



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 18, 2023

TIME: 9:17 AM

WSR 23-15-088

Agency: Department of Labor & Industries (L&I)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 23-11-127 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Elevator Fee Corrections. WAC 296-96-00922, 296-96-01005, 296-96-01010, 296-96-01025, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01055, 296-96-01057, 296-96-01060, and 296-96-01065

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 23, 2023	9:30 a.m.	Department of Labor & Industries Tukwila Office 12806 Gateway Dr. S Tukwila, WA 98168 OR Join electronically: https://lni-wa.gov.zoom.us/j/89662194843?pwd=ZTJyZz09 Passcode: =G+e\$6cw OR Join by phone (audio only): 253-215-8782 Meeting ID: 896 6219 4843 Passcode: 42581105	The in-person and virtual/telephonic hearing starts at 9:30 a.m. and will continue until all oral comments are received.

Date of intended adoption: October 17, 2023 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Meagan Edwards
Address: Department of Labor & Industries
Field Services & Public Safety
PO Box 44400
Olympia, WA 98504-4400
Email: Meagan.Edwards@Lni.wa.gov
Fax: 360-902-6134
Other:
By (date) 5 p.m. on August 23, 2023

Assistance for persons with disabilities:

Contact Meagan Edwards
Phone: 360-522-0125

Fax: 360-902-6134
TTY:
Email: Meagan.Edwards@Lni.wa.gov
Other:
By (date) August 9, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this rulemaking is to propose amendments to the elevator rules for corrections to fees under chapter 296-96 WAC. Proposed amendments to this chapter:

- Correct the fee effective dates from July 1, 2024, to January 1, 2024;
- Remove obsolete fees;
- Correct the fee amount for inspecting and testing of elevators used for construction; and
- Modify rules for clarity and general housekeeping, such as renumbering, formatting, etc.

Reasons supporting proposal: On October 18, 2022, L&I adopted two, 8.5 percent increases to all elevator fees effective January 1, 2023, and January 1, 2024 (WSR 22-21-118). The fee increase supports funding for a new Conveyance Management System. As a result of a typographical error, some of the fee effective dates were incorrect. The fees affected include permits, inspections, and other services for conveyances. This rulemaking proposes corrections, along with other housekeeping amendments.

Statutory authority for adoption: Chapter 70.87.030 RCW

Statute being implemented: Chapter 70.87 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Department of Labor & Industries

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Gerald Brown, Prog. Mgr	Tumwater, WA	360-999-0592
Implementation:	Steve Reinmuth, Asst. Dir.	Tumwater, WA	360-902-6348
Enforcement:	Steve Reinmuth, Asst. Dir.	Tumwater, WA	360-902-6348

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

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:
- TTY:
- Email:
- Other:

No: Please explain: The rules are exempt from the Cost Benefit Analysis requirement under the Administrative Procedure Act. Specifically, RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:


Fax:

TTY:

Email:

Other:

Date: July 18, 2023
Name: Joel Sacks
Title: Director

Signature: 
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