



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Labor and Industries

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) February 1, 2005 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The forklift and other powered industrial trucks rule, chapter 296-863 WAC, has been rewritten and reorganized for clarity and ease of use for the employer and employees. This will make the requirements easier to read and understand. Requirements pertaining to rough terrain forklift trucks have been updated to reflect criteria of the American Society of Mechanical Engineers. Minimum side railroad track clearance requirements have been increased to equal those stipulated by the Washington Utilities and Transportation Commission.

Citation of existing rules affected by this order:

Repealed: See attachment 1.
 Amended: See attachment 1.
 Suspended: None.

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Other authority : None.

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-08-039 on March 30, 2004.

Describe any changes other than editing from proposed to adopted version:

WAC 296-863-20020, Protect operators from falling objects.

The exception has been clarified.

WAC 296-863-30010, Inspect your PITs.

A note has been added for clarity.

WAC 296-863-40060, Make sure work platforms and PITs used to lift people meet these requirements.

Sentence has been modified for clarity.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: September 14, 2004

NAME (TYPE OR PRINT)

Paul Trause

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

WSR#04-19-051

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>40</u>	Amended	<u>1</u>	Repealed	<u>20</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>40</u>	Amended	<u>1</u>	Repealed	<u>20</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>40</u>	Amended	<u>1</u>	Repealed	<u>20</u>

(1) Citation of existing rules affected by this order:

AMENDED SECTIONS:

WAC 296-24-47511 Liquefied petroleum gas as a motor fuel

REPEALED SECTIONS:

WAC 296-24-230	Powered industrial trucks
WAC 296-24-23001	Definition
WAC 296-24-23003	General requirements
WAC 296-24-23005	Designations
WAC 296-24-23007	Designated locations
WAC 296-24-23009	Converted industrial trucks
WAC 296-24-23011	Safety guards
WAC 296-24-23013	Fuel handling and storage
WAC 296-24-23015	Changing and charging storage batteries
WAC 296-24-23017	Lighting for operating areas
WAC 296-24-23019	Control of noxious gases and fumes
WAC 296-24-23021	Dockboards (bridge plates)
WAC 296-24-23023	Trucks and railroad cars
WAC 296-24-23025	Operator training
WAC 296-24-23027	Powered industrial truck operations
WAC 296-24-23029	Traveling
WAC 296-24-23031	Loading
WAC 296-24-23033	Operation of the truck
WAC 296-24-23035	Maintenance of industrial trucks
WAC 296-24-23037	Appendix 1 stability of powered industrial trucks nonmandatory appendix