hospital or an ambulatory surgical center for services listed as covered in WAC 182-535-1082, 182-535-1084, 182-535-1086, 182-

535-1088, and 182-535-1094. Documentation supporting the medical necessity of the service must be included in the client's record.

(6) **Miscellaneous services - Behavior management.** The agency covers behavior management provided in dental offices or dental clinics. Documentation supporting the medical necessity of the service must be included in the client's record.

**AMENDATORY SECTION** (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535-1100 Dental-related services—Not covered.** (1) The agency does not cover the following:

(a) The dental-related services described in subsection (2) of this section unless the services are covered under the early periodic screening, diagnosis and treatment (EPSDT) program. When EPSDT applies, the agency evaluates a non-covered service, equipment, or supply according to the process in WAC 182-501-0165 to determine if it is medically necessary, safe, effective, and not experimental.

(b) Any service specifically excluded by statute.

(c) More costly services when less costly, equally effective services as determined by the agency are available.

(d) Services, procedures, treatment, devices, drugs, or application of associated services:

(i) That the agency or the Centers for Medicare and Medicaid Services (CMS) considers investigative or experimental on the date the services were provided.

(ii) That are not listed as covered in one or both of the following:

(A) Washington Administrative Code (WAC).

(B) The agency's current published documents.

(2) The agency does not cover dental-related services listed under the following categories of service (see subsection (1)(a) of this section for services provided under the EPSDT program):

(a) **Diagnostic services.** The agency does not cover:

(i) Detailed and extensive oral evaluations or reevaluations.

(ii) Posterior-anterior or lateral skull and facial bone survey films.

(iii) Any temporomandibular joint films.

(iv) Tomographic surveys/3-D imaging.

(v) Comprehensive periodontal evaluations.

(vi) Viral cultures, genetic testing, caries susceptibility tests, or adjunctive prediagnostic tests.

(b) **Preventive services.** The agency does not cover:

(i) Nutritional counseling for control of dental disease.

(ii) Removable space maintainers of any type.

(iii) Sealants placed on a tooth with the same-day occlusal restoration, preexisting occlusal restoration, or a tooth with occlusal decay.

(iv) Custom fluoride trays of any type.

(v) Bleach trays.

(c) **Restorative services.** The agency does not cover:

(i) Restorations for wear on any surface of any tooth without evidence of decay through the dentoenamel junction (DEJ) or on the root surface.

(ii) Preventative restorations.

(iii) Labial veneer resin or porcelain laminate restorations.

(iv) Sedative fillings.

(v) Crowns and crown related services.

(A) Gold foil restorations.

(B) Metallic, resin-based composite, or porcelain/ceramic inlay/onlay restorations.

(C) Crowns for cosmetic purposes (e.g., peg laterals and tetracycline staining).

(D) Permanent indirect crowns for posterior teeth.

(E) Permanent indirect crowns on permanent anterior teeth for clients fourteen years of age and younger.

(F) Temporary or provisional crowns (including ion crowns).

(G) Any type of coping.

(H) Crown repairs.

(I) Crowns on teeth one, sixteen, seventeen, and thirty-two.

(vi) Polishing or recontouring restorations or overhang removal for any type of restoration.

(vii) Any services other than extraction on supernumerary teeth.

(d) **Endodontic services.** The agency does not cover ~~((the following endodontic services))~~:

(i) Indirect or direct pulp caps.

(ii) Any endodontic therapy on primary teeth, except as described in WAC 182-535-1086 (3)(a).

(e) **Periodontic services.** The agency does not cover:

(i) Surgical periodontal services including, but not limited to:

(A) Gingival flap procedures.

(B) Clinical crown lengthening.

(C) Osseous surgery.

(D) Bone or soft tissue grafts.

(E) Biological material to aid in soft and osseous tissue regeneration.

(F) Guided tissue regeneration.

(G) Pedicle, free soft tissue, apical positioning, subepithelial connective tissue, soft tissue allograft, combined connective tissue and double pedicle, or any other soft tissue or osseous grafts.

(H) Distal or proximal wedge procedures.

(ii) Nonsurgical periodontal services including, but not limited to:

(A) Intracoronal or extracoronal provisional splinting.

(B) Full mouth or quadrant debridement (except for clients of the developmental disabilities administration).

(C) Localized delivery of chemotherapeutic agents.

(D) Any other type of ~~((nonsurgical))~~ surgical periodontal service.

(f) **Removable prosthodontics.** The agency does not cover:

(i) Removable unilateral partial dentures.

(ii) Any interim complete or partial dentures.

(iii) Flexible base partial dentures.

(iv) Any type of permanent soft relines (e.g., molloplast).

(v) Precision attachments.

(vi) Replacement of replaceable parts for semi-precision or precision attachments.

(vii) Replacement of second or third molars for any removable prosthesis.

(viii) Immediate dentures.

(ix) Cast-metal framework partial dentures.

(x) Replacement of upper and lower prosthodontic no sooner than every five years for complete dentures and every three years for resin partial dentures.

(xi) More than one replacement of complete denture upper and lower arch per lifetime.

(g) **Implant services.** The agency does not cover:

(i) Any type of implant procedures, including, but not limited to, any tooth implant abutment (e.g., periosteal implants, eosteal implants, and transosteal implants), abutments or implant supported crowns, abutment supported retainers, and implant supported retainers.

(ii) Any maintenance or repairs to procedures listed in (g)(i) of this subsection.

(iii) The removal of any implant as described in (g)(i) of this subsection.

(h) **Fixed prosthodontics.** The agency does not cover any type of:

(i) Fixed partial denture pontic.

(ii) Fixed partial denture retainer.

(iii) Precision attachment, stress breaker, connector bar, coping, cast post, or any other type of fixed attachment or prosthesis.

(iv) Occlusal orthotic splint or device, bruxing or grinding splint or device, temporomandibular joint splint or device, or sleep apnea splint or device.

(i) **Oral maxillofacial prosthetic services.** The agency does not cover any type of oral or facial prosthesis other than those listed in WAC 182-535-1092.

(j) **Oral and maxillofacial surgery.** The agency does not cover:

(i) Any oral surgery service not listed in WAC 182-535-1094.

(ii) Any oral surgery service that is not listed in the agency's list of covered current procedural terminology (CPT) codes published in the agency's current rules or billing instructions.

(iii) Vestibuloplasty.

(k) **Adjunctive general services.** The agency does not cover:

(i) Anesthesia, including, but not limited to:

(A) Local anesthesia as a separate procedure.

(B) Regional block anesthesia as a separate procedure.

(C) Trigeminal division block anesthesia as a separate procedure.

(D) Medication for oral sedation, or therapeutic intramuscular (IM) drug injections, including antibiotic and injection of sedative.

(E) Application of any type of desensitizing medicament or resin.

(ii) Other general services including, but not limited to:

(A) Fabrication of an athletic mouthguard.

(B) Nightguards.

(C) Occlusion analysis.

(D) Occlusal adjustment, tooth or restoration adjustment or smoothing, or odontoplasties.

(E) Enamel microabrasion.

(F) Dental supplies such as toothbrushes, toothpaste, floss, and other take home items.

(G) Dentist's or dental hygienist's time writing or calling in prescriptions.

(H) Dentist's or dental hygienist's time consulting with clients on the phone.

(I) Educational supplies.

(J) Nonmedical equipment or supplies.

(K) Personal comfort items or services.

(L) Provider mileage or travel costs.

(M) Fees for no-show, canceled, or late arrival appointments.

(N) Service charges of any type, including fees to create or copy charts.

(O) Office supplies used in conjunction with an office visit.

(P) Teeth whitening services or bleaching, or materials used in whitening or bleaching.

(Q) Botox or derma-fillers.

(3) The agency does not cover the following dental-related services for clients twenty-one years of age and older:

(a) The following diagnostic services:

(i) Occlusal intraoral radiographs;

(ii) Diagnostic casts;

(iii) Sealants (for clients of the developmental disabilities administration, see WAC 182-535-1099);

(iv) Pulp vitality tests.

(b) The following restorative services:

(i) Prefabricated resin crowns;

(ii) Any type of core buildup, cast post and core, or prefabricated post and core.

(c) The following endodontic services:

(i) Endodontic treatment on permanent bicuspid or molar teeth;

(ii) Any apexification/recalcification procedures;

(iii) Any apicoectomy/periradicular surgical endodontic procedures including, but not limited to, retrograde fillings (except for anterior teeth), root amputation, reimplantation, and hemisections.

(d) The following adjunctive general services:

(i) Occlusal guards; and

(ii) Analgesia or anxiolysis as a separate procedure except for administration of nitrous oxide.

(4) The agency evaluates a request for any dental-related services listed as noncovered in this chapter under the provisions of WAC 182-501-0160.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 15-06-068**

**PROPOSED RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Filed March 4, 2015, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-195 on December 24, 2014.

Title of Rule and Other Identifying Information: WAC 220-47-307 Closed areas—Puget Sound salmon, 220-47-311 Purse seine—Open periods, 220-47-401 Reef net—Open periods, 220-47-411 Gillnet—Open periods, and 220-47-428 Beach seine—Open periods.

Hearing Location(s): Natural Resources Building, Room 635, 1111 Washington Street S.E., Olympia, WA 98504, on Tuesday, April 7, 2015, at 1:00 p.m.

Date of Intended Adoption: On or after April 21, 2015.

Submit Written Comments to: Joanna Eide, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Rules.Coordinator@dfw.wa.gov, fax (360) 902-2155, by April 6, 2015.

Assistance for Persons with Disabilities: Contact Tami Lininger by March 31, 2015, (360) 902-2207 or TTY 1-800-833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules will incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable fish in commercial salmon fisheries in Puget Sound while protecting species of fish listed as endangered.

Reasons Supporting Proposal: To protect species of fish listed as endangered while supporting commercial salmon fishing in Puget Sound.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.013, 77.04.020, 77.12.045, and 77.12.047.

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

Name of Proponent: Washington department of fish and wildlife (WDFW), governmental.

Name of Agency Personnel Responsible for Drafting: Kendall Henry, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2717; Implementation: Jim Scott, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2651; and Enforcement: Steven Crown, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

### 1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule:

These rules will incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon in Puget Sound while protecting species of fish, marine mammals, and sea birds listed as endangered. The rules include legal gear requirements, area restrictions, and open periods for commercial salmon fisheries occurring in Puget Sound.

**2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements:** These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for

those fisheries. There are no anticipated professional services required to comply.

**3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:** The proposed rules adjust opening and closing dates. The proposed rules do not require any additional equipment, supplies, labor, or administrative costs. Therefore, there is no additional cost to comply with the proposed rules.

**4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** The proposed rules do not affect the harvestable numbers of salmon available to nontreaty fleets. Therefore, the proposed rules should not cause any businesses to lose sales or revenue.

**5. Cost of Compliance for Small Businesses Compared with the Cost of Compliance for the Ten Percent of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:**

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

None - the proposed rules do not require any additional equipment, supplies, labor, or administrative costs.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses, or Reasonable Justification for Not Doing So:** Most businesses affected by these rules are small businesses. As indicated above, all of the gear restrictions proposed by the rules are identical to gear restrictions WDFW has required in past salmon fishery seasons. Therefore, the gear restrictions will not impose new costs on small businesses.

**7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule:** As in previous years, WDFW interacts with and receives input from affected businesses through the North of Falcon process, which is a series of public meetings occurring from February through April each year. These meetings allow small businesses to participate in formulating these rules.

**8. A List of Industries That Will Be Required to Comply with the Rule:** All licensed fishers attempting to harvest salmon in the all-citizen commercial salmon fisheries occurring in Puget Sound will be required to comply with these rules.

**9. An Estimate of the Number of Jobs That Will Be Created or Lost as a Result of Compliance with the Proposed Rule:** As explained above, these rules impose similar requirements to those used in the previous years' commercial salmon fisheries. Compliance with the rules will not result in the creation or loss of jobs.

A copy of the statement may be obtained by contacting Joanna Eide, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, e-mail Rules.Coordinator@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

March 4, 2015  
Joanna M. Eide  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-14-011, filed 6/19/14, effective 7/20/14)

**WAC 220-47-307 Closed areas—Puget Sound salmon.** It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section do not apply to reef net fishing areas listed in RCW 77.50.050:

**Areas 4B, 5, 6, 6B, and 6C** - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

**Area 6D** - That portion within 1/4-mile of each mouth of the Dungeness River.

**Area 7** -

(1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point, thence west to a point intercepting a line projected from the northernmost point of Jones Island, thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

**Area 7A** - The Drayton Harbor Preserve as defined in WAC 220-47-252.

**Area 7B** -

(1) That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

(2) That portion of Bellingham Bay and Portage Bay adjacent to Lummi Indian Reservation is closed north and

west of a line from the intersection of Marine Drive and Hoff Road (48°46'59"N, 122°34'25"W) projected 180° true for 2.75 nautical miles (nm) to a point at 48°45'11"N, 122°34'25"W, then 250° true for 1.4 nm to a point at 48°44'50"N, 122°35'42"W, then 270° true for 1.4 nm to 48°44'50"N, 122°37'08"W, then 230° true for 1.3 nm to 48°44'24"N, 122°37'52"W, then 200° true for 1 nm to 48°43'45"N, 122°38'12"W, then 90° true for 1 nm to a point just northeast of Portage Island (48°43'45"N, 122°37'14"W), then 160° true for 1.4 nm to a point just east of Portage Island (48°42'52"N, 122°36'37"W).

~~((3) Additional coho seasonal closure: September 1 through September 21, closed to gillnets in the waters of Area 7B west of a line from Point Francis (48°41'46"N, 122°36'32"W) to the red and green buoy southeast of Point Francis (48°40'27"N, 122°35'24"W), then to the northernmost tip of Eliza Island (48°39'38"N, 122°35'14"W), then along the eastern shore of the island to its southernmost tip (48°38'40"N, 122°34'57"W) and then north of a line from the southernmost tip of Eliza Island to Carter Point (48°38'24"N, 122°36'31"W). Nontreaty purse seiners fishing September 1 through September 21 in this area must release coho.))~~

**Area 7C** - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

**Area 8** -

(1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

**Area 8A** -

(1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D, except when open for pink fisheries.

(2) Additional coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

**Area 8D** - Those waters easterly of a line projected from Mission Point to Hermosa Point.

**Area 9** - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy, thence to Forbes Landing wharf east of Hansville.

**Area 10** -

(1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison westerly of a line projected from Point Jefferson to the northernmost portion of Point Monroe.

(3) Additional pink seasonal closure: The area east inside of the line originating from West Point and extending west to the closest midchannel buoy, thence true through Point Wells until reaching latitude 47°44'50"N, thence extending directly east to the shoreline.



(4) Additional purse seine pink seasonal closure: The area within 500 feet of the eastern shore in Area 10 is closed to purse seines north of latitude 47°44'500"N.

(5) Additional coho (~~and chum~~) seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Fourmile Rock, and those waters northerly of a line projected from Point Wells to "SF" Buoy, then west to President's Point.

**Area 10E** - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

**Area 11 -**

(1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor, and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock, then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

**Area 12 - ((+))** Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

~~((2) Additional purse seine chum seasonal closure:~~

~~(a) Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line are closed to purse seines except this area is open for purse seines on October 27 and November 3.~~

~~(b) Those waters of Area 12 within 2 miles of the Hood Canal Bridge are closed to purse seines on October 27 and November 3.-)~~

**Area 12A -**

(1) Those waters north of a line projected due east from Broad Spit.

(2) Those waters within 1,000 feet of the mouth of the Quilcene River.

**Area 12B -**

(1) Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

(2) Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

**Areas 12, 12B and 12C** - Those waters within 1,000 feet of the eastern shore.

**Area 12C -**

(1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodport marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

**Area 12 - Chum seasonal closures:**

(1) Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line are closed to purse seines except this area is open for purse seines on October 27 and November 3.

(2) Those waters of Area 12 within 2 miles of the Hood Canal Bridge are closed to purse seines on October 27 and November 3.

**Area 13A** - Those waters of Burley Lagoon north of State Route 302; those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay, including all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.

AMENDATORY SECTION (Amending WSR 14-14-011, filed 6/19/14, effective 7/20/14)

**WAC 220-47-311 Purse seine—Open periods.** (1) It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	7AM - 6PM	- <del>10/10, 10/11, 10/12, 10/13, 10/14, 10/15, 10/16, 10/17, 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31((-11/1))</del>
	7AM - 5PM	- <del>11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7((-11/8))</del>
7B, 7C:	6AM - 9PM	- <del>((8/13)) 8/12</del>
7B, 7C:	6AM - 8PM	- <del>((8/20, 8/27, 9/3)) 8/19, 8/26, 9/2</del>
7B:	7AM - 8PM	- <del>((9/8, 9/10, 9/12)) 9/7, 9/9, 9/11</del>
	7AM - 7PM	- <del>((9/15, 9/17, 9/19)) 9/14, 9/16, 9/18</del>
	7AM <del>((9/21)) 9/20</del>	- 6PM <del>((10/25)) 10/24</del>
	7AM <del>((10/27)) 10/26</del>	- 4PM <del>((10/31)) 10/30</del>
	7AM <del>((11/3)) 11/2</del>	- 4PM <del>((11/7)) 11/6</del>
	7AM <del>((11/10)) 11/9</del>	- 4PM <del>((11/14)) 11/13</del>
	7AM <del>((11/17)) 11/16</del>	- 4PM <del>((11/21)) 11/20</del>
	7AM <del>((11/24)) 11/23</del>	- 4PM <del>((11/28)) 11/27</del>

Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning at 12:01 a.m. on the last Monday in October and until 4:00 p.m. on the first Friday in December.

8:	6AM - 8PM	- 8/18, 8/20, 8/24, 8/26, 9/1
8A:	6AM - 8PM	- 8/17, 8/19, 8/25, 8/27, 8/31

AREA	TIME	DATE
	7AM - 7PM	- Limited participation - Two boats ( <del>9/15, 9/22</del> ) <u>9/14, 9/21</u>
8D:	7AM - 7PM	- ( <del>9/22, 9/29, 10/6</del> ) <u>9/21, 9/28, 10/5</u>
	7AM - 6PM	- ( <del>10/13</del> ) <u>10/12, 10/20, 10/26, 10/28</u> ( <del>10/30</del> )
	7AM - 5PM	- 11/3, <u>11/9</u> , 11/11, ( <del>11/13</del> ;) 11/17, ( <del>11/25</del> ) <u>11/24</u>
10:	<u>6AM - 8PM</u>	- <u>Limited participation - Five boats only 8/17, 8/19, 8/25, 8/27, 8/31, 9/2</u>
10, 11:	7AM - 6PM	- ( <del>10/16</del> ;) 10/20, <u>10/26</u> , 10/28
	7AM - 5PM	- 11/3, <u>11/9</u> , 11/11, ( <del>11/13</del> ;) 11/17, ( <del>11/25</del> ) <u>11/24</u>
12, 12B:	7AM - 6PM	- ( <del>10/16</del> ;) 10/20, <u>10/26</u> , 10/28
	7AM - 5PM	- 11/3, <u>11/9</u> , 11/11, ( <del>11/13</del> ;) 11/17
12C:	7AM - 5PM	- 11/3, <u>11/9</u> , 11/11, 11/13, 11/17, ( <del>11/25</del> ) <u>11/24</u>

Note: In Area 10 during any open period occurring in August or September, it is unlawful to fail to brail or use a brailing bunt when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

(2) It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

(a) Chinook salmon - At all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October 20 in Area 7B.

(b) Coho salmon - At all times in Areas 7, 7A, 10, and 11, and prior to September 1 in Area 7B.

(c) Chum salmon - Prior to October 1 in Areas 7 and 7A, and at all times in 8A.

(d) All other saltwater and freshwater areas - Closed for all species at all times.

**AMENDATORY SECTION** (Amending WSR 14-14-011, filed 6/19/14, effective 7/20/14)

**WAC 220-47-401 Reef net open periods.** (1) It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

AREA	TIME	DATE(S)
7, 7A	5AM - 9PM Daily	( <del>9/21</del> ) <u>9/27</u> - 11/8

(2) It is unlawful at all times to retain wild Chinook salmon taken with reef net gear, and it is unlawful prior to October 1 to retain chum or wild coho salmon taken with reef net gear.

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate possession a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in the logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, 600 Capital Way N, Olympia, WA 98501-1091.

(4) All other saltwater and freshwater areas - Closed.

**AMENDATORY SECTION** (Amending WSR 14-14-011, filed 6/19/14, effective 7/20/14)

**WAC 220-47-411 Gillnet—Open periods.** It is unlawful to take, fish for, or possess salmon taken with gillnet gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for in each respective fishing area:

AREA	TIME	DATE(S)	MINIMUM MESH
6D: Skiff gillnet only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM - 7PM	9/21, 9/22, <u>9/23</u> , 9/24, 9/25, ( <del>9/26</del> ) <u>9/28</u> , 9/29, 9/30, 10/1, 10/2, ( <del>10/3</del> ) <u>10/5</u> , 10/6, 10/7, 10/8, 10/9, ( <del>10/10</del> ) <u>10/12</u> , 10/13, 10/14, 10/15, 10/16, ( <del>10/17</del> ) <u>10/19</u> , 10/20, 10/21, 10/22, 10/23, 10/24	5"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM	- Midnight; use of recovery box required	<u>10/10</u> , 10/11, 10/12, <u>10/13</u> , 10/14, ( <del>10/15</del> ) <u>10/15, 10/16, 10/17</u>	6 1/4"
	7AM	- Midnight	<u>10/18</u> , 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8	6 1/4"

Note: In Areas 7 and 7A after October 9 but prior to October 19, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f) when coho and Chinook release is required.

AREA	TIME	DATE(S)	MINIMUM MESH
7B, 7C:	7PM - 8AM	NIGHTLY ((8/40)) <u>8/9, 8/11, 8/12, ((8/13)) 8/16, 8/17, 8/18, 8/19, ((8/20)) 8/23, 8/24, 8/25, 8/26((8/27))</u>	7"
7B, 7C:	7AM ((8/31)) <u>8/30</u> - 7AM ((9/5)) <u>9/4</u>		5"
7B:	7AM ((9/7)) <u>9/6</u> - 7AM ((9/12)) <u>9/11</u>		5"
	7AM ((9/14)) <u>9/13</u> - 7AM ((9/19)) <u>9/18</u>		5"
	7AM ((9/21)) <u>9/20</u> - Midnight ((10/25)) <u>10/23</u>		5"
	7AM ((10/27)) <u>10/26</u> - 4PM ((10/31)) <u>10/30</u>		6 1/4"
	6AM ((11/3)) <u>11/2</u> - 4PM ((11/7)) <u>11/6</u>		6 1/4"
	6AM ((11/10)) <u>11/9</u> - 4PM ((11/14)) <u>11/13</u>		6 1/4"
	6 AM ((11/17)) <u>11/16</u> - 4PM ((11/21)) <u>11/20</u>		6 1/4"
	7 AM ((11/24)) <u>11/23</u> - 4PM ((11/28)) <u>11/27</u>		6 1/4"

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gillnets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 4:00 PM on the first Friday in December.

8:	<u>5AM</u> - <u>11PM</u>	<u>8/17, 8/19, 8/25, 8/27, 8/31</u>	<u>5"</u>
----	--------------------------	-------------------------------------	-----------

Note: In Area 8 it is unlawful to take or fish for pink salmon with drift gillnets greater than 60-mesh maximum depth. Fishers must also use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8A:	<u>5AM</u> - <u>11PM</u>	<u>8/18, 8/20, 8/24, 8/26, 9/1</u>	<u>5"</u>
	6PM - 8AM	Limited participation; 2 boats only ((9/7)) <u>9/16</u>	5"
	6PM - 8AM	NIGHTLY <u>9/22, 9/23((9/24))</u>	5"

Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8D:	6PM - 8AM	NIGHTLY ((9/21, 9/25, 9/28, 10/2, 10/5, 10/9)) <u>9/20, 9/24, 9/27, 10/1, 10/4, 10/8</u>	5"
	6PM ((9/22)) <u>9/21</u> - 8AM ((9/25)) <u>9/24</u>		5"
	6PM ((9/29)) <u>9/28</u> - 8AM ((10/2)) <u>10/1</u>		5"
	6PM ((10/6)) <u>10/5</u> - 8AM ((10/9)) <u>10/8</u>		5"
	5PM - 8AM	((10/12, 10/16)) <u>10/11, 10/15</u>	5"
	5PM ((10/13)) <u>10/12</u> - 8AM ((10/16)) <u>10/15</u>		5"
	5PM - 9AM	((10/19, 10/23, 10/26, 10/30)) <u>10/18, 10/22, 10/25, 10/29</u>	5"
	5PM ((10/20)) <u>10/19</u> - 9AM ((10/23)) <u>10/22</u>		5"
	5PM ((10/27)) <u>10/26</u> - 9AM ((10/30)) <u>10/29</u>		5"
	4PM - 8AM	((11/2, 11/6)) <u>11/1, 11/5</u>	5"
	4PM ((11/3)) <u>11/2</u> - 8AM ((11/6)) <u>11/5</u>		5"
	6AM - 6PM	<u>11/11, 11/12, ((11/13)) 11/18, 11/19((11/20))</u>	6 1/4"
	6AM - 4PM	((11/14, 11/21)) <u>11/13, 11/20</u>	6 1/4"
	7AM - 6PM	<u>11/25, 11/26((11/27))</u>	6 1/4"
	7AM - 4PM	((11/28)) <u>11/27</u>	6 1/4"
9A: Skiff gillnet only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM ((8/24)) <u>8/23</u> - 7PM ((11/4)) <u>10/31</u>		5"

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

10:	<u>7PM</u> - <u>7AM</u>	<u>Limited participation - 5 boats only 8/18, 8/20, 8/24, 8/26, 9/1</u>	<u>4 1/2" minimum and 5 1/2" maximum</u>
-----	-------------------------	---	--

AREA	TIME	DATE(S)	MINIMUM MESH
Note: In Area 10 fishers must use minimum 4 1/2" and maximum 5 1/2" mesh during pink salmon management periods. Also, during August or September openings, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 90 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f). During all limited participation fisheries, it is unlawful for vessels to take or fish for salmon without department observers on board.			
10, 11:	5PM - 9AM	NIGHTLY (( <del>10/14</del> ) <u>10/18</u> , 10/21, (( <del>10/23, 10/26, 10/30</del> ) <u>10/29</u>	6 1/4"
	5PM - 7AM	NIGHTLY (( <del>10/15</del> ) <u>10/27</u>	6 1/4"
	4PM - 8AM	<u>11/1</u> , 11/4, (( <del>11/6, 11/9</del> )) 11/12, <u>11/15</u> , 11/18, (( <del>11/20</del> ) <u>11/22</u> , 11/23(( <del>11/26</del> ))	6 1/4"
	4PM - 7AM	NIGHTLY (( <del>11/12</del> ) <u>11/10</u>	6 1/4"
12A: Skiff gillnet only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM - 7PM	Dates determined per agreement with tribal co-managers in-season if Summer Chum Salmon Conservation Initiative goals are met allowing for openings of gillnet gear.	5"

Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

12, 12B:	7AM - 8PM	(( <del>10/14, 10/15</del> ) <u>10/19</u> , 10/21(( <del>10/23</del> ))	6 1/4"
	7AM - 7PM	10/27, (( <del>10/30</del> ) <u>10/29</u>	6 1/4"
	6AM - 6PM	<u>11/1</u> , 11/4, (( <del>11/6</del> )) 11/10, 11/12, <u>11/15</u> , 11/18(( <del>11/20</del> ))	6 1/4"
12C:	6AM - 6PM	<u>11/1</u> , 11/4, (( <del>11/6</del> )) 11/10, 11/12, <u>11/15</u> , 11/18, (( <del>11/20</del> ) <u>11/23</u> , 11/24(( <del>11/26</del> ))	6 1/4"

All other saltwater and freshwater areas - Closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

**AMENDATORY SECTION** (Amending WSR 14-14-011, filed 6/19/14, effective 7/20/14)

**WAC 220-47-428 Beach seine—Open periods.** It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas:

AREA	TIME	DATE(S)
12A:	7AM - 7PM	8/21, (( <del>8/22</del> ) <u>8/24</u> , 8/25, 8/26, 8/27, 8/28, (( <del>8/29</del> ) <u>8/31</u> , 9/1, 9/2, 9/3, 9/4, (( <del>9/5</del> ) <u>9/7</u> , 9/8, 9/9, 9/10, 9/11, (( <del>9/12</del> ) <u>9/14</u> , 9/15, 9/16, 9/17, 9/18, (( <del>9/19</del> ) <u>9/21</u> , 9/22, 9/23, 9/24, 9/25(( <del>9/26</del> ))
12H:	7AM - 7PM	November (dates determined per agreement with tribal co-managers in-season if harvestable surplus of salmon remain).

It is unlawful to retain Chinook taken with beach seine gear in all areas, and it is unlawful to retain chum from Area 12A.