



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 11, 2023

TIME: 10:19 AM

WSR 23-09-024

**Agency:** Department of Labor & Industries

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) April 11, 2023 (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: This rule permanently adopts requirements currently covered under the emergency rule filed on December 13, 2022, as WSR 23-01-038. The emergency rule will expire on April 12, 2023. The earlier adoption date is needed for the permanent rule to ensure there is not a gap in coverage of the regulations and for preservation of public health, safety, and welfare as described in WSR 23-01-038.

**Purpose:** The purpose of this rulemaking is to adopt amendments to the factory assembled structures rules for review and approval of design plans by licensed professional engineers, architects, and firms for commercial coach trailers, factory-built housing and commercial structures, recreational park trailers (also known as park model recreational vehicles and park trailers), recreational vehicles, and conversion vendor units.

Since 2021, L&I has adopted emergency rules allowing third party reviews by approved licensed professionals to reduce a backlog of design plans for review and approval in the Factory Assembled Structures (FAS) Program. The emergency rule clarified the procedures for review and approval of design plans for commercial coaches and factory-built and commercial structures by licensed professional engineers, architects, or firms under chapters 296-150C and 296-150F WAC. The emergency rules also allowed licensed professionals or firms to review and approve design plans for recreational park trailers, recreational vehicles, and conversion vendor units under chapters 296-150P, 296-150R, and 296-150V WAC. This rulemaking adopts the standards in the emergency rule as permanent rules.

The adopted rules are in two parts. The first part, adopts amendments that update and clarify existing rules for review and approval of design plans for commercial coaches (chapter 296-150C WAC) and factory-built housing and commercial structures (chapter 296-150F WAC). The adopted amendments:

- Allow L&I to suspend or revoke a licensed professional's approval to review plans for submittal of substandard plans or a conflict of interest. This also includes, but is not limited to:
  - Adds new requirements for suspending and revoking a licensed professional authorization for substandard plans. For example:
    - Requires that plans must first be audited and found to be incomplete or contain multiple violations of the building code and other codes.
    - Establishes a minimum threshold that allows suspension or revocation if three or more approved plans are found during audit to be incomplete or contain multiple code violations in a one year period.
    - Adds new language to establish what constitutes an "incomplete plan".
  - Establishes administrative processes and timeline for a licensed professional to reapply to regain their authorization to approve plans and a remedy to hear appeals of a suspension or revocation.
  - Establishes the actions L&I will take if a licensed professional's authorization to approve plans is revoked or suspended.
- Adopt current FAS procedures allowing for electronic submittal of plans and for engineer/architects stamping of plans in accordance with Department of Licensing (DOL) and Engineers Board of Registration requirements.
- Clarify the requirements for accepting plans to reflect the existing practice of the FAS Program. This includes, but is not limited to:
  - Allows licensed professionals 90 days to correct design plans and information and resubmit the plan to L&I for acceptance, unless under an audit.
  - Clarifies that audits may be random or for noncompliance and subjects licensed professionals or firms to fees for L&I's review and approval of plans that do not comply with the requirements of the chapter.
  - Clarifies the existing procedures that audits include determining whether a plan complies with the FAS Program's written guidelines, as well as, the provisions of the chapter.

- Clarifies that L&I will notify the applicant that submitted the design plan approved by the licensed professional for plans that do not comply with requirements, rather than the licensed professional plan reviewer.
- Clarify that a professional includes professional engineers, architects, or firms.
- Clarify that a professional engineer, architect, or firm cannot approve plans submitted for multistate approval under a reciprocal agreement.
- Remove obsolete fees for electronic plan submittal.
- Create new hourly fees for resubmittal of design plans approved by a professional or firm.
- Modify rules for general housekeeping and clean-up, such as punctuation, relocating requirements to other rules, typographical and reference corrections, formatting, section title changes, etc.

The second part, adopts amendments that add new requirements for review and approval of design plans for recreational park trailers (chapter 296-150P WAC), recreational vehicles (chapter 296-150R WAC), and conversion vending units and medical units (chapter 296-150V WAC), among other changes. The adopted amendments:

- Modify the definition of “recreational park trailer” to further clarify its meaning.
- Allow licensed professionals or firms to review and approve design plans for recreational park trailers and recreational vehicles, excluding design plans for quality control manuals which must be reviewed and approved by L&I.
- Allow licensed professionals or firms to review and approve design plans for conversion vendor units, excluding design plans for medical units which must be reviewed and approved by L&I.
- Establish the licensed professionals or firms authorized to approve design plans and specifies the restrictions on authorization to approve plans.
- Establish requirements for the information that licensed professionals and firms must provide to L&I to become authorized to approve design plans.
- Establish requirements for notices of approval and denial for requests for authorization from licensed professionals and firms.
- Establish the timeframe that licensed professionals or firms are authorized to review and approve plans and the requirements for maintaining authorization. This also includes, but is not limited to:
  - Allows L&I to suspend or revoke a licensed professional’s approval to review plans for submittal of substandard plans or a conflict of interest.
  - Adds new requirements for suspending and revoking a licensed professional authorization for substandard plans. For example:
    - Requires that plans must first be audited and found to be incomplete or contain multiple violations of the building code and other codes.
    - Establishes a minimum threshold that allows suspension or revocation if three or more approved plans are found during audit to be incomplete or contain multiple code violations in a one year period.
    - Adds new language to establish what constitutes an “incomplete plan”.
  - Establishes administrative processes and timeline for a licensed professional to reapply to regain their authorization to approve plans and a remedy to hear appeals of a suspension or revocation.
  - Establishes the actions the agency will take if a licensed professional’s authorization to approve plans is revoked or suspended.
- Establish requirements for information that manufacturers must provide to L&I when submitting design plans approved by licensed professionals or firms.
- Adopt current FAS procedures allowing for electronic submittal of plans and for engineer/architects stamping of plans in accordance with Department of Licensing (DOL) and Engineers Board of Registration requirements.
- Establish requirements for the design plan approval process to reflect the existing practice of the FAS Program. This includes, but is not limited to:
  - Allows licensed professionals 90 days to correct design plans and information and resubmit the plan to L&I for acceptance, unless under an audit.
  - Clarifies that audits may be random or for noncompliance and subjects licensed professionals or firms to fees for L&I’s review and approval of plans that do not comply with the requirements of the chapter.
  - Clarifies the existing procedures that audits include determining whether a plan complies with the FAS Program’s written guidelines, as well as, the provisions of the chapter.
  - Clarifies that L&I will notify the applicant that submitted the design plan approved by the licensed professional for plans that do not comply with requirements, rather than the licensed professional plan reviewer.
- Establish that L&I maintains a list of authorized licensed professionals and firms that approve design plans.
- Require addendums to a design plan to be approved by the professional or firm that initially approved the plan and if they are no longer on the list of professionals or firms then L&I will approve the addendum.
- Remove obsolete fees for electronic plan submittal.
- Create new fees for plans approved by licensed professionals.
- Create new hourly fees for resubmittal of design plans approved by a professional or firm.
- Modify rules for general housekeeping and clean-up, such as adding new section headers, section title changes, etc.

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

New: WAC 296-150P-0315, 296-150P-0520, 296-150P-0530, 296-150P-0540, 296-150P-0550, 296-150P-0560, 296-150P-0570, 296-150P-0580, 296-150P-0590, 296-150R-0315, 296-150R-0520, 296-150R-0530, 296-150R-0540, 296-150R-0550, 296-150R-0560, 296-150R-0570, 296-150R-0580, 296-150R-0590, 296-150V-0420, 296-150V-0430, 296-150V-0440, 296-150V-0450, 296-150V-0460, 296-150V-0470, 296-150V-0480, and 296-150V-0490  
Repealed:  
Amended: WAC 296-150C-0310, 296-150C-0420, 296-150C-0430, 296-150C-0450, 296-150C-0460, 296-150C-0470, 296-150C-0480, 296-150C-3000, 296-150F-0310, 296-150F-0420, 296-150F-0430, 296-150F-0450, 296-150F-0460, 296-150F-0470, 296-150F-0480, 296-150F-3000, 296-150P-0020, 296-150P-3000, 296-150R-3000, 296-150V-0310, 296-150V-0800, and 296-150V-3000  
Suspended:

**Statutory authority for adoption:** Chapter 43.22 RCW

**Other authority:** None

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

Adopted under notice filed as WSR 23-06-067 on February 28, 2023 (date).  
Describe any changes other than editing from proposed to adopted version: None.

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

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Other:

**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	___
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**The number of sections adopted on the agency's own initiative:**

New	<u>26</u>	Amended	<u>22</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>26</u>	Amended	<u>22</u>	Repealed	___

**Date Adopted:** April 11, 2023

**Name:** Joel Sacks

**Title:** Director

**Signature:**

