



# 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 11-12-070 ; 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 296-17 WAC, General Reporting Rules, Audit and Recordkeeping, Rates and Rating System for Washington Workers' Compensation Insurance, and Chapter 296-17A WAC, Classifications for Washington Workers' Compensation Insurance.

**Hearing location(s):**

CenterPlace Event Center      September 27, 2011  
2426 N. Discovery Place      1:00 p.m.  
Spokane, WA 99216

Shoreline Conference Center      September 28, 2011  
Shoreline Room      10:00 a.m.  
18560 1<sup>st</sup> Ave. NE  
Shoreline, WA 98155

Red Lion at the Quay      September 29, 2011  
Keypoint Room      10:00 a.m.  
100 Columbia St.  
Vancouver, WA 98660

**Submit written comments to:**

Name: Bill Moomau  
Address: PO Box 44148  
Olympia, WA 98504-4148  
e-mail [moom235@lni.wa.gov](mailto:moom235@lni.wa.gov)  
fax (360) 902-4988 by 5 p.m. on October 3, 2011

**Date of intended adoption:** November 30, 2011  
(Note: This is **NOT** the effective date)

**Assistance for persons with disabilities:** Contact  
Office of Information Assistance by September 24, 2011  
TTY (360) 902-5797

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This rulemaking proposes to amend five rules to implement Engrossed Substitute House Bill 1367 passed by the 2011 Legislature and signed by the Governor. This legislation requires for-hire vehicle owners to cover drivers for workers' compensation insurance. The proposal provides two reporting options: a flat rate of 960 hours per vehicle per quarter, or actual hours worked if appropriate records are kept.

**Reasons supporting proposal:** The method is based on discussions with the for-hire vehicle industry.

**Statutory authority for adoption:** RCW 51.04.020, RCW 51.16.035, and RCW 51.16.100

**Statute being implemented:** RCW 51.16.035

**Is rule necessary because of a:**

- Federal Law?       Yes       No  
 Federal Court Decision?       Yes       No  
 State Court Decision?       Yes       No

If yes, CITATION:

**DATE**

August 23, 2011

**NAME**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 23, 2011**

**TIME: 8:23 AM**

**WSR 11-17-107**

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

N/A

**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	Tumwater, WA	(360) 902-4774
Implementation.... Les Hargrave	Tumwater, WA	(360) 902-4298
Enforcement..... Beth Dupre	Tumwater, WA	(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 small business economic impact statement since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.310(4)(f) and do not change current coverage options for employers and workers.

**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:

Since the proposed rules do not change any existing coverage options for employers or workers and adjust fees pursuant to legislative standards, they are exempted by RCW 34.05.328(5)(b)(vi) from the requirement for a cost-benefit analysis.