



# 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: August 01, 2023

TIME: 8:36 AM

WSR 23-16-117

**Agency:** Department of Labor & Industries

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 23-12-080 ; 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) Factory Assembled Structures (FAS) rules: WAC 296-150C-3000, Commercial coach fees; WAC 296-150F-3000, Factory-built housing and commercial structure fees; WAC 296-150I-3000, Penalties, fees, and refunds; WAC 296-150M-3000, Manufactured/mobile home fees; WAC 296-150P-3000, Recreational park trailer fees; WAC 296-150R-3000, Recreational vehicle fees; WAC 296-150T-3000, Factory-built temporary worker housing fees; and WAC 296-150V-3000, Conversion vendor units and medical units – Fees

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
September 7, 2023	9:00 a.m.	Department of Labor & Industries 7273 Linderson Way SW Tumwater, WA 98501  OR  <b>Join electronically:</b> <a href="https://lni-wa.gov.zoom.us/j/87349573625?pwd=VVVOOE9uWEJtWThsNFR4b28zRUx3Zz09">https://lni-wa.gov.zoom.us/j/87349573625?pwd=VVVOOE9uWEJtWThsNFR4b28zRUx3Zz09</a> Passcode: %3Dcgy1  OR  <b>Join by phone (audio only):</b> 253-215-8782 Meeting ID: 873 4957 3625 Passcode: 57087786	The in-person and virtual/telephonic hearing starts at 9:00 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 Division  
PO Box 44400  
Olympia, WA 98504-4400  
Email: Meagan.Edwards@Lni.wa.gov  
Fax: 360-902-6134  
Other:  
By (date) 5 p.m. on September 7, 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 23, 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 Factory Assembled Structures (FAS) rules to increase fees by the fiscal growth factor rate of 6.22 percent. The fee increase is the maximum allowed by the state Office of Financial Management for fiscal year 2024.

**Reasons supporting proposal:** A fee increase is needed to cover increased operating costs and new technology improvements for the FAS Program. The current fee levels are insufficient to cover current Program expenses. The increase will ensure that revenues match expenditures, otherwise service levels may need to be reduced.

**Statutory authority for adoption:** Chapter 43.22 RCW, Department of Labor & Industries, and chapter 43.22A RCW, Mobile and Manufactured Home Installation

**Statute being implemented:** Chapter 43.22 RCW, Department of Labor & Industries, and chapter 43.22A RCW, Mobile and Manufactured Home Installation

**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:	Chris Rarig, Acting Prog. Mgr.	Tumwater, WA	425-577-8064
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: This rule proposal is exempt from the cost benefit analysis requirement under the Administrative Procedure Act. 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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((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:** August 1, 2023

**Name:** Joel Sacks

**Title:** Director

**Signature:**

A handwritten signature in black ink that reads "Joel Sacks". The signature is written in a cursive, slightly slanted style.