



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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 07-11-146; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: Chapter 296-200A WAC, Contractor Certificate of Registration

Hearing location(s):

See Attachment 1

Submit written comments to:

Name: Sally Elliott
Address: Post Office Box 44400
Olympia, Washington 98504-4400
e-mail: yous235@lni.wa.gov
fax (360) 902-5292 by March 4, 2008

Assistance for persons with disabilities: Contact

Sally Elliott by September February 15, 2007 at
yous235@lni.wa.gov or (360) 902-6411

Date of intended adoption: April 1, 2008

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rulemaking is a result of Chapter 436, Laws of 2007 (Substitute House Bill 1843), which passed the 2007 Legislature. The legislation closed loopholes that left consumers vulnerable and strengthened L&I's ability to enforce current law. The legislation addresses recent court rulings that conflicted with past practices, adds a requirement that the prevailing party in a suit against a contractor to notify L&I of all judgments and legal actions resulting from the suit, increases violations of the statute to a gross-misdemeanor which will allow the department and local prosecutors additional time to build a case against an unregistered contractor. It also lowers the threshold for the department to triple the contractors bond.

The contractor registration rules were reviewed to ensure consistency with statute, industry practice, and for clarification.

Reasons supporting proposal: See purpose statement.

Statutory authority for adoption: Chapter 18.27 RCW and Chapter 436, Laws of 2007 (Substitute House Bill 1843)

Statute being implemented: Chapter 18.27 RCW and Chapter 436, Laws of 2007 (Substitute House Bill 1843)

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 22, 2008

TIME: 3:03 PM

WSR 08-03-117

DATE
January 22, 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:

NA

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Pete Schmidt	Tumwater, Washington	(360) 902-5571
Implementation.... Patrick Woods	Tumwater, Washington	(360) 902-6348
Enforcement..... Patrick Woods	Tumwater, Washington	(360) 902-6348

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.

A small business economic impact statement has not been prepared under chapter 19.85 RCW. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined they do not require a small business economic impact statement because the proposed rules are in response the passage of Substitute House Bill 1843 [see RCW 19.85.025 referencing exemptions listed under RCW 34.05.310 (4)(c)].

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:

A cost-benefit analysis was not prepared under RCW 34.05.328. The department considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined they do not require a cost-benefit analysis because the proposed rules are clarifying the rules are in response the passage of Substitute House Bill 1843 [see exemptions, RCW 34.05.328 (5)(b)(iii)].

Attachment 1 – Contractor Registration Public Hearings

Date: February 26, 2008
Time: 10:00 a.m.
Location: Department of Labor and Industries, Tukwila Service Location
12806 Gateway Drive
Tukwila, Washington

Date: February 28, 2008
Time: 9:00 a.m.
Location: Department of Labor and Industries
7273 Linderson Way SW
Tumwater, Washington

Date: March 6, 2008
Time: 10:00 a.m.
Location: Department of Labor and Industries, Moses Lake Service Location
3001 W. Broadway Ave
Moses Lake, Washington