



**PROPOSED RULE MAKING
(RCW 34.05.320)**

**CR-102 (7/22/01)
Do NOT use for expedited
rule making**

Agency: Department of Labor and Industries	<input checked="" type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuance of WSR _____
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>02-09-090</u> ; or <input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	

(a) Title of rule: **Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances. (Chapter 296-96 WAC)**

Purpose: The purpose of this rulemaking is to:

- clarify that special purpose and residential elevators are exempt from the requirements for installation and operation requirements relating to hall buttons and
- add a new section for requirements that apply to hydraulic elevators without safety bulkheads.

Other identifying information: This rulemaking is related to the elevator licensing rulemaking filed under WSR# 04-08-087 on April 6, 2004.

(b) Statutory authority for adoption: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190.	Statute being implemented: Chapter 70.87 RCW
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(c) Summary: **See purpose statement above.**

Reasons supporting proposal: **See purpose statement above.**

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Dotty Stanlaske	Tumwater	360-902-6128
2. Implementation.... Patrick Woods	Tumwater	360-902-6348
3. Enforcement..... Patrick Woods	Tumwater	360-902-6348

(e) Name of proponent (person or organization): **Department of Labor and Industries**

Private
 Public
 Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
NA

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION: Department of Labor & Industries, Room S130 7273 Linderson Way SE Olympia, WA 98504 Date: <u>June 22, 2004</u> Time: 9:00 am Assistance for persons with disabilities or other special accommodation needs contact: Christine Swanson by 6/8/04 at 360-902-6411 or copc235@LNI.wa.gov	Submit written comments to: Christine Swanson 7273 Linderson Way SE Olympia, WA 98504-4400 Copc235@lni.wa.gov Phone: 360-902-6411 Fax: 360-902-5292
	DATE OF INTENDED ADOPTION: July 20, 2004
	CODE REVISER USE ONLY

NAME (TYPE OR PRINT) Paul Trause	WSR# 04-11-063
SIGNATURE	
TITLE Director	
DATE May 18, 2004	

(j) Short explanation of rule, its purpose, and anticipated effects:
See purpose statement on page 1.

Does proposal change existing rules? YES NO If yes, describe changes:
See purpose statement on page 1.

(k) 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 writing to:

telephoning: ()
faxing: ()

No. Explain why no statement was prepared

The proposed changes to WAC 296-96-23303 are intended to bring the requirement in line with American Society of Mechanical Engineers (ASME) code 8.6.5.5, requirements for safety bulkheads. Since the ASME code falls into the category of a national consensus code, this rule change is exempt under RCW 34.05.310(4)(c). The change being made to WAC 296-96-02355, simply clarifies the rule by adding a line that states, "Special purpose and residential elevators are exempt from this section." Since this rule amendment is a clarification, it is covered by the RCW 34.05.310(4)(d).

(l) Does RCW 34.05.328 apply to this rule adoption? Yes No

Please explain:

Significant rule-making criteria does apply to these rule changes however they are exempt under RCW 34.05.328(5)(b).