



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 08-11-020 ; 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: The Department of Labor & Industries is proposing this rulemaking as a result of Chapter 88, Laws of 2008 (Senate Bill 6839) to clarify premium liability and provide information regarding workers' compensation coverage requirements when Washington employers hire Washington workers to work out-of-state.

Hearing location(s):
 September 10, 2008 at 10:00 am Red Lion Inn at the Quay
 100 Columbia St.
 Vancouver WA

September 11, 2008 at 10:00 am Spokane Airport Ramada
 8909 West Airport Dr.
 Spokane WA

September 15, 2008 at 2:00 pm, Dept of Labor & Industries Bldg.
 7273 Linderson Way SW
 Tumwater WA

Submit written comments to:
 Name: Ronald Moore
 PO Box 44140
 Olympia, WA 98504-4140
 e-mail:MOOA235@lni.wa.gov
 Fax: (360)902-4729 by September 15, 2008, 5:00 pm

Assistance for persons with disabilities contact :
 Bill Moomau Call (360) 902-4774 or
 e-mail MOOA235@lni.wa.gov
 TTY at (360)902-5797

Date of intended adoption: September 25, 2008
 (Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
 This proposed rule making will amend WAC 296-17-35203 to add a new section addressing extraterritorial rules for Washington employers performing work out-of-state.

The proposed rulemaking will also create 51 new risk classifications to enable the department to track out-of-state work being performed. See Attachment A.

Reasons supporting proposal: Employers will benefit from these proposed changes as it will no longer be necessary to pay dual coverage for work being performed out of the state of Washington beyond the temporary and incidental period.

Statutory authority for adoption: RCW 51.16.035 and RCW 51.16.100 and Chapter 88, Laws of 2008

Statute being implemented: RCW 51.16.035 and RCW 51.16.100

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:

DATE
August 5, 2008

NAME
Judy Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 05, 2008

TIME: 10:51 AM

WSR 08-16-110

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

Name of proponent:

Department of Labor and Industries

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Bill Moomau	Tumwater	(360) 902-4774
Implementation.... Ronald C. Moore	Tumwater	(360) 902-4748
Enforcement..... Robert Malooly	Tumwater	(360) 902-4209

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.

In this case, the agency is exempt from conducting a SBEIS since the proposed rules set or adjust fees or rates to legislative standards described in RCW 34.05.328 (5)(b)(vi) and because the content of the rules is specifically dictated by statute described in RCW 34.05.328 (5)(b)(v).

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:

In this case, the agency is exempt from conducting a CBA since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.328(5)(b)(vi) and because the content of the rules is specifically dictated by statute described in RCW 34.05.328(5)(b)(v).

**Attachment A
CR 102, Extraterritorial Rules**

WAC 296-17-7500 Classification 7500.

Out of state employment (extraterritorial). (To be assigned by extraterritorial underwriter).

7500-00 Out of state employment – Alabama

7500-01 Out of state employment – Alaska

7500-02 Out of state employment – Arkansas

7500-03 Out of state employment -Arizona

7500-04 Out of state employment – California

7500-05 Out of state employment – Colorado

7500-06 Out of state employment - Connecticut

7500-07 Out of state employment – Delaware

7500-08 Out of state employment – District of Columbia

7500-09 Out of state employment – Florida

7500-10 Out of state employment – Georgia

7500-11 Out of state employment – Hawaii

7500-12 Out of state employment – Idaho

7500-13 Out of state employment – Illinois

7500-14 Out of state employment – Indiana

7500-15 Out of state employment – Iowa

7500-16 Out of state employment – Kansas

7500-17 Out of state employment – Kentucky

7500-18 Out of state employment – Louisiana

- 7500-19 Out of state employment – Maine**
- 7500-20 Out of state employment – Maryland**
- 7500-21 Out of state employment – Massachusetts**
- 7500-22 Out of state employment – Michigan**
- 7500-23 Out of state employment – Minnesota**
- 7500-24 Out of state employment – Mississippi**
- 7500-25 Out of state employment – Missouri**
- 7500-26 Out of state employment – Montana**
- 7500-27 Out of state employment – Nebraska**
- 7500-28 Out of state employment – Nevada**
- 7500-29 Out of state employment – New Hampshire**
- 7500-30 Out of state employment – New Jersey**
- 7500-31 Out of state employment – New Mexico**
- 7500-32 Out of state employment – New York**
- 7500-33 Out of state employment – North Carolina**
- 7500-34 Out of state employment – North Dakota**
- 7500-35 Out of state employment - Ohio**
- 7500-36 Out of state employment – Oklahoma**
- 7500-37 Out of state employment – Oregon**
- 7500-38 Out of state employment – Pennsylvania**
- 7500-39 Out of state employment – Rhode Island**
- 7500-40 Out of state employment – South Carolina**
- 7500-41 Out of state employment – South Dakota**

7500-42 Out of state employment – Tennessee

7500-43 Out of state employment – Texas

7500-44 Out of state employment – Utah

7500-45 Out of state employment – Vermont

7500-46 Out of state employment – Virginia

7500-47 Out of state employment – West Virginia

7500-48 Out of state employment – Wisconsin

7500-49 Out of state employment – Wyoming

7500-50 Out of state employment – Canada

7500-51 Out of state employment – Foreign countries