



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) October 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: Motor Vehicles

The department has rewritten and clarified requirements relating to motor vehicles. This rulemaking has placed 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 The department has eliminated unnecessary requirements and outdated terminology.

See Attachment A.

Citation of existing rules affected by this order:

Repealed: WAC 296-24-233, Motor vehicle trucks and trailers.
 Amended: WAC 296-305-04501, Automotive fire apparatus design and construction.
 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 05-08-112 on April 5, 2005
 Describe any changes other than editing from proposed to adopted version: See Attachment B.

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

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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: August 3, 2005

NAME (TYPE OR PRINT)
Gary K. Weeks

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

WSR# 05-17-059

**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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>11</u>	Amended	<u>1</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>11</u>	Amended	<u>1</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>11</u>	Amended	<u>1</u>	Repealed	<u>1</u>

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 103 RULE-MAKING ORDER (RCW 34.05.360)

Department of Labor and Industries

WISHA Services Division

Hearing Date: May 10, 2005 and May 16, 2005

CR-103 Filing Date: August 2, 2005

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Attachment A

(Purpose Statement)

- 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.

CHANGES TO THE RULES

Chapter 296-865 WAC, Motor Vehicles

The following housekeeping changes have been made from the proposal to the adopted language.

WAC 296-865-20010, Transportation of passengers.

- Moved the requirement to “Make sure vehicles used to transport employees are, at all times, well equipped, covered against the weather, and maintained in good mechanical condition” from Table 1 in WAC 296-865-20015, Motor vehicle equipment, into a bullet in this section.
- Moved the requirement to “Make sure transporting sharp tools that could present a hazard to employees in the vehicle that you provide compartments or (cargo) screens strong enough to retain the tools” from Table 1 in WAC 296-865-20015, Motor vehicle equipment, into a bullet in this section.

WAC 296-865-20015, Motor vehicle equipment.

- Moved the requirement to “Make sure all equipment operated on public roadways meets all of the state of Washington motor vehicle laws” from Table 1 into a bullet in this section.
- Moved the requirement to “Make sure all parts and accessories are safe to use” from Table 1 into a bullet in this section.
- Rephrased the heading titles and requirements in Table 1.

WAC 296-865-300, Trucks and trailers.

- Changed the title of WAC 296-865-30020 from “Transportation of loads” to “Truck and trailer loads.”

WAC 296-865-30020, Transportation of loads.

- Changed the title of WAC 296-865-30020 from “Transportation of loads” to “Truck and trailer loads.”