



# 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

- Preproposal Statement of Inquiry was filed as WSR 07-03-156 ; 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:** Workers' Compensation Self Insurance Rules and Regulations, Chapter 296-15 WAC. This chapter governs employers who are permitted to self-insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes modifications to existing sections regarding certification requirements, as well as a new section specifically related to the requirement for submitting data electronically through the Self Insurance Electronic Data Reporting System (SIEDRS).

**Hearing location(s):**  
Department of Labor & Industries  
Room S117  
7273 Linderson Way SW  
Tumwater, Washington 98501-5414

Date: December 2, 2008 Time: 9:00 am

**Submit written comments to:**  
Name: Margaret Conley  
Address: P.O. Box 44890  
Olympia, Washington 98504-4890  
e-mail [mcgm235@Lni.wa.gov](mailto:mcgm235@Lni.wa.gov)  
fax (360)902-6977 by December 2, 2008 5:00 pm

**Assistance for persons with disabilities:** Contact  
Margaret Conley by November 18, 2008  
TTY (800) 833-6388 or (360) 902-6723

**Date of intended adoption:** December 23, 2008  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
This rulemaking proposal will modify WAC 296-15-001 to define what the Self Insurance Electronic Data Reporting System (SIEDRS) is and its function. WAC 296-15-021 is modified to clarify how an employer applying to become self-insured must prepare for participation in SIEDRS. The proposal will also create a new section (WAC 296-15-231) to explain the requirements for each self-insurer for submitting data on an on-going basis and establishes penalties for violations of the rules.

**Reasons supporting proposal:**

The legislation (Chapter 145, Laws of 2005) was supported by the self-insured community. Representatives of the self-insured community have participated both in designing the SIEDRS system, as well as in providing feedback on these proposed rules.

**Statutory authority for adoption:** RCW 51.14.110

**Statute being implemented:** RCW 51.14.110

**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**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **October 21, 2008**  
TIME: **2:32 PM**

**WSR 08-21-149**

**DATE**  
October 21, 2008

**NAME** (type or print)  
Judy Schurke

**SIGNATURE**

**TITLE**  
Director

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

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

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Jean M. Vanek	243 Israel Rd SE, Tumwater, WA 98501	(360) 902-6907
Implementation....Jean M. Vanek	243 Israel Rd SE, Tumwater, WA 98501	(360) 902-6907
Enforcement..... Jean M. Vanek	243 Israel Rd SE, Tumwater, WA 98501	(360) 902-6907

**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.

Chapter 296-15 WAC applies only to businesses that are certified to self-insure in Washington State. Per RCW 19.85.020 (1), a business must have fifty or fewer employees to qualify as a small business under the Regulatory Fairness Act. The department reviewed the number of worker hours reported by each employer currently certified to self-insure, and no self-insured business has fewer than fifty employees. Therefore, no small business economic impact statement is required.

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

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

Name: Josh Swanson

Address:

P.O. Box 44001

Olympia, WA 98504-4001

phone (360) 902-6805

fax (360) 902-4202

e-mail [SWAJ235@Lni.wa.gov](mailto:SWAJ235@Lni.wa.gov)

No: Please explain: