



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 04-08-090 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: Motor Vehicles

The department is proposing to rewrite and clarify requirements relating to motor vehicles. This proposal will place motor vehicle requirements for general industry (WAC 296-24-233) into one chapter (chapter 296-865 WAC, Motor Vehicles). This rulemaking is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. The department is eliminating unnecessary requirements and outdated terminology.

See Attachment A.

**Hearing location(s):**  
 Department of Labor and Industries  
 7273 Linderson Way SW, S118  
 Tumwater, WA 98501  
 Date: May 10, 2005 Time: 1:30 p.m.

Department of Labor and Industries  
 Room 4 (on the 3<sup>rd</sup> floor)  
 901 N. Monroe St., Suite 100  
 Spokane, WA 99201  
 Date: May 13, 2005 Time 9:30 a.m.

**Date of intended adoption:** August 3, 2005  
 (Note: This is NOT the effective date)

**Submit written comments to:**

Name: Jamie Scibelli  
 Address:  
 PO Box 44620  
 Olympia, WA 98504-4620  
 e-mail [Scij235@lni.wa.gov](mailto:Scij235@lni.wa.gov)  
 fax (360)902-5529 by May 20, 2005

**Assistance for persons with disabilities:** Contact

Kim Johnson by May 3, 2005

[Rhok235@lni.wa.gov](mailto:Rhok235@lni.wa.gov) or (360) 902-5008

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of this rulemaking is to make this rule easy to read, understand and more usable for employers. This proposal will place motor vehicle requirements for general industry WAC 296-24-233 into one chapter, 296-865 WAC, Motor Vehicles. There are no anticipated effects. See Attachment A.

Reasons supporting proposal: See Attachment A.

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

**Statute being implemented:** Chapter 49.17 RCW

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**CODE REVISER USE ONLY**

**WSR# 05-08-112**

**DATE**  
April 5, 2005

**NAME** (type or print)

Judy Schurke

**SIGNATURE**

**TITLE**  
Acting Director

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation....Michael Wood	Tumwater	(360) 902-5495
Enforcement..... Michael Wood	Tumwater	(360) 902-5495

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The department does not anticipate costs to small business as a result of this proposal. Per RCW 19.85.030 (1)(a), an agency must prepare an SBEIS if the proposed rule will impose more than minor costs on businesses in an industry. These rules were analyzed for economic impact and it was determined that, in order for these rules to impose any costs, a firm would have to have enough privately owned land that their vehicles never pass from their property to the public roadways. Because small businesses are highly unlikely to meet these conditions, the rule will not impose more than a minor cost on businesses.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Trista Zugel

Address: Department of Labor & Industries

Research & Data Services

PO Box 4321

Olympia, WA 98504-4321

phone (360) 902-5122

fax (360)902-4249

e-mail Zugy235@lni.wa.gov

No: Please explain:

**CR 102 RULE-MAKING ORDER (RCW 34.05.320)**

Department of Labor and Industries

WISHA Services Division

CR-102 Filing Date: April 5, 2005

Hearing Date:

Tumwater - May 10, 2005

Spokane - May 13, 2005

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**Attachment (a)**

(Purpose Statement)

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**AMENDED SECTIONS:**

WAC 296-305-04501, Automotive fire apparatus design and construction

- Update a reference.

**NEW SECTIONS:**

WAC 296-865-100, Scope

- Created this section to explain the requirements relating to motor vehicles.

WAC 296-865-200, All motor vehicles

- Created this summary page to include all the sections located in WAC 296-865-200 that relate to general requirements for all motor vehicles.

WAC 296-865-20005, Motor vehicle operation

- Requirements in this section were moved from WAC 296-24-233(1) and Title 46 RCW, Motor Vehicles.

WAC 296-865-20010, Transportation of passengers

- Requirements in this section were moved from WAC 296-24-233(15)(a), WAC 296-24-233(15)(b), and Title 46 RCW, Motor Vehicles.

WAC 296-865-20015, Motor vehicle equipment

- Requirements in this section were moved from WAC 296-24-233(11), WAC 296-24-233(15), WAC 296-24-233(15)(a), WAC 296-24-233(10), WAC 296-24-233(15)(c), WAC 296-24-233(15)(f), and WAC 296-24-233(15)(k).

WAC 296-865-300, Trucks and trailers

- Created this summary page to include all sections located in WAC 296-865-300 that relate to requirements for trucks and trailers.

WAC 296-865-30005, Truck operation

- Requirements in this section were moved from WAC 296-24-233(5), and WAC 296-24-233(8), WAC 296-24-233(7).

WAC 296-865-30010, Dump trucks

- Requirements in this section were moved from WAC 296-24-233(9).

WAC 296-865-30015, Semitruck brakes

**CR 102 RULE-MAKING ORDER (RCW 34.05.320)**

Department of Labor and Industries

WISHA Services Division

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**Attachment (a)**

(Purpose Statement)

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- Requirements in this section were moved from WAC 296-24-233(2), WAC 296-24-233(3), WAC 296-24-233(4), WAC 296-24-233(14), and WAC 296-24-233(3).

WAC 296-865-30020, Transportation of loads

- Requirements in this section were moved from WAC 296-24-233(12).

WAC 296-865-400, Definitions

- The following definitions have been added to chapter 296-865 WAC, Motor Vehicles: Motor vehicle, Semitruck, Trailer, and Truck.

**REPEALED SECTIONS:**

WAC 296-24-233, Motor vehicle trucks and trailers.

- Repeal this section.
- Requirements relating to motor vehicles have been moved to chapter 295-865 WAC, Motor Vehicles.