



RULE-MAKING ORDER

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

Agency: Department of Labor & Industries

- Permanent Rule**
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) 11-22-04 (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: WAC 296-46B-900, Electrical work and permits and fees; WAC 296-46B-905, Inspection; WAC 296-46B-915, Civil Penalty Schedule; WAC 296-46B-925, Electrical/telecommunications contractor's license, WAC 296-46B-970, Continuing education. General requirements—continuing education classes requirements for administrator, master electrician, and electrician renewal.

This rule adoption relates to an emergency rule that went into effect on August 2, 2004 as WSR 04-16-076. See Attachment A for further details.

Citation of existing rules affected by this order:

Repealed: None.
 Amended: See Attachment A.
 Suspended: **None.**

Statutory authority for adoption: Chapter 19.28 RCW, Electricians and Electrical Installations

Other authority : None.

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-17-094 on August 17, 2004.

Describe any changes other than editing from proposed to adopted version: Based on a comment received, the department added clarifying language to WAC 296-46B-970 (5)(b)(i)(c) to clearly state that a JATC instructor is already a qualified instructor to offer continuing education courses. See Attachment A for detailed language.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A The department evaluated the proposed rule adoption and determined that there is no increase in costs to business, therefore, we did not prepare a small business economic impact statement or a cost-benefit analysis.

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: October 20, 2004

NAME (TYPE OR PRINT)
Paul Trause

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

WSR#04-21-086

**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	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>5</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>5</u>	Repealed	_____

Attachment A

Amendments to: Electrical safety standards, administration, and installation (Chapter 296-46B WAC)

Purpose

This rulemaking incorporates the two changes included in the emergency rule that was adopted on August 2, 2004, which are outlined below.

This rulemaking proposes to make the following amendments to the electrical work and permits and fees rules:

- A permit will no longer be required to perform only maintenance work on a sign. This requirement was an unintended consequence of a rulemaking in 2003. This amendment will restore previous business practices.
- Any electrician with a certificate to teach continuing education classes may be an electrical instructor, this includes, all administrators and all electricians including specialty electricians.

An emergency rule went into effect August 2, 2004 (WSR 04-16-076) to immediately put the above rules in effect. This rulemaking will make these amendments permanent.

This rulemaking also includes the following two changes:

- When service call companies respond to a call they do not know exactly what type of work will need to be performed. Under the current rules, before they can perform most types of electrical work they can do two things: 1) call back to the office and have them immediately purchase an electrical permit or 2) leave the job and go to L&I and purchase a permit. Both options are a work stoppage challenge for this industry and does not make business sense.

This rulemaking will create a provisional electrical permit to allow service call companies some flexibility with permitting. The department will allow this provisional permit as long as an electrical permit is purchased within two working days after posting the provisional permit.

- The definition of independent power producer which is limited to commercial electrical power producers is clearly defined per directive from the Electrical Board in a policy. We have received comments from the Electrical Board, electrical industry and electrical utility industry to place this language into rule. We are now proposing to place the policy language into rule and repeal the policy.

Citation of existing rules affected by this order

Amended

WAC 296-46B-900, Electrical work and permits and fees

WAC 296-46B-905, Inspection

WAC 296-46B-915, Civil Penalty Schedule

WAC 296-46B-925, Electrical/telecommunications contractor's license

WAC 296-46B-970, Continuing education. General requirements—continuing education classes requirements for administrator, master electrician, and electrician renewal