



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 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 corrects recent court rulings that conflicted with past practices, adds a requirement to a prevailing party in a suit against a contractor to notify L&I of all judgments and legal actions resulting from the suit, and increases a 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 that allows the department to triple the contractors bond.

Citation of existing rules affected by this order:

Repealed: See Attachment 1
 Amended: See Attachment 1
 Suspended: None.

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

Other authority : None.

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 08-03-117 on January 22, 2008.

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

- WAC 296-200A-015: Added the definition of mobile/manufactured home dealer to read "a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles and licensed as required under chapter 46.70 RCW".
- WAC 296-200A-016(38): Added "sheet metal" after "metal fabrication".

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

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: August 4, 2008

NAME (TYPE OR PRINT)
Judy Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 04, 2008
TIME: 3:27 PM

WSR 08-16-091

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

New	<u>3</u>	Amended	<u>17</u>	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>3</u>	Amended	<u>17</u>	Repealed	<u>2</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>3</u>	Amended	<u>17</u>	Repealed	<u>2</u>

AMENDED SECTIONS:

- WAC 296-200A-015, What terms do I need to know to understand this chapter?
WAC 296-200A-025, How does a contractor register, renew, reregister or reinstate its registration?
WAC 296-200A-030, How much are the surety bond or savings account amounts?
WAC 296-200A-040, What can cause the suspension of a contractor's registration?
WAC 296-200A-065, What procedures must be followed when surety bonds and/or other securities approved by the department become impaired?
WAC 296-200A-080, How is a suit filed against a contractor?
WAC 296-200A-090, How are judgments against contractors paid?
WAC 296-200A-111, How does a city, town, or county verify a contractor's registration?
WAC 296-200A-300, What violations of chapter 18.27 RCW can result in the issuance of a notice of infraction?
WAC 296-200A-305, How does the department notify registered contractor regarding any unregistered subcontractors they may employ?
WAC 296-200A-320, How can a notice of infraction be served?
WAC 296-200A-340, How does a contractor appeal a notice of infraction?
WAC 296-200A-360, Who may represent the contractor and the department at the appeal hearing?
WAC 296-200A-390, What does the department do with the appeal notices that they receive?
WAC 296-200A-400, What monetary penalties will be assessed for an infraction issued for violations of RCW 18.27.100, 18.27.110, 18.27.114 or 18.27.200?
WAC 296-200A-405, When must a contractor pay assessed monetary penalties?
WAC 296-200A-900, What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration?

REPEALED SECTIONS:

- WAC 296-200A-310, What information must be included in a notice of infraction?
WAC 296-200A-330, How are notices of infraction issued?