



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) 10/31/2009 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The department has reviewed the electrical rule for additions and revisions. The electrical rules are reviewed on a regular basis to: ensure the rules are consistent with the national consensus standards, industry practice, clarify the rules, and make fee changes.

The rulemaking also includes a fee increase of 5.20%, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2010. We evaluated the program's budget and projected revenue. The fee increase is necessary to help cover the cost of ongoing services of the electrical program.

Citation of existing rules affected by this order:

Repealed: None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

Statutory authority for adoption: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551

Other authority : None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-15-146 on July 21, 2009.
 Describe any changes other than editing from proposed to adopted version: See Attachment 2.

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 _____

Date adopted:

September 29, 2009

NAME (TYPE OR PRINT)

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 29, 2009
TIME: 4:43 PM

WSR 09-20-032

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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	_____
-----	-------	---------	-------	----------	-------

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

New	_____	Amended	<u>19</u>	Repealed	_____
-----	-------	---------	-----------	----------	-------

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

New	_____	Amended	<u>19</u>	Repealed	_____
-----	-------	---------	-----------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>19</u>	Repealed	_____

AMENDED SECTIONS:

- WAC 296-46B-100, General definitions
- WAC 296-46B-445, Wind driven generator equipment
- WAC 296-46B-690, Solar photovoltaic systems
- WAC 296-46B-901, General – Electrical work permits and fees
- WAC 296-46B-907, Provisional permits
- WAC 296-46B-908, Class B permits
- WAC 296-46B-909, Electrical/telecommunications contractor’s license, administrator certificate and examination, master electrician certificate and examination, electrician certificate and examination, temporary electrician permit, copy, and miscellaneous fees
- WAC 296-46B-915, Civil penalty schedule
- WAC 296-46B-935, Administrator certificate
- WAC 296-46B-940, Electrician/training/temporary certificate of competency or permit required
- WAC 296-46B-945, Qualifying for master, journeyman, specialty electrician examinations
- WAC 296-46B-960, Administrator and electrician certificate of competency examinations
- WAC 296-46B-965, Training certificate required
- WAC 296-46B-970, Continuing education
- WAC 296-46B-980, Enforcement – Installations, licensing, and certification requirements
- WAC 296-46B-985, Penalties for false statements or material misrepresentations
- WAC 296-46B-990, Failure to comply with the electrical contractor licensing, administrator certification, or electrician certification laws
- WAC 296-46B-995, Electrical board – Appeal rights and hearings
- WAC 296-46B-997, Engineer approval

The following amendments were made to the proposed rules:

- WAC 296-46B-906, Inspection fees.
 - The fee in (2)(a) for ampacity 801 to 1000 had a typo, the correct fee is \$148.70.
 - The fees in (4)(b) for the additional feeder were omitted, the fees were added back into the rule.
 - The fee in (4)(d)(i) was omitted, the correct fee is \$50.60.
 - The fee in (4)(d)(ii) was omitted, the correct fee is \$5.50.
- WAC 296-46B-909, Electrical/Telecommunications contractor's license, administrator certificate or examination, master electrician certificates and examination, electrician certificate and examination, copy, and miscellaneous fees.
 - The nonrefundable fee in (2)(c)(iii) had a typo, the correct fee is \$30.80
 - The nonrefundable fee in (2)(c)(iv) had a typo, the correct fee is \$30.80
 - The nonrefundable fee in (2)(c)(v)(C) had a typo, the correct fee is \$47.20.
 - The late renewal of a journeyman or specialty electrician certificate fee in (2)(d)(vi)(A) had a typo, the correct fee is \$147.60.
- WAC 296-46B-965, Training certificate required. In subsection (1) the word "or" was added between (b) and (c).
- WAC 296-46B-970, Continuing education.
 - (4)(b)(ii)(D) the following language was deleted: Supplementary written instruction material appropriate to the type and length of the class.
 - (iv) Class material may include:
 - Supplementary internet material;
 - Supplementary texts;
 - Other material as appropriate.
 - (4)(b)(iv)(A) will read "for classroom instruction except first aid training"
- WAC 296-46B-970, Continuing education. The following language was added in (7)(d): a class number will be created for electrical continuing education. Sponsors for these classes must verify attendance for the electrical credit using the format described in subsection (c) of this section.
- WAC 296-46B-970, Continuing education. The following language was added in (8)(d): a class number will be created for electrical continuing education. Sponsors for these classes must verify attendance for the electrical credit using the format described in subsection (c) of this section
- WAC 296-46B-995, Electrical board--Appeal rights and hearings. The following language was added in (11):The total appeal fee for each entity seeking an appeal hearing is one thousand dollars maximum for all violation types.
- WAC 296-46B-995, Electrical board--Appeal rights and hearings. In (11), the comma was deleted after "briefs".