



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor & Industries

- Preproposal Statement of Inquiry was filed as WSR 04-09-048 ; or  
 Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
 Proposal is exempt under RCW 34.05.310(4).

- Original Notice  
 Supplemental Notice to WSR \_\_\_\_\_  
 Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)

General Reporting Rules, Classifications, Audit and Record keeping, Rates and Rating System for Workers' Compensation Insurance – Chapter 296-17-WAC  
**Other identifying information:** WAC 296-17- 31002, WAC 296-17- 31009, WAC 296-17- 31013, WAC 296-17- 31014, WAC 296-17-31024, WAC 296-17-31025, WAC 296-17- 527, WAC 296-17- 64999, and WAC 296-17-72202

**Hearing location(s):**  
Department of Labor & Industries  
7273 Linderson Way SW  
Tumwater, WA 98504-4148  
Room S118

Date: July 27, 2004 Time: 9:00 AM

**Submit written comments to:**

Name: Dept of Labor & Industries  
Address: Attn: Tammy Turner  
Classification Services  
PO Box 44148, Olympia WA 98504-4148  
e-mail [TURE235@lni.wa.gov](mailto:TURE235@lni.wa.gov)  
fax (360) 902-4729 by July 27, 2004

**Assistance for persons with disabilities:** Contact

Office of Information and Assistance by July 26, 2004

TTY (360) 902-5797

**Date of intended adoption:** August 24, 2004  
(Note: This is **NOT** the effective date)

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

Purpose: The Legislature passed an act implementing a collective bargaining agreement between the Home Care Quality Authority and individual home care providers. Chapter 278, Laws of 2004 (EHB 1777) passed by the legislature in the 2004 session provides industrial insurance coverage for tens of thousands of home care providers not previously covered by the industrial insurance system. To assist in the implementation of this legislation, Labor and Industries is adding a new home care services/ home care quality authority sub classification to risk classification 6511, Chore Services/ Home Care Assistants of the Classification rules. The department is also amending two risk classification definitions:

- 0607-19 Advertising or merchandise display by removing the references to classes 6304, 6305, and 6406 and removing the special note, and
- 900-00 Construction superintendent or project manager by adding a statement to the special note clarifying that this is a special exception classification and not subject to normal rules of the construction industry and making general housekeeping changes to the general reporting rules, i.e. changing references to Policy Manager to account manager.

Proposed amendments to the General Reporting Rules (WAC):

- WAC 296-17-31002 General Rule Definitions-Changing definition of policy manager to definition of account manager
- WAC 296-17-31009 Reciprocal Agreements-Changing references to policy manager to account manager
- WAC 296-17-31013 Building Construction-Changing references to policy manager to account manager
- WAC 296-17-31014 Farming and Agriculture-Changing references to policy manager to account manager
- WAC 296-17-31024 Classification Rates-Changing references to policy manager to account manager
- WAC 296-17-31025 Change in Business Operations-Changing references to policy manager to account manager

Proposed amendments to the Risk Classification Rules (WAC):

- WAC 296-17-527 Classification 0607-19 Advertising or merchandise display. Removing references to 6304, 6305, 6406, and the special note to allow a broader interpretation for the use of this classification
- WAC 296-17-64999 Classification 4900 Construction: Superintendent or project manager. Adding clarification to special note regarding use of this class as a construction class, i.e. 4900 is a special exception classification so it is used differently.
- WAC 296-17-72202 Classification 6511 Adding a new sub-code for Home Care Services / Home Care Quality Authority (per HB1777)

**Reasons supporting proposal:** The passing of EHB1777 requires a method of offering industrial insurance to home care providers. Revisions to the general reporting rules offer clarity and consistency in their application.

(b) **Statutory authority for adoption:** Chapter 278, Laws of 2004 (EHB1777), RCW 51.04.020 (General Authority), and RCW 51.16.035 (Classification Plan/ Base Rate)

**Statute being implemented:**  
RCW 51.16.035

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No  
If yes, CITATION:

**CODE REVISER USE ONLY**

**DATE**  
June 22, 2004

**NAME** (type or print)  
Paul Trause

**SIGNATURE**

**TITLE:**  
Director

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

N/A

**Name of proponent:**

Department of Labor and Industries

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Tammy Turner	Tumwater, WA	(360) 902-4777
Implementation.... Kathy Kimbel	Tumwater, WA	(360) 902-4739
Enforcement..... Robert Malooly	Tumwater, WA	(360) 902-4209

**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 proposed rule does not place a more than minor economic impact on business; therefore a SBEIS is not required.

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

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

Name:

Address:

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

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

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

No: Please explain: This rule is exempt from the significant rule making criteria under RCW 34.05.328(5)(b)(v), which exempts a rule where the content is explicitly and specifically dictated by statute.