



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 08-14-133 ; 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:

Chapter 296-17A WAC, Classifications for Worker's Compensation Insurance

Hearing location(s):

Tumwater L&I Bldg
Room S119
7273 Linderson Way SW
Tumwater WA 98501

Date: July 7, 2009 Time: 10 a.m. to 12:00 a.m.

Submit written comments to:

Name: Ronald Moore
Address: PO Box 44140
Olympia WA 98504-4140

e-mail MOOA235@lni.wa.gov
fax (360)902-4729 by 5:00 pm, July 7, 2009

Date of intended adoption: August 4, 2009
(Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities

Contact Bill Moomau at 360-902-4774 or Office of Information & Assistance at TTY (360) 902-5797 by July 6, 2009.

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The department has conducted a review of various classifications and determined that certain classifications are in need of revision for purposes of clarification. Revisions are being considered for the following classification:

- WAC 296-17A-0516 Building repair and carpentry NOC
- WAC 296-17A-1109 Towing services
- WAC 296-17A-4002 Dairy products manufacturing
- WAC 296-17A-4910 Property management
- WAC 296-17A-6103 Schools

See Attachment A for details.

Reasons supporting proposal: Classifications will be more clear and easier to administer and understand.

Statutory authority for adoption:
RCW 51.16.035 and RCW 51.16.100

Statute being implemented:
RCW 51.16.035 and RCW 51.16.100

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE June 2, 2009

NAME (type or print)
Judy Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 02, 2009
TIME: 10:32 AM

WSR 09-12-099

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

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.....Bill Moomau/Jo Anne Smith	Tumwater	(360) 902-4774/4777
Implementation.... Ronald C Moore	Tumwater	(360) 902-4774
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.

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). Preparation of a Small Business Economic Impact Statement and the evaluation of probable costs is required when a rule proposal has the potential of placing a more than minor economic impact on business. There are no significant costs as part of this rulemaking.

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:

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). Preparation of a Small Business Economic Impact Statement and the evaluation of probable costs is required when a rule proposal has the potential of placing a more than minor economic impact on business. There are no significant costs as part of this rulemaking.

Attachment A

CR102

June 2, 2009

WAC 296-17A-0516 Building repair and carpentry NOC. Clarify reporting requirements for remodeling businesses and propose creating a new sub classification in 0516 to track remodelers who want to report in 0516 and keep records of hours worked in other phases of construction.

WAC 296-17A-1109 Towing services. Amending text to clarify that 1109, towing services, is the classification for the entire business and subject to general inclusions by eliminating language that limits the classification to drivers and their assistants. We also propose removing the reference to the 'secondary business' in 1109 as it does not apply.

WAC 296-17A-4002 Dairy products manufacturing. Adding internal instruction permitting only classifications services staff to assign classification 4002, dairy product manufacturing, to insure consistent classification application for this industry

WAC 296-17A-4910 Property management. Clarifying 4910 property management rule by removing the word 'clerical' from the text as it has caused confusion in the past regarding where to report clerical employee hours (4910 is entitled to separately report clerical workers in 4904). Also, propose adding the word 'residential' to 4910 property management to allow builders to report the upkeep and maintenance of their completed vacant homes in this classification.

WAC 296-17A-6103 Schools. Creating a sub classification of 6103 to accommodate the classroom training time for maritime businesses while not subject to Longshore exposure. This proposal is the result of a compromise following a protest to the Board of Industrial Insurance Appeals (BIIA).