



# 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, 2012 (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:** This rulemaking amends five rules to implement Engrossed Substitute House Bill 1367 (Chapter 190, 2011 Laws). This law requires for-hire vehicle owners to cover drivers for workers' compensation insurance and mandates coverage for owners. These amendments provide three reporting options: a flat rate per vehicle per quarter, a flat rate per driver per quarter, or actual hours worked if appropriate records are kept.

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

Repealed:  
 Amended: WAC 296-17-31002; WAC 296-17-35203; WAC 296-17A-1401; WAC 296-17A-1404; WAC 296-17A-6301  
 Suspended:

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

**Other authority :**

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

Adopted under notice filed as WSR 11-17-107 on August 23, 2011 (date).

In response to stakeholder comments, a change was made from the originally proposed rule adding a new sub-classification for reporting flat rate per driver each quarter. Additionally, the proposal allowed the owner to report both flat rate and actual hours; whereas in the adoption, the owner must choose between reporting a flat rate per driver or a flat rate per vehicle or actual hours worked.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**Date adopted:** November 30, 2011

**NAME (TYPE OR PRINT)**  
Judy Schurke

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: November 30, 2011**  
**TIME: 2:00 PM**

**WSR 11-24-022**

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

New	_____	Amended	<u>5</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	<u>5</u>	Repealed	_____
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**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>5</u>	Repealed	_____