



# 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) January 1, 2011 (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 special reporting rules for sport teams in WAC 296-17-35203(1) permit players and teams to enter into coverage agreements as provided by statute under certain circumstances (RCW 51.12.120(6)). The current rule is unnecessarily burdensome for the teams and the department. It requires a team to submit a separate agreement form signed by the player, the team, and the insurer for each player at the start of every season. The new rule requires the player and team sign an initial agreement. This document is to be maintained by the team. The employer provides the department yearly agreements between the team and their insurer confirming player coverage will be provided out-of-state.

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 296-17-35203(1) Special reporting instruction, professional and semiprofessional athletic teams

Suspended:

**Statutory authority for adoption:** RCW 51.04.020, RCW 51.12.120(6)

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 10-12-036 on 05/25/2010

**Describe any changes other than editing from proposed to adopted version:** The rule as proposed in the CR102 filing struck the following language from the current rule: "Athletes assigned to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance: Provided, that a professional athlete who is under contract with a parent team domiciled outside of the state of Washington while assigned to a team domiciled within Washington is subject to mandatory coverage by Washington industrial insurance except". The rule being adopted reintroduces similar language. "Athletes assigned and under contract to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance. Athletes assigned to a Washington-domiciled sports team but under contract with a parent team domiciled outside of the state are mandatorily covered by Washington industrial insurance unless the player is eligible for coverage in another state, and there is a valid coverage agreement". The effect of striking the language would have been to expand the scope of the rule. The effect of reintroducing similar language is to leave the scope of the rule unchanged.

**Date adopted:** October 20, 2010

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: October 20, 2010**

**TIME: 8:20 AM**

**WSR 10-21-089**

**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:**

|                                         |     |       |         |       |          |       |
|-----------------------------------------|-----|-------|---------|-------|----------|-------|
| <b>Federal statute:</b>                 | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Federal rules or standards:</b>      | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Recently enacted state statutes:</b> | 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>1</u> | Repealed | _____ |
|-----|-------|---------|----------|----------|-------|

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

|     |       |         |          |          |       |
|-----|-------|---------|----------|----------|-------|
| New | _____ | Amended | <u>1</u> | Repealed | _____ |
|-----|-------|---------|----------|----------|-------|

**The number of sections adopted using:**

|                                       |     |       |         |          |          |       |
|---------------------------------------|-----|-------|---------|----------|----------|-------|
| <b>Negotiated rule making:</b>        | New | _____ | Amended | _____    | Repealed | _____ |
| <b>Pilot rule making:</b>             | New | _____ | Amended | _____    | Repealed | _____ |
| <b>Other alternative rule making:</b> | New | _____ | Amended | <u>1</u> | Repealed | _____ |