



# 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) \_\_\_\_\_ (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:** This rulemaking modifies WAC 296-15-001 to define the Self Insurance Electronic Data Reporting System (SIEDRS) 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 rulemaking will also create a new section (WAC 296-15-231) to explain the requirements for each self-insurer for submitting data on an ongoing basis and to establish penalties for violations of the rules.

**Citation of existing rules affected by this order:**

Repealed: n/a  
 Amended: WAC 296-15-001 Definitions; WAC 296-15-021 Self-insurance certification requirements and application process.  
 Suspended:

**Statutory authority for adoption:** RCW 51.14.110

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 08-21-149 on October 21, 2008.

Describe any changes other than editing from proposed to adopted version:

The department clarified the language in WAC 296-15-231(2). WAC 296-15-231(5) was clarified by moving the last paragraph into a separate subsection (6) to specifically address the assessment of penalties. Subsection (6)(a) has been modified to clarify that for the purposes of WAC 296-15-231, an "occurrence" refers to submission of one data file, regardless of the number of claims contained in that data file.

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

Name: Josh Swanson phone (360) 902-6805  
 Address: P.O. Box 44001 fax (360) 902-4202  
 Olympia, WA 98504-4001 e-mail [SWAJ235@Lni.wa.gov](mailto:SWAJ235@Lni.wa.gov)

**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:**

December 23, 2008

**NAME (TYPE OR PRINT)**

Ernie LaPalm

**SIGNATURE**

**TITLE**

Deputy Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE: December 23, 2008**

**TIME: 2:47 PM**

**WSR 09-01-177**

**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:**

|   |     |          |         |          |          |          |
|---|-----|----------|---------|----------|----------|----------|
| <b>Federal statute:</b>                 | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Federal rules or standards:</b>      | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Recently enacted state statutes:</b> | New | <u>1</u> | Amended | <u>2</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> |
|--|-----|----------|---------|----------|----------|----------|

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

|  |     |          |         |          |          |          |
|--|-----|----------|---------|----------|----------|----------|
|  | New | <u>1</u> | Amended | <u>2</u> | Repealed | <u>0</u> |
|--|-----|----------|---------|----------|----------|----------|

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

|  |     |          |         |          |          |          |
|--|-----|----------|---------|----------|----------|----------|
|  | New | <u>1</u> | Amended | <u>2</u> | Repealed | <u>0</u> |
|--|-----|----------|---------|----------|----------|----------|

**The number of sections adopted using:**

|                                       |     |          |         |          |          |          |
|---------------------------------------|-----|----------|---------|----------|----------|----------|
| <b>Negotiated rule making:</b>        | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Pilot rule making:</b>             | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Other alternative rule making:</b> | New | <u>1</u> | Amended | <u>2</u> | Repealed | <u>0</u> |