**WSR 26-01-012**
**EXPEDITED RULES**
**DEPARTMENT OF**
**FISH AND WILDLIFE**

[Order 25-26—Filed December 4, 2025, 10:52 a.m.]

Title of Rule and Other Identifying Information: Clarification of WAC 220-413-020 Tagging requirements and 220-413-100 Mandatory report of hunting activity.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule project is to amend WAC 220-413-020 and 220-413-100 in order to clarify regulations on tagging and mandatory reporting for the public.

Reasons Supporting Proposal: The Washington department of fish and wildlife (department) seeks to amend and clarify two hunting-related regulations. For WAC 220-413-020, the department seeks to clarify for the public the requirements for how to notch a transport tag given the new option for electronic tagging through the MyWDFW mobile application. For WAC 220-413-100, the department seeks to clarify for the public when and where a chronic wasting disease sample should be taken and submitted after a deer, elk, or moose has been harvested.

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: Governmental.

Name of Agency Personnel Responsible for Drafting: Kyle Garrison, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-8133; Implementation: Anis Aoude, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2509; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2605.

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

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Under RCW 34.05.353 (1)(c), the department is clarifying existing rule language without changing the meaning of this language to make rules easier to understand for the public.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Scott Bird, Rules Coordinator, Washington Department of Fish and Wildlife, P.O. Box 43200, Olympia, WA 98501, phone 360-902-2403, fax 360-902-2155, email rules.coordinator@dfw.wa.gov, BEGINNING December 4, 2025, AND RECEIVED BY February 24, 2026.

December 3, 2025
Scott Bird
Rules Coordinator

**RDS-6872.2**

AMENDATORY SECTION (Amending WSR 23-23-045, filed 11/6/23, effective 12/7/23)

**WAC 220-413-020 Tagging requirements.** (1) It is unlawful for a person who kills a big game animal or turkey to fail to immediately validate their tag (unless the tagging requirement is specifically exempted by the fish and wildlife commission). There are two methods of tagging big game animals and turkey, paper tagging and electronic tagging.

(a) A paper tag is validated by cutting out and completely removing the designated notches corresponding to the day and month of the kill for that species and immediately attaching the notched tag to the carcass of the big game animal or turkey.

(b) An electronic tag is validated by following the prompts in the authorized mobile application and writing the confirmation number and date of harvest in ink on material that can withstand the elements and immediately attaching that to the carcass of the big game animal or turkey.

(2) The tag must remain attached to the carcass while it is being transported and must remain with the wildlife during the period of retention of the edible parts.

(3) For purposes of this section, the requirements in subsection (1)(a) and (b) of this section are the same, and constitute "notch a transport tag" as referenced in chapter 77.15 RCW.

**RDS-6873.2**

AMENDATORY SECTION (Amending WSR 25-09-078, filed 4/16/25, effective 5/17/25)

**WAC 220-413-100 Mandatory report of hunting activity.** (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag and permit acquired, by January 31st or within 10 days after the close of an eligible hunt, whichever date is later.

(b) Reports must be made using the department's authorized internet hunter reporting system, department-authorized mobile application, or by telephone.

(c) A hunter who fails to report hunting activity, for each tag and permit acquired, by the reporting deadline is in violation of reporting requirements.

(d) Compliance will be credited for each transport tag and permit acquired.

(2) As an incentive for prompt reporting, all hunters who report by midnight January 10th or within 10 days after the last day of their permit hunt will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag and permit acquired.

(3) A hunter who fails to report hunting activity by the reporting deadline for deer, elk, bear, or turkey tags and permits acquired the previous year will be required to pay a $10 administrative fee at the time a new license that includes deer, elk, bear, or turkey tags is issued.

(4) All hunters who purchase a paper or electronic migratory bird authorization must report their hunting activity for each paper or electronic harvest record card issued.

(a) Hunters must report harvest information from band-tailed pigeon harvest record cards by September 30th following the season for which the harvest card was issued. Hunters must report harvest information from brant, sea duck, and harlequin duck permit harvest record cards by February 15th following the season for which the harvest card was issued. Hunters must report harvest information from snow goose (Goose Management Area 1), and SW Canada goose (Goose Management Area 2 Coast and Inland) harvest record cards by March 20th following the season for which the harvest card was issued.

(b) Hunters must report migratory bird hunting activity at the department's authorized internet hunter reporting system internet site listed on the harvest record card or on the department-authorized mobile application.

(c) Any hunter who fails to report, for each harvest record card acquired, by the reporting deadlines is in violation of reporting requirements.

(d) Compliance will be credited for each harvest record card acquired.

(5) A hunter who fails to report hunting activity by the reporting deadlines for band-tailed pigeon, brant, harlequin duck permit, sea duck, snow goose, or SW Canada goose harvest record card acquired in the previous hunting season must pay a $10 administrative fee at the time a new migratory bird authorization and harvest record card is issued.

(6) A hunter may only be required to pay a maximum of one $10 administrative fee for all game species reporting violations during a license year.

(7) Hunters ((~~that~~)) who harvest a deer, elk, or moose in any WDFW management region where ((~~the department has detected~~)) chronic wasting disease (CWD) has been detected must present, within five days of the harvest, a sample for CWD testing to the department ((~~for chronic wasting disease testing within five days of harvesting~~)) in the same region where the animal was harvested. For the purpose of this section, the following are the approved types of samples:

(a) The whole head with at least three inches of the neck attached; or

(b) Extracted lymph nodes.

**WSR 26-01-041**
**EXPEDITED RULES**
**DEPARTMENT OF**
**SOCIAL AND HEALTH SERVICES**
(Home and Community Living Administration)
[Filed December 10, 2025, 7:50 a.m.]

Title of Rule and Other Identifying Information: WAC 388-97-1090 Direct care hours. RCW 74.42.360 (2)(d)(vi): The department of social and health services' (department) authority to grant exceptions to the Washington state minimum direct care nursing 3.4 hours per resident day (HPRD) requirement expired on June 30, 2018. Rule making is being completed to repeal expired exception/waiver information.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Statutory authority granting the department authority to grant exceptions to the 3.4 HPRD requirement expired on June 30, 2018. Rule making is being completed to repeal expired exception/waiver information. WAC 388-97-1090 (9), (10), (12), (14), (15), and (16) are affected.

Reasons Supporting Proposal: The department's statutory authority to grant exceptions to the 3.4 HPRD requirement expired on June 30, 2018.

Statutory Authority for Adoption: RCW 34.05.353 (1)(d), 74.42.360 (2)(d)(vi), and 74.42.620.

Statute Being Implemented: RCW 34.05.353 (1)(d), 74.42.360 (2)(d)(vi), and 74.42.620.

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

Name of Proponent: Residential care services (RCS), governmental.

Name of Agency Personnel Responsible for Drafting: RCS, Jodi Lamoreaux, P.O. Box 45600, Olympia, WA 98504-5600, 360-464-0487; Implementation and Enforcement: RCS, P.O. Box 45600, Olympia, WA 98504-5600, 360-464-0487.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Remove expired exception/waiver language in compliance with RCW 74.42.360 (2)(d)(vi).

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

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: RCW 74.42.360 (2)(d)(vi), the department's authority to grant exceptions to the 3.4 HPRD requirement expired on June 30, 2018.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, BEGINNING noon on December 24, 2025, AND RECEIVED BY 5:00 p.m. on February 24, 2026.

December 10, 2025
Katherine I. Vasquez

**SHS-5120.1**

AMENDATORY SECTION (Amending WSR 21-23-036, filed 11/8/21, effective 12/9/21)

**WAC 388-97-1090 Direct care hours.** (1) Each nursing home must provide a minimum of 3.4 hours of direct care per resident day (HRD). Direct care means the staffing domain identified and defined in the Centers for Medicare and Medicaid Services' five star quality rating system and as reported through the Centers for Medicare and Medicaid Services' payroll-based journal. Compliance with the minimum staffing standard must be measured using the Centers for Medicare and Medicaid Services' payroll based journal and nursing home census and payroll data.

(a) For purposes of calculating hours per resident day minimum staffing standards for facilities with ((~~sixty-one~~)) 61 or more licensed beds, the director of nursing services classification (job title code five), as identified in the Centers for Medicaid and Medicaid Service's payroll-based journal, shall not be used.

(b) For facilities with ((~~sixty~~)) 60 or fewer beds, the director of nursing services classification (job title code five) shall be included in calculating hours per resident day minimum staffing standards.

(2) On a quarterly basis the department will use the Centers for Medicare and Medicaid Services' payroll based journal to determine compliance with the minimum staffing standard.

(3) Payroll based journal data must be submitted after the end of each calendar quarter and filed electronically.

(4) The department will presume that all hours worked by direct care employees at the nursing home have been spent providing direct care.

(5) The department may use census and payroll data from facilities to perform enforcement audits.

(6) The department must periodically review the nursing home's census information, reported staff hours, and payroll data to determine whether HRD figures are relatively constant throughout a quarter or are being increased at the end of the quarter through unusual spending on direct care.

(7) A nursing home may use the hours of geriatric behavioral health workers as defined under RCW 74.42.010 to meet this section's direct care minimum staffing requirements.

(8) A nursing home that fails to meet the minimum staffing requirement of 3.4 hours and of direct care per resident day for any quarter is subject to a fine. The department will determine the amount of the fine as follows:

(a) The fine must be based on the total cost the nursing home would have incurred had it complied with the 3.4 HRD requirement;

(b) The department will use a formula that calculates a fine based on the cost of certified nurse aid wages and benefits for the missing staff hours;

(c) If the nursing home believes that the department's application of the standard in subsection (8)(b) of this section is inequitable, it may explain its position to the department and request consideration of an alternative method of calculating the fine; and

(d) The fine will be one and a half times the additional amount it would have cost the nursing home to provide direct care at the 3.4 HRD standard for a nursing home's first violation and two times the additional amount for each subsequent violation by the nursing home. After a nursing home has not violated the 3.4 HRD requirement for three years the department will reset the nursing home's status and treat any subsequent violation as an initial violation.

(9) ((~~If a noncompliant nursing home believes that it made a good-faith effort to meet the minimum staffing requirement and asks that the penalty not be imposed, the department may in its sole discretion waive the penalty.~~

~~(10) If the department waives a nursing home's fine under subsection (9) of this section, its noncompliance with the 3.4 HRD requirement must not count as a violation for determining whether a future violation is a first violation or a subsequent violation under subsection (8)(d) of this section and must not count as a violation for the purposes of resetting a nursing home's status under section (8)(d).~~

~~(11)~~)) The amount of money the nursing home would have been required to spend to reach 3.4 HRD must be treated as a direct care cost for the year in which the staffing was deficient for settlement purposes. The portion of the fine representing the additional one-half or one times that amount is a penalty, and will not be added to the actual costs of the nursing home in the settlement process.

((~~(12) The department will monitor compliance with the 3.4 HRD minimum staffing requirement for the quarter beginning July 1, 2016, but will not impose any penalties on nursing homes that do not comply during that quarter. The department instead will notify noncomplying nursing homes what their penalty would otherwise have been, and will require those nursing homes to submit a written plan for correcting the deficiency. The department will begin imposing fines for the quarter beginning October 1, 2016. Noncompliance with the 3.4 HRD requirement during the quarter beginning July 1, 2016 must not count as a first violation for fine calculation purposes under subsection (8)(d) of this section.~~))

((~~(13)~~)) (10) The nursing home must pay penalties under WAC 388-97-1090(8) by check. The department will deposit penalty checks into the nursing home quality enhancement account in the custody of the state treasurer. The department's secretary, or the secretary's designee, may authorize expenditures from the nursing home quality enhancement account. Such expenditures may only be for: Technical assistance to nursing homes, specialized training for nursing homes, or an increase to the quality enhancement component of the daily medicaid rate provided by RCW 74.46.581.

((~~(14) The department may grant a limited exception to the 3.4 HRD staffing requirements for nursing homes demonstrating a good faith effort to hire and retain staff.~~

~~(15) To determine initial eligibility for exception consideration, the department must send surveys to facilities anticipated to be below, at, or slightly above the 3.4 HRD requirement.~~

~~(16) These surveys report the staffing of a nursing home from October through December 2015, January through March 2016, and April through June 2016. These surveys must measure the HRD in a manner as~~

~~similar as possible to the Centers for Medicare and Medicaid Services' payroll-based journal.~~

~~(17)~~)) (11) In the event the Centers for Medicare and Medicaid Services' payroll-based journal is not available, the department may use any data source that is reasonably consistent with data metrics used by the payroll-based journal to measure direct care being provided by a nursing home. To gather data similar to the data gathered by the payroll-based journal, the department may provide a written survey to nursing homes. The metrics will be used to determine whether the nursing home has complied with the 3.4 HRD requirement.

**WSR 26-01-071**
**EXPEDITED RULES**
**DEPARTMENT OF TRANSPORTATION**
[Filed December 12, 2025, 11:39 a.m.]

Title of Rule and Other Identifying Information: WAC 468-06-090 Public records requests fees. This WAC states what the department of transportation (department) charges the public for copying costs of records released on public records requests.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Public Records Act, chapter 42.56 RCW, allows agencies to charge for copies of records provided to requesters in response to their request for records. It further states that the department may require a 10 percent deposit on requests. Our current WAC is missing a citation to the subsection allowing us to require a deposit.

Reasons Supporting Proposal: We want to utilize all the fee options available to us for copying costs.

Statutory Authority for Adoption: RCW 42.56.120(4).

Statute Being Implemented: RCW 42.56.120(4).

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

Name of Proponent: Washington state department of transportation, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Ashley Holmberg, Olympia, Washington, 360-870-2869; Enforcement: Sam Wilson, Olympia, Washington, 360-704-6366.

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

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed rule adds a citation to fees allowed by statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Steve Larsen, Washington State Department of Transportation, P.O. Box 47418, 310 Maple Park Avenue S.E., Olympia, WA 98504-7418, phone 360-705-7738, email wac@wsdot.wa.gov, BEGINNING the date and time of this filing, AND RECEIVED BY February 23, 2026, at 4:30 p.m.

December 11, 2025
Sam Wilson, Director
Business Support Services

**RDS-6877.1**

AMENDATORY SECTION (Amending WSR 19-07-026, filed 3/12/19, effective 4/12/19)

**WAC 468-06-090 Fees.** (1) The following copy fees and payment procedures apply to requests to the department under chapter 42.56 RCW and received on or after April 12, 2019.

(2) Pursuant to RCW 42.56.120 (2)(b), the department is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The department does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) The department will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c), and (4). The department will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the department may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The charges for copying methods used by the department are summarized in the fee schedule available on the department's website at www.wsdot.wa.gov.

(4) Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are ((~~twenty-five~~)) 25 or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of ((~~one hundred~~)) 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(5) All required fees must be paid in advance of release of the copies or an installment of copies. The office will notify the requestor of when payment is due.

(6) Payment should be made by check or money order to the Washington state department of transportation.

(7) The department will close a request when a requestor fails by the payment date to pay in the manner prescribed for records or an installment of records.

**WSR 26-01-104**
**EXPEDITED RULES**
**DEPARTMENT OF**
**FISH AND WILDLIFE**

[Order 25-27—Filed December 16, 2025, 8:56 a.m.]

Title of Rule and Other Identifying Information: The reinstatement of the Columbia River recreational salmon and steelhead endorsement program (CRSSE) due to the passage of HB 2003 in the 2025 legislative session. This expedited rule making is in response to the passage of this bill and will create rule in chapter 220-220 WAC (previously repealed in 2019).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: CRSSE was established by the legislature in 2009 with revenue dedicated to maintaining and improving recreational fishing opportunities throughout the Columbia River Basin. Projects included monitoring of salmon and steelhead fisheries in the Columbia and Snake rivers and tributaries to ensure the Washington state department of fish and wildlife (department) remains within conservation and allocation guidelines, increased enforcement of regulations in designated areas, and funded research that allowed fishery managers to more accurately estimate angling impacts to listed fish populations. Anglers were required to have CRSSE when fishing for salmon and steelhead in the Columbia River Basin.

The original CRSSE authorization expired after six years. The legislature extended CRSSE in 2016 for one year. The legislature again extended CRSSE in 2017 for two years. The department's agency request legislation to extend CRSSE was not adopted in the 2019 legislative session, and thus CRSSE expired on July 1, 2019. After the dedicated CRSSE funding expired, the monitoring and activities needed to maintain and improve recreational fishing opportunities throughout the Columbia River Basin was continued using general fund state dollars. The 2025 legislature reduced general fund state dollars and correspondingly reestablished CRSSE to expire January 1, 2028. The net effect of the 2025 legislature cutting agency general fund state dollars and reestablishing CRSSE was to maintain monitoring and activities in the Columbia River Basin through 2027.

This expedited rule making temporarily reestablishes CRSSE as it existed prior to its expiration on July 1, 2019.

Reasons Supporting Proposal: Based on the legislature's reinstatement of CRSSE, the department must amend its existing rules to conform to state law.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090, and 77.32.470.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090, and 77.32.470.

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

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Tom McBride, 1111 Washington Street S.E., Olympia, WA 98501; Implementation: Kelly Cunningham, 1111 Washington Street S.E., Olympia, WA 98501; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2605.

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

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

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The department must implement the statutory changes enacted by passage of HB 2003 during the 2025 legislative session and that will result in reestablishing a repealed rule; rule making is therefore appropriate under RCW 34.05.353.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Scott Bird, Rules Coordinator, Washington State Department of Fish and Wildlife, P.O. Box 43200, Olympia, WA 98501, phone 360-902-2403, fax 360-902-2155, email rules.coordinator@dfw.wa.gov, BEGINNING December 16, 2025, AND RECEIVED BY February 23, 2026.

December 16, 2025
Scott Bird
Rules Coordinator

**RDS-6852.1**

NEW SECTION

**WAC 220-220-211 Columbia River endorsement.** Anglers 15 years of age and older must purchase and have a valid Columbia River endorsement in their possession to fish for salmon or steelhead in the following waters:

(1) In the mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam;

(2) Deep River (Wahkiakum County);

(3) Grays River (Wahkiakum County) from the mouth to the mouth of the South Fork:

(a) Grays River, West Fork;

(b) Grays River, South Fork;

(c) Grays River, East Fork;

(4) Skamokawa River (Wahkiakum County);

(5) Elochoman River (Wahkiakum County);

(6) Mill Creek (Cowlitz County);

(7) Abernathy Creek (Cowlitz County), including all tributaries;

(8) Germany Creek (Cowlitz County), including all tributaries;

(9) Coal Creek (Cowlitz County) from the mouth to 400 feet below the falls;

(10) Cowlitz River (Cowlitz County) from the mouth to the mouth of Ohanapecosh and Muddy forks:

(a) Olequa Creek;

(b) Lacamas Creek (Lewis County);

(c) Blue Creek;

(d) Mill Creek (Lewis County);

(e) Mayfield Lake;

(f) Tilton River from the mouth to West Fork;

(g) Tilton River, East Fork;

(h) Tilton River, North Fork;

(i) Tilton River, South Fork;

(j) Tilton River, West Fork;

(k) Lake Scanewa (Cowlitz Falls Reservoir);

(l) Cispus River (Lewis County) mouth to North Fork;

(m) Cowlitz River, Clear Fork and Muddy Fork;

(11) Coweeman River (Cowlitz County);

(12) Toutle River (Cowlitz County) from the mouth to forks:

(a) Toutle River, North Fork;

(b) Toutle River, South Fork;

(c) Green River (Cowlitz County) from the mouth to Miner's Creek;

(13) Kalama River (Cowlitz County) from the mouth to Kalama Falls; Gobar Creek;

(14) Lewis River (Clark/Cowlitz counties) from the mouth to Merwin Dam:

(a) Lewis River, East Fork;

(b) Cedar Creek (Clark County);

(15) Salmon Creek (Clark County) from the mouth to 182nd Ave. Bridge;

(16) Camas Slough (Clark County) (waters outside the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island);

(17) Washougal River (Clark County):

(a) Little Washougal;

(b) Washougal River West, North Fork;

(18) Hamilton Creek (Skamania County);

(19) Rock Creek (Skamania County) from the mouth to the falls at approximately river mile 1;

(20) Wind River (Skamania County);

(21) Drano Lake (Skamania County) (Little White Salmon River downstream of the markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Highway 14 Bridge);

(22) White Salmon River (Klickitat/Skamania counties) from the mouth to Big Brother Falls at river mile 16;

(23) Klickitat River (Klickitat County);

(24) Walla Walla River (Walla Walla County) and tributaries;

(25) Mill Creek (Walla Walla County);

(26) Touchet River (Columbia/Walla Walla counties) from the mouth to the confluence of North Fork and South Fork:

(a) Touchet River, North Fork;

(b) Touchet River, South Fork;

(c) Touchet River, Wolf Fork;

(27) Grande Ronde River (Asotin County);

(28) Snake River mainstem; Palouse River (Whitman County) (below the falls);

(29) Tucannon River (Columbia/Garfield counties);
(30) Yakima River (Benton/Yakima/Kittitas counties):
(a) From the mouth to the Mabton-Sunnyside Rd. (SR 241) Bridge;
(b) From the Interstate 82 Bridge at Union Gap to Roza Dam;
(31) Wenatchee River from the mouth to Tumwater Dam;
(32) Chelan River (Chelan County) from the mouth (railroad bridge) to Chelan PUD safety barrier below the powerhouse;
(33) Icicle River (Chelan County) from the mouth to Icicle Irrigation Peshastin District footbridge;
(34) Lake Wenatchee (Chelan County);
(35) Entiat River (Chelan County) from the mouth to Entiat Falls;
(36) Methow River (Okanogan County) from the mouth to Foghorn Dam;
(37) Okanogan River (Okanogan County);
(38) Lake Osoyoos (Okanogan County);
(39) Similkameen River (Okanogan County) mouth to Enloe Dam.

**WSR 26-01-106**
**EXPEDITED RULES**
**PROFESSIONAL EDUCATOR**
**STANDARDS BOARD**
[Filed December 16, 2025, 10:11 a.m.]

Title of Rule and Other Identifying Information: WAC 181-81-010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update WAC to reflect the name change of the alternative routes block grant to the developing educator workforce grant.

Reasons Supporting Proposal: Clarify WAC language for updated grant name change.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Statute Being Implemented: Chapter 28A.410 RCW.

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

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Matt Dressen, 600 Washington Street S.E., Olympia, WA 98504, 360-725-6275; Implementation: Jeffery Youde, 600 Washington Street S.E., Olympia, WA 98504, 360-870-0143; and Enforcement: Veronica Gallardo, 600 Washington Street S.E., Olympia, WA 98504, 360-725-6502.

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

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This change clarifies language without making any substantive changes.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Matt Dressen, Professional Educator Standards Board, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6275, BEGINNING December 16, 2025, AND RECEIVED BY February 23, 2026.

December 16, 2025
Matt Dressen
Rules Coordinator

**RDS-6898.1**

AMENDATORY SECTION (Amending WSR 21-15-084, filed 7/16/21, effective 8/16/21)

**WAC 181-80-010 Basic requirements.** (1) Alternative routes to teacher certification programs are partnerships between professional educator standards board-approved preparation program providers, Wash-

ington school districts, and other partners as appropriate. These partnerships are focused on district-specific teacher shortage areas. Approved alternative routes partnerships are eligible to apply for the ((~~alternative routes block~~)) developing educator workforce grant and to facilitate alternative route conditional scholarship program as described in RCW 28A.660.050.

(2) Each prospective teacher preparation program provider, in cooperation with a Washington school district or consortia of school districts operating an approved alternative route to teacher certification program must meet the following requirements:

(a) **Partnership requirements.** Alternative routes providers shall establish an alternative routes partnership memorandum of agreement (MOA) between the approved teacher preparation program provider and each partnering district or consortia of districts. Each MOA shall require:

(i) An identification, indication of commitment, and description of the role of approved teacher preparation program provider and partnering district or consortia of districts, including specific duties of each partner;

(ii) The role of each partner in candidate recruitment, screening, selection, and oversight;

(iii) The role of each partner in field placement and student teaching and a description of when each begins within the program;

(iv) The role of each partner in mentor selection, training, and support;

(v) A description of how the district intends for the alternative route program to support its workforce development plan and how the presence of alternative route candidates will advance its school improvement plans.

(b) **Programmatic requirements.** Programs shall uphold the following requirements in addition to requirements and standards listed in chapter 181-78A WAC.

(i) Ensure candidates meet requirements for basic skills and content knowledge assessments under RCW 28A.410.220 and chapter 181-78A WAC.

(ii) Fingerprint and character clearance under RCW 28A.410.010 must be current at all times during the field experience for candidates who do not hold a valid Washington certificate.

(iii) Clinical practice for teacher candidates should consist of no less than ((~~five hundred forty~~)) 540 hours in classroom settings.

(iv) Mentorship requirements must be met in accordance with chapter 181-78A WAC and each candidate must be assigned a mentor. The candidate must receive mentoring for the duration of the residency.

(v) **Teacher development plan:** Ensure the design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's standards for residency certification. The plan must also include:

(A) Identification of one or more tools to be used to assess a candidate's performance once the candidate is about halfway through their residency;

(B) Recognition for relevant prior learning that demonstrates meeting residency certification competencies; and

(C) A description of the criteria that would result in early exit from the program with residency certification.

(vi) **Shortage areas.** Alternative route programs shall enroll candidates in a subject or geographic endorsement shortage area, as defined by the professional educator standards board.

**WSR 26-01-132**
**EXPEDITED RULES**
**DEPARTMENT OF LICENSING**
[Filed December 18, 2025, 10:35 a.m.]

Title of Rule and Other Identifying Information: WAC 308-101-020 Hearings examiners, 308-101-040 Eligibility for hearing, 308-101-080 Requests for hearing, 308-101-100 Place of hearing, 308-101-120 Continuances, 308-101-130 Agreements to schedule hearings under RCW 46.20.308 past the time frame required by law, 308-101-150 Subpoenas, 308-101-155 Filing of exhibits and other documents with the department and calling expert witnesses, 308-101-160 Evidence, 308-101-170 Video evidence, 308-101-180 Briefs, motions, memoranda, and other pleadings, 308-101-200 Testimony under oath or affirmation, 308-101-210 Conduct of hearings, and 308-101-220 Default.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of licensing (DOL) is updating references to hearing examiners, after they were renamed to law judges in July 2025, and making corrections to language including grammar and using more inclusive pronouns.

Reasons Supporting Proposal: Rule updates are correcting titles used for staff assigned by the agency director to decide application of administrative sanctions.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority, and 46.25.140 Rules.

Statute Being Implemented: Chapter 46.20 RCW, Drivers' licenses—Identicards; chapter 46.25 RCW, Uniform Commercial Driver's License Act; and chapter 46.65 RCW, Washington Habitual Traffic Offenders Act.

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

Name of Proponent: DOL, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Marguerite Friedlander, 1125 Washington Street S.E., Olympia, WA 98504, 360-664-1528.

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

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: DOL is correcting agency staff titles and typographical errors.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kelsey Stone, DOL, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, BEGINNING January 7, 2026, AND RECEIVED BY February 24, 2026.

December 18, 2025
Kelsey Stone
Legislative Policy Analyst

**RDS-6867.1**

AMENDATORY SECTION (Amending WSR 18-11-098, filed 5/21/18, effective 9/4/18)

**WAC 308-101-020 ((~~Hearings examiners~~)) Law judges.** All adjudicative proceedings under this chapter shall be conducted by a department ((~~hearings examiner~~)) law judge, who is appointed as a referee or presiding officer for such purposes. The director may also appoint additional referees or presiding officers from the employees of the department to conduct hearings. The director retains the discretion to revoke or limit an appointment at any time.

AMENDATORY SECTION (Amending WSR 23-07-074, filed 3/13/23, effective 4/13/23)

**WAC 308-101-040 Eligibility for hearing.** (1) A person is eligible for a hearing whenever the department proposes an adverse action against the driving privilege and the opportunity for a hearing or an interview is required by law. A person is also eligible for a hearing in the following circumstances:

(2) **HTO stay hearings:** A habitual traffic offender is eligible for a stay hearing under RCW 46.65.060 so long as the following conditions have been met:

(a) There is an alcohol/drug assessment from a state approved treatment agency on file that indicates substance dependence, and it was completed after the last drug or alcohol related offense on the driving record;

(b) The person is not revoked for a violation of a stay or probation previously granted under RCW 46.65.060 or 46.65.080;

(c) If a stay has previously been denied after a hearing, there is evidence of substance dependence with new treatment information from a state approved treatment agency.

(3) **HTO reinstatement hearings:** A habitual traffic offender is eligible for a reinstatement hearing if all of the following conditions have been met:

(a) At least four years have elapsed since the beginning of the habitual traffic offender revocation or if a habitual traffic offender stay has been violated, at least four years have elapsed since the date of the new revocation notice or the period of time set by the department has been satisfied;

(b) The person submits a declaration stating ((~~that he or she has~~)) they have not driven within two years prior to the request for a hearing. A record of any traffic infraction or conviction is conclusive evidence that a person drove within the past two years;

(c) The driver's record does not show any traffic infractions or criminal cases indicative of driving within the past two years. A conviction is conclusive evidence that a person drove in the past two years;

(d) Any period of additional revocation imposed following a habitual traffic offender reinstatement probation violation must be completed;

(e) If there has been a previous denial of a petition for reinstatement by a ((~~hearings examiner~~)) law judge, at least one year has

elapsed since the denial unless a shorter time is ordered by the ((~~hearings examiner~~)) law judge;

(f) The person is not incarcerated at the time of the hearing; and

(g) The person has complied with any department required treatment obligations.

(4) **HTO reinstatement without a hearing:** The department may grant a habitual traffic offender a reinstatement without a hearing if the person is eligible for a hearing under subsection (3) of this section and at the time of the request for a hearing:

(a) There are no other suspensions or revocations in effect;

(b) There are no vehicular homicide or vehicular assault convictions on the driver's record;

(c) The person has no unresolved court cases involving driving offenses; and

(d) The person is not revoked for a violation of a stay or probation previously granted under RCW 46.65.060 or 46.65.080.

(5) **Notification if ineligible:** The department shall notify any person seeking ((~~a~~)) reinstatement or a stay, of any finding of ineligibility and the basis for the ineligibility. If a hearing request is denied for a lack of eligibility, once the reason for the ineligibility has been resolved, the driver may make another request for a hearing.

AMENDATORY SECTION (Amending WSR 25-12-044, filed 5/28/25, effective 6/28/25)

**WAC 308-101-080 Requests for hearing.** (1) A request for a hearing shall be in writing;

(2) When no deadline for requesting a hearing or interview is provided in Title 46 RCW, or other law or rule of the department, a hearing or interview request must be postmarked or received by the administrative law office within 15 days after notice is given;

(3) The hearing request form provided by the department shall include a statement that if the parties or witness(es) are hearing or speech impaired and/or non-English speaking, a qualified interpreter will be appointed at no cost to the parties or witnesses. The form shall include a section where the petitioner may request an interpreter and where ((~~he or she~~)) they may identify the language and/or nature of the interpretive services needed;

(4) The request for hearing shall include the following information with respect to the petitioner:

(a) Full name;

(b) Mailing address;

(c) Daytime telephone number, including area code;

(d) Date of birth; and

(e) Driver's license number.

(5) The written request for hearing shall be accompanied by the applicable nonrefundable filing fee, unless the petitioner is entitled to a waiver of the filing fee because of indigence, in which case a request to waive the hearing fee for indigence must be submitted with the hearing request and be on a form approved by the department;

(6) When the department denies an application for an indigent fee waiver, the petitioner shall be granted an additional 10 days to submit payment of the hearing fee;

(7) **Submitting hearing request with fees:** The request for a hearing may be submitted to: Department of Licensing, Administrative Law Office, P.O. Box 9048, Olympia, WA 98507-9048;

(8) **Submitting hearings request without a fee:** If there is ((~~not~~)) no filing fee or if the petitioner is entitled to or applies for a waiver of the filing fee because of indigence, the request must be submitted to: Department of Licensing, Administrative Law Office, P.O. Box 9031, Olympia, WA 98507-9031;

(9) The request for a hearing may also be submitted online if the petitioner meets the qualifications described on the website at www.dol.wa.gov;

(10) If a request for hearing is denied, the department shall notify the petitioner and the petitioner's legal representative, if any, stating the reason(s) for the denial;

(a) The department (or a ((~~hearings examiner~~)) law judge) may set aside a denial of a hearing due to an untimely request if the petitioner establishes good cause for the failure to timely request a hearing;

(b) In the alternative, the department may grant a ((~~hearing~~)) review on the merits subject to a preliminary determination ((~~by a hearings examiner~~)) on the issue of whether the hearing request was timely filed or, if untimely, whether there was good cause to file a late hearing request. If the petitioner fails to establish the hearing request was timely filed or that there was good cause for a late hearing request, the department's action shall be sustained or affirmed without further review.

AMENDATORY SECTION (Amending WSR 18-11-098, filed 5/21/18, effective 9/4/18)

**WAC 308-101-100 Place of hearing.** (1) All hearings and interviews will be scheduled telephonically, unless the hearing is required by law to be in person or an in-person hearing is requested in accordance with subsection (2) of this section.

(2) The petitioner or petitioner's legal representative may request that all or part of the hearing or interview be conducted in person. Such a request must be in writing stating the reasons and be directed to the assigned ((~~hearings examiner~~)) law judge upon receipt of the hearing notice. The ((~~hearings examiner~~)) law judge will have the sole discretion to grant or deny this request.

AMENDATORY SECTION (Amending WSR 23-07-074, filed 3/13/23, effective 4/13/23)

**WAC 308-101-120 Continuances.** (1) After a hearing has been scheduled, it may be continued or rescheduled only at the discretion of the ((~~hearings examiner~~)) law judge.

(2) Requests for a continuance((~~,~~)) or ((~~to~~)) reschedule((~~,~~)) must include all of the following:

(a) A written request directed to the assigned ((~~hearings examiner~~)) law judge;

(b) The basis for the request; and

(c) At least two proposed reschedule dates.

(3) A party may make one continuance or reschedule request without judicial review.

(4) A party requesting a second or later continuance or reschedule must file the request at least two business days before the scheduled hearing, except upon showing of good cause.

(5) Good cause is defined as substantive reason or legal justification for failing to meet the reschedule deadline. Good cause may include, but are not limited to:

(a) Military deployment;

(b) Medical treatment or hospitalization;

(c) Housing instability;

(d) Language barriers;

(e) Domestic violence; or

(f) Incarceration.

(6) The ((~~hearings examiner~~)) law judge may continue or reschedule the hearing at any time, including on the date of the hearing.

(7) A party shall not consider a hearing continued or rescheduled until notified affirmatively by the ((~~hearings examiner or his, her,~~)) law judge or their designee.

(8) The ((~~hearings examiner~~)) law judge may require the party who requests a second or later continuance or reschedule to submit documentary evidence that substantiates the reason for the request.

(9) Notwithstanding any provisions of this section to the contrary, a ((~~hearings examiner~~)) law judge may continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear. The ((~~hearings examiner~~)) law judge must continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear and the petitioner is a holder of a commercial driver's license or was operating a commercial motor vehicle at the time of the driver's arrest.

AMENDATORY SECTION (Amending WSR 18-11-098, filed 5/21/18, effective 9/4/18)

**WAC 308-101-130 Agreements to schedule hearings under RCW 46.20.308 past the time frame required by law.** (1) The department presumes any of the following actions taken by the petitioner is a request that the department agree to extend the hearing beyond the time frame required by RCW 46.20.308:

(a) A request for a continuance;

(b) A request to hold an in-person hearing when the request cannot be accommodated within the time frame required;

(c) A request to set aside a default order;

(d) A request for a subpoena when service cannot be accommodated within the time frame required;

(e) Remitting insufficient funds to satisfy the hearing fee;

(f) Any other action taken by the petitioner that makes the scheduling of the hearing within the time frame required by law impracticable.

(2) A ((~~hearings examiner's~~)) law judge's decision to grant any of the petitioner's requests in subsection (1) of this section constitutes the department's assent to extend the hearing past the time frame required by law.

(3) If a person requests one of the actions in subsection (1) of this section but affirmatively declines to agree to extend the time

frame required by law, the ((~~hearings examiner~~)) law judge may direct the hearing to proceed as originally scheduled or may take any other action that protects the petitioner's right to be heard and the public's interest in a speedy resolution of the matter.

(4) The department must stay a driver's license suspension any time a timely hearing request has been received but it is otherwise impracticable to hold the hearing within the time frame required by law.

AMENDATORY SECTION (Amending WSR 23-07-074, filed 3/13/23, effective 4/13/23)

**WAC 308-101-150 Subpoenas.** (1) Subpoenas shall be issued and enforced, as provided in RCW 46.20.308(7). All subpoenas shall direct the witness to appear by telephone unless otherwise ordered by the ((~~hearings examiner~~)) law judge.

(2) Every subpoena shall be submitted on a form approved by the department, available on the internet at www.dol.wa.gov, for approval by a ((~~hearings examiner~~)) law judge. If approved, the ((~~hearings examiner~~)) law judge will sign and issue the subpoena back to the party requesting the subpoena.

(3) A subpoena to a person to provide testimony at a hearing shall:

(a) Specify the date and time set for hearing; and

(b) The hearing department's contact information. This contact information must enable the person receiving the subpoena to request an alternative date and time for the department to receive their testimony, if they are unavailable on the date of the hearing.

(4) A subpoena duces tecum requesting a person to produce designated books, documents, or things under ((~~his or her~~)) their control shall direct the person to produce the books, documents, or things by a reasonable time in advance of the hearing.

(5) A subpoena must be personally served by a suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving ((~~him or her~~)) them a copy thereof, or by leaving such copy at the place of ((~~his or her~~)) their residence. Proof of service shall be made by affidavit or declaration under penalty of perjury, and must be filed with the ((~~hearings examiner~~)) law judge at least two days prior to the hearing. If the subpoena is served by personal service, proof of service must include a copy of the subpoena that shows it was received by the law enforcement agency. Service by certified mail must be preapproved by the ((~~hearings examiner~~)) law judge. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

(6) A subpoena must be properly served five days prior to the date of the hearing.

AMENDATORY SECTION (Amending WSR 25-12-044, filed 5/28/25, effective 6/28/25)

**WAC 308-101-155 Filing of exhibits and other documents with the department and calling expert witnesses.** (1) Any exhibit or document submitted to the administrative law office must include the petition-

er's case number assigned by the unit, if a case number has been assigned. All exhibits or documents submitted electronically, shall only be submitted in a PDF format.

(2) A petitioner may submit documents for consideration via any one of the following methods:

(a) U.S. mail addressed to: Department of Licensing, Administrative Law Office, P.O. Box 9030, Olympia, WA 98507-9030.

(b) Facsimile transmission to the assigned ((~~hearings examiner~~)) law judge.

(c) An internet portal made available by the department.

(d) Email hearings@dol.wa.gov.

(3) Petitioners are permitted to call expert witnesses, at their own expense. The petitioner must file notice with the administrative law office of the following:

(a) Notice of the expert testimony;

(b) A curriculum vitae (CV) of the anticipated expert; and

(c) A summary of their expected testimony at least five business days prior to the hearing. If petitioner fails to comply with these requirements, the expert testimony may be properly excluded and not considered.

AMENDATORY SECTION (Amending WSR 18-11-098, filed 5/21/18, effective 9/4/18)

**WAC 308-101-160 Evidence.** (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of these rules.

(2) Evidence including testimony and documentary evidence, is admissible if received prior to, or during, the hearing.

(3) The ((~~hearings examiner~~)) law judge shall rule on the admissibility and weight to be accorded to all evidence submitted at the hearing. Evidence, including hearsay evidence, is admissible if in the judgment of the ((~~hearings examiner~~)) law judge it is the kind of evidence on which reasonably prudent persons are accustomed to rely on in the conduct of their affairs. The ((~~hearings examiner~~)) law judge may exclude evidence that is irrelevant, immaterial, or unduly repetitious. The admissibility of evidence shall be liberally construed to effect the intent and purpose of the hearings covered by these rules.

(4) **Oral testimony:** Law enforcement officers or other persons with knowledge relevant to the hearing may appear and testify without notice. Such testimony shall not preclude the admissibility of any documents submitted.

(5) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the ((~~hearings examiner~~)) law judge, be grounds for striking all testimony previously given by such witness on related matter.

(6) **Documentary evidence:** Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. When only portions of a document are to be relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which such materials will be offered. Only the excerpts, in the form of copies, shall be received in the record. However, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(7) Official notice may be taken of: (a) Any judicially cognizable facts; (b) technical or scientific facts within the agency's specialized knowledge; and (c) codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association. Parties shall be notified either before or during the hearing of the material so noticed and the sources thereof and they shall be afforded an opportunity to contest the facts and materials so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

AMENDATORY SECTION (Amending WSR 23-07-074, filed 3/13/23, effective 4/13/23)

**WAC 308-101-170 Video evidence.** (1) If the petitioner wishes to submit video evidence, the petitioner shall be responsible for the costs of preparing a copy to be admitted as evidence. Video evidence shall be submitted sufficiently in advance of the hearing to allow the ((~~hearings examiner~~)) law judge the opportunity to review it prior to the hearing. The ((~~hearings examiner~~)) law judge may require a time waiver from the petitioner in order to reschedule the hearing and satisfy this provision when needed. Video evidence must be submitted by DVD or flash drive and in a format which allows the DVD or flash drive to be viewed on the department's equipment. Any costs associated with this requirement is to be the responsibility of the petitioner.

(2) Video evidence may be submitted in the following ways: On a DVD, on a flash drive, or submitted electronically in a digital format. If the petitioner wishes to submit a digital copy of video evidence, the petitioner shall email hearings@dol.wa.gov with the evidence and any instructions on viewing the evidence. The video must be in a format that allows the video to be viewed on the department's equipment. Any costs associated with this requirement is to be the responsibility of the petitioner.

AMENDATORY SECTION (Amending WSR 23-07-074, filed 3/13/23, effective 4/13/23)

**WAC 308-101-180 Briefs, motions, memoranda, and other pleadings.** (1) The text of all documents filed with this department should be double-spaced, except footnotes and block quotations, which may be single-spaced. In a document produced using word processing software, all text, including footnotes and block quotations, should appear in a 14-point font serif equivalent to Times New Roman or San serif font equivalent to Arial.

(2) **Brief length and certificate of compliance:** All documents filed with this department and produced using word processing software should contain a short statement above the signature line certifying the number of words contained in the document, exclusive of words contained in the appendices, the title sheet, the table of contents, the certificate of compliance, signature blocks, and pictorial images (e.g., photographs, maps, diagrams, exhibits). The signor may rely on the word count calculation of the word processing software used to prepare the brief or motion. Motions/briefs shall not exceed 5,000

words or 20 pages if handwritten. Any appendices or attachments are not to be included in the length. For good cause, a ((~~hearings examiner~~)) law judge may permit an over-length brief.

(3) Citations to the legal authority shall comply with the Washington state court general rules 14 and 14.1.

(4) All exhibits or documents submitted electronically shall be submitted only in a PDF format.

AMENDATORY SECTION (Amending WSR 18-11-098, filed 5/21/18, effective 9/4/18)

**WAC 308-101-200 Testimony under oath or affirmation.** Every person called as a witness and who is giving oral testimony in a hearing shall swear or affirm that the testimony ((~~he or she is~~)) they are about to give in the hearing shall be the truth according to the provisions of RCW 5.28.020 through 5.28.060. If the witness is testifying from outside the jurisdiction, the ((~~hearings examiner~~)) law judge may require the witness to agree to be bound by the laws of the state of Washington for purposes of the oath or affirmation.

AMENDATORY SECTION (Amending WSR 23-07-074, filed 3/13/23, effective 4/13/23)

**WAC 308-101-210 Conduct of hearings.** Hearings are public proceedings. Public access is achieved through providing a copy of the audio recording and admitted exhibits in compliance with a public records request. The ((~~hearings examiner's~~)) law judge's authority includes, but shall not be limited to, the authority to:

(1) Determine the order of presentation of evidence;

(2) Administer oaths and affirmations;

(3) Issue subpoenas pursuant to RCW 46.20.308(7);

(4) Rule on procedural matters, objections, and motions;

(5) Rule on offers of proof and receive relevant evidence;

(6) Order the exclusion of witnesses upon a showing of good cause;

(7) Afford the petitioner the opportunity to respond, present evidence, conduct cross-examination, and submit rebuttal evidence. The ((~~hearings examiner~~)) law judge may question witnesses to develop any facts deemed necessary to fairly and adequately decide the matter;

(8) Call additional witnesses deemed necessary to complete the record and receive such testimony subject to full opportunity for cross-examination and rebuttal by the petitioner;

(9) Examine and admit the official records of the department, subject to full opportunity, including the opportunity to request a continuance if needed, for cross-examination and rebuttal by the petitioner;

(10) Examine and admit public records including, but not limited to, maps, policy and procedure manuals, breath testing equipment manuals and the Washington state patrol breath test section website at any time before, during, or after the hearing, subject to full opportunity, including the opportunity to request a continuance if needed, for cross-examination and rebuttal by the petitioner;

(11) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;

(12) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(13) Issue an order of default;

(14) Recess the hearing to a later time to accommodate scheduling conflicts. Hearings are ordinarily scheduled to be one hour in length;

(15) Take any other action necessary and authorized by any applicable statute or rule; and

(16) Waive any requirement of these rules so long as neither the department nor the petitioner is prejudiced by such a waiver.

AMENDATORY SECTION (Amending WSR 18-11-098, filed 5/21/18, effective 9/4/18)

**WAC 308-101-220 Default.** (1) In the event that the person who requested an interview or hearing is not available at the time it is scheduled via the manner of appearance directed in the notice of interview or hearing, or as subsequently modified in writing or orally on the record, no interview or hearing shall be held. An order of default shall be entered and the department's proposed action shall be sustained.

(2) A person who fails to appear at an interview waives ((~~his or her~~)) their right to request a formal hearing.

(3) Within seven days after service of a default order, the petitioner may file a written motion requesting that the order of default be vacated, and stating the grounds relied upon for the motion. In determining whether the default should be set aside, the ((~~hearings examiner~~)) law judge shall consider whether there was good cause for the nonappearance.

**WSR 26-01-143**
**EXPEDITED RULES**
**DEPARTMENT OF**
**FISH AND WILDLIFE**

[Order 25-28—Filed December 18, 2025, 3:38 p.m.]

Title of Rule and Other Identifying Information: 2025 Correction to WAC 220-440-260 Prohibition of feeding deer, elk, or moose.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SHB 1325 passed in the 2025 legislative session. This bill requires the Washington state department of fish and wildlife (WDFW) to amend hunting rules concerning big game violations. Currently, WAC 220-440-260 contains an incorrect reference to RCW 77.15.160 in one of its subsections. As a result, WDFW enforcement officers are unable to correctly write infractions to enforce this rule.

Reasons Supporting Proposal: This proposed amendment is necessary for WDFW enforcement officers to comply with the recently enacted statutes resulting from passage of SHB 1325. The basis for the original rule was to reduce the spread of chronic wasting disease (CWD). CWD is a fatal, neurologic disease of cervids including deer, elk, moose, and caribou. It is caused by infectious proteins called prions that are transmitted directly from animal to animal or indirectly through environments. There is no cure or vaccine for CWD. WAC 220-440-260 was developed to reduce the congregation of cervids that often occurs with public feeding. Enforcement has no authority to cite violations of this rule unless the rule is updated.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.04.020, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.04.020, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Thomas Knoll, Jr., 1111 Washington Street S.E., Olympia, WA 98501, 360-951-3088; Implementation and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2605.

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

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule making is necessary to clarify laws passed in SHB 1325 during the 2025 legislative session.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Scott Bird, WDFW, P.O. Box 43200, Olympia, WA 98501, phone 360-902-2403, email rules.coordinator@dfw.wa.gov, BEGINNING December 24, 2025, at 12:00 p.m., AND RECEIVED BY February 23, 2026, at 11:59 p.m.

December 18, 2025
Scott Bird
Rules Coordinator

**RDS-6575.2**

AMENDATORY SECTION (Amending WSR 25-09-079, filed 4/16/25, effective 5/17/25)

**WAC 220-440-260 Prohibition of feeding deer, elk, or moose.** (1) Except as provided in subsection (3) of this section, it is an infraction under RCW 77.15.160 ((~~(6)(b)~~)) (11)(b) to place, deposit, distribute, or scatter feed including, but not limited to, grain, hay, minerals, salt, fruit, or other such substances or food types to feed, lure or attract deer, elk, or moose not lawfully held in captivity. A person may not allow food to be placed for the purposes of feeding other wildlife that causes deer, elk, or moose to congregate.

(2) This rule does not apply in the completion of any of the following agricultural practices:

(a) Cultivation, production, and harvest of crops including, but not limited to, fruit, vegetable, hay, and grains;

(b) Animal husbandry related to the care and feeding of domestic livestock and poultry.

(3) The director may authorize the feeding of deer, elk, or moose under the following conditions:

(a) Prevent damage to private property;

(b) Mitigate population loss anticipated by a predicted winter mortality;

(c) Support a WDFW research or management program.

**WSR 26-01-147**
**EXPEDITED RULES**
**DEPARTMENT OF LICENSING**
[Filed December 18, 2025, 7:12 p.m.]

Title of Rule and Other Identifying Information: WAC 308-70-130 Fees, Scrap metal business—Recycler—Processor—Supplier.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Removing the catalytic converter inspection fee listed in WAC 308-70-130. The fee is set in statute and does not include the scrap metal businesses regulated under chapter 308-70 WAC.

Reasons Supporting Proposal: The rule is being repealed to align with statute and reduce confusion due to the rule being associated with the wrong business license type.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority, and 46.79.160 Catalytic converters—Inspection fee.

Statute Being Implemented: RCW 46.79.160 Catalytic converters—Inspection fee.

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

Name of Proponent: Department of licensing (DOL), governmental.

Name of Agency Personnel Responsible for Drafting: Austin Koller, 405 Black Lake Boulevard S.W., Olympia, WA 98502, 360-634-5430; Implementation and Enforcement: Debra Allen-Ba, 405 Black Lake Boulevard S.W., Olympia, WA 98502, 360-628-2328.

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

Content is explicitly and specifically dictated by statute.

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

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: DOL is conducting rule making to remove incorrect fees that are explicitly dictated in statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kelsey Stone, DOL, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-0131, email rulescoordinator@dol.wa.gov, BEGINNING January 7, 2026, AND RECEIVED BY February 24, 2026.

December 18, 2025
Kelsey Stone
Legislative Policy Analyst

**RDS-6865.1**

AMENDATORY SECTION (Amending WSR 24-18-003, filed 8/21/24, effective 9/21/24)

**WAC 308-70-130 Fees.** The following fees shall be charged by the department of licensing:

| | |
|---|---|
| Processor and Recycler Application, Initial | $1,290.00 |
| Processor and Recycler Application, Renewal | $665.00 |
| Supplier Application, Initial | $390.00 |
| Supplier Application, Renewal | $205.00 |
| Catalytic Converter Inspection Fee, Initial | $500.00 |
| ((~~Catalytic Converter Inspection Fee, Renewal~~ | ~~$500.00~~)) |

**WSR 26-01-195**
**EXPEDITED RULES**
**BELLEVUE COLLEGE**
[Filed December 23, 2025, 3:17 p.m.]

Title of Rule and Other Identifying Information: Chapter 132H-160 WAC, Admissions, registration, graduation, and tuition and fee waivers for Community College District VIII.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This WAC will be shortened substantially, due to changed and outdated sections. Standards for military withdrawals, special program admissions, administrative fees, and waivers have changed in the past 23 years and are updated. Added are brief sections on registration and graduation, to bring the college into compliance with the state constitution.

Reasons Supporting Proposal: Previous filing and public hearing produced no comments or objections. Filing time expired.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 28B.50.140.

Statute Being Implemented: RCW 34.05.353.

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

Name of Proponent: Bellevue College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Loreen McRea Keller, Bellevue College, 3000 Landerholm Circle S.E., A-201, Bellevue, WA 98007, 425-564-6155.

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

Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Expired filing date, all other processes complete without comment or objection.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Loreen McRea Keller, Bellevue College, 3000 Landerholm Circle S.E., A-201, phone 425-564-6155, email loreen.keller@bellevuecollege.edu, BEGINNING December 23, 2025, AND RECEIVED BY February 23, 2026.

December 23, 2025
Loreen M. Keller, Director
Policy and Government Relations

**OTS-5768.2**

**Chapter 132H-160 WAC**

**ADMISSIONS, ((~~RESIDENCY CLASSIFICATION AND REGISTRATION REGULATIONS—SCHEDULE OF FEES AND FINANCIAL AID~~)) REGISTRATION, GRADUATION, AND TUITION AND FEE WAIVERS FOR COMMUNITY COLLEGE DISTRICT VIII**

AMENDATORY SECTION (Amending WSR 78-07-026, filed 6/15/78)

**WAC 132H-160-010 Title.** WAC 132H-160-010 through ((~~132H-160-710~~)) 132H-160-530 will be known as the admissions, ((~~residency classification and registration regulations - schedule of fees and financial aid~~)) registration, graduation, and tuition and fee waivers for Community College District VIII as established by the board of trustees pursuant to the authority granted to them by RCW 28B.50.140 and chapter 28B.15 RCW.

NEW SECTION

**WAC 132H-160-025 Registration.** Registration procedures and deadlines are published on the college website and available on campus in student services.

NEW SECTION

**WAC 132H-160-035 Graduation.** Due dates and deadlines for graduation applications are published on the college academic calendar each quarter, with dates published up to one year in advance.

AMENDATORY SECTION (Amending WSR 98-03-044, filed 1/15/98, effective 2/15/98)

**WAC 132H-160-052 Tuition and fee waivers.** (1) The board of trustees of Community College District VIII may periodically establish tuition and fee waivers for specific categories of students as permitted by state law and by the state board for community and technical colleges. Such waivers will be established in accordance with state statutes and with regular college fiscal processes.

(2) Information regarding current waivers will be available ((~~in the schedule of classes and from the student services center~~)) on the college's website and in student services.

(3) A student who wishes to appeal the determination of ((~~his or her~~)) their tuition and fee waiver eligibility may ((~~[submit a written appeal to the associate dean of enrollment services, who will review the student's eligibility] [contact the Associate Dean of Enrollment Services, who will initiate a brief adjudicative proceeding according to RCW 34.05.482 through 34.05.494]~~)) submit a written appeal to enrollment services, which will initiate a brief adjudicative proceeding according to RCW 34.05.482 through 34.05.494.

AMENDATORY SECTION (Amending WSR 00-11-102, filed 5/18/00, effective 6/18/00)

**WAC 132H-160-182 Student schedule changes—Refund policy and administrative fees.** The Community College District VIII board of trustees has authorized the ((~~associate dean~~)) head of enrollment services (or ((~~his/her~~)) designee) to collect an administrative fee when a student adds or drops course(s) or withdraws from the college. In addition, the ((~~associate dean~~)) head of enrollment services (or ((~~his/her~~)) designee) is authorized to refund tuition and/or fees when a student withdraws from college or a course(s), in accordance with RCW 28B.15.605 and the refund policies approved by the board of trustees. The ((~~associate dean~~)) head of enrollment services (or ((~~his/her~~)) designee) has the authority to make judgments regarding refunds in extraordinary circumstances. A student who is requested to withdraw for disciplinary reasons will not be eligible for a refund. Refund provisions for students receiving Title IV Federal Aid are described in WAC 132H-160-185((~~,~~)) Refund for Title IV Federal Aid Recipients.

The specific refund procedure and rates are ((~~published~~)) available online in the college catalog and the quarterly schedule of classes.

AMENDATORY SECTION (Amending Order 15, filed 4/18/73)

**WAC 132H-160-270 Selective admission ((~~to specific degree~~)) programs.** ((~~Applicants who are qualified for admission to Community College District VIII are required to enroll in one of the college's educational major programs. Upon receipt of a student's application to attend the college, the admissions office requests that the applicant file a data information request form stating his or her program major. However, all applicants who are qualified for admission to the college cannot always be accommodated in the educational program of their choice because of space limitations or because some prerequisites for program acceptance have not been fulfilled. In such cases, applicants are offered admission to the college as a preprogram major. In order to be considered for admission in the educational major program of their choice, at a later date, such students will be required to submit a supplemental application and present additional information to the admission office. Examples of information which might be considered may include but are not necessarily limited to the following:~~

~~(1) Grade point average.~~

~~(2) Successful completion of high school courses or elementary courses in the field.~~

~~(3) Recommendation and test scores.~~

~~Although criteria for program acceptance may vary from program to program, they are binding if all of the following conditions have been met:~~

~~(1) They have been accepted by the office of admission and the instructional program chairmen.~~

~~(2) The criteria applies to all students seeking admission to the educational program major.~~

~~(3) The criteria has been made available through printed statements in the office of admissions and in the advising offices of the educational programs prior to the first day of the preceding quar-~~

~~ter.~~)) (1) Academic and other programs may require additional criteria for admission based on the following:

(a) Demand exceeds supply of space in the program.

(b) Program accreditation requires additional criteria for admission or graduation.

(c) The program requires students to complete prerequisites prior to program admission.

(d) The International Education program requires its applicants to meet federal, division, and specific program entrance requirements.

(2) Selective admission programs may charge a fee in addition to the general college admission fee. Applicants must follow the requirements and processes established for the college and each selective admission program. Selective admission programs may deny admission based on the additional criteria.

(3) Prospective students who plan to participate in a selective or competitive academic program must first complete the online general college admission application and pay any published fees. Applicants should review the academic programs' webpage for program requirements and the admission process.

AMENDATORY SECTION (Amending Order 15, filed 4/18/73)

**WAC 132H-160-500 Military withdrawal.** ((~~Students submitting proof of being drafted or voluntary enlistment in the armed forces may receive credit and/or refund of fees as follows:~~

~~(1) During first one-third of course, full refund of fees and no credit.~~

~~(2) During second one-third of course, one-half credit, without letter grade and with courses unspecified. Unspecified credit may later be converted to specific credit and grade by examination. One-half of fees refunded.~~

~~(3) Withdrawal during last one-third of course, full credit, no letter grade may be earned by examination upon recommendation of the instructor. No money refunded.~~

~~(4) A student who is drafted in the last one-half of his final quarter and who would obviously have earned his degree if he had not been drafted, whose earned grade average is "C" or better, and who is recommended by his department chairman and the dean, may be granted a degree prior to his induction into the armed forces by action of the graduation committee.~~)) The college complies with RCW 28B.10.270: Rights of Washington national guard and other military reserve students called to service. Servicemembers should refer to the college website for additional resources.

REPEALER

The following sections of the Washington Administrative Code are repealed:

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|---|---|
| WAC 132H-160-053 | Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.530. |
| WAC 132H-160-060 | Laboratory fees. |

| | |
|---|---|
| WAC 132H-160-090 | Community service. |
| WAC 132H-160-170 | Insurance. |
| WAC 132H-160-190 | Financial obligation. |
| WAC 132H-160-200 | Title. |
| WAC 132H-160-340 | Residency classification procedures—Statement of purpose. |
| WAC 132H-160-360 | Residency application form. |
| WAC 132H-160-370 | Nonresidents entitled to pay resident tuition and fees. |
| WAC 132H-160-380 | Verification classification. |
| WAC 132H-160-550 | Comprehensive fee. |