



PROPOSED RULE MAKING

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

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FILED

DATE: March 19, 2024

TIME: 9:48 AM

WSR 24-07-086

Agency: Department of Labor & Industries

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 23-19-075 ; 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) Chapter 296-49A WAC, Director's Factory Assembled Structures Advisory Board; Chapter 296-150P WAC, Recreational park trailers; and Chapter 296-150R WAC, Recreational vehicles.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 29, 2024	9:00 a.m.	Department of Labor & Industries 7273 Linderson Way SW Tumwater, WA 98501 OR Join electronically: https://lni-wa.gov/zoom.us/j/87630171877?pwd=NWg1K0pqa29sZ3BaZmlYd0pOOVd4QT09 Passcode: t3LN6i&R OR Join by phone (audio only): 253-215-8782 Meeting ID: 876 3017 1877 Passcode: 76983050	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: June 18, 2024 (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: 360-704-1980
Other:
By (date) 5 p.m. on April 29, 2024

Assistance for persons with disabilities:

Contact Meagan Edwards
Phone: 360-522-0125

Fax: 360-704-1980
TTY:
Email: Meagan.Edwards@Lni.wa.gov
Other:
By (date) April 15, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rulemaking proposes amendments to the factory assembled structures (FAS) rules. The proposed amendments affect L&I's FAS Advisory Board, and distributing inspection insignia to manufacturers of recreational vehicles. The amendments are necessary after passage

of two bills in 2023 that took effect July 23, 2023: House Bill 1514 (HB 1514), chapter 78, Laws of 2023; and Senate Bill 5089 (SB 5089), chapter 36, Laws of 2023.

HB 1514 allows recreational vehicles (RV's) and recreational park trailer manufacturers with an agency approved Quality Control Program to request and purchase insignia while their plans are under review by the FAS Program.

SB 5089 was an L&I request bill that amends membership for the FAS Advisory Board. Amendments include:

- Increasing the number of board members from nine to at least 11;
- Adding a representative for allied trades such as electricians, plumbers and contractors;
- Adding diversity considerations for Board appointments; and
- Requiring members to apply for reappointment if serving consecutive terms.

The new statutory amendments also make technical and clean-up changes under Chapters 43.22 and 43.22A RCW.

Proposed amendments to this chapter are as follows:

Amended Sections

WAC 296-49A-010, What definitions apply to this chapter?

- Amends language for general housekeeping, such as updating the title and terminology.

WAC 296-49A-020, What is the purpose of these rules?

- Amends language that clarifies the primary purpose of the rules.

WAC 296-49A-030, What is the purpose of the board?

- Amends the purpose of the board to include matters pertaining to conversion vendor units and medical units.
- Clarifies that recreational park trailers are also known as park model recreational vehicles.

WAC 296-49A-040, Who are the members and officers of the board?

- Amends the rule for updates and consistency with the statutory amendments under SB 5089. This includes:
 - Amending the number of FAS Advisory Board members from nine to eleven.
 - Requiring board members to apply for reappointment if serving consecutive terms.
 - Adding members of the allied trades and conversion vendor units to the list of representatives on the board.
 - Allowing for the appointment of additional members by the director.
 - Adding diversity considerations for appointing board members.
 - Allowing members to be removed from the board for cause.

WAC 296-49A-050, When does the board meet?

- Amends language to allow regular meetings to be rescheduled by the FAS Program Manager.
- Amends language to allow the FAS Program Manager or Chair of the Board to call special meetings with approval of the FAS Program Manager on behalf of the director.
- Amends the title of the rule from a question to statement format.

WAC 296-49A-060, How are board meetings conducted?

- Clarifies the board must adopt bylaws to govern its internal management and post them on the website.
- Amends the title from a question to statement format.

WAC 296-49A-070, What are the duties of the board?

- Amends the requirements for the board to review the rules and regulations for factory assembled structures.
- Adds clarifying language for the information that board members should share with their stakeholder groups and the department.
- Amends language for housekeeping, such as updating the title from a question to statement format and clarification changes.

WAC 296-49A-080, Who can speak at board meetings?

- Amends language for general housekeeping, such as updating the title from a question to statement format, for grammatical corrections, and clarification changes.

WAC 296-49A-090, Can a person appearing before the board solicit business?

- Amends language for housekeeping, such as updating the title from a question to statement format and clarification changes.

WAC 296-49A-100, What standards of ethical conduct are expected of the board members and persons appearing before the board?

- Amends language to align with the applicable state ethics laws.
- Adds language that allows the removal of board members for not following State ethics laws and standards in the Boards and Commissions Membership Handbook.

WAC 296-150P-0020, What definitions apply to this chapter?

- Adds a new definition to define the meaning of "submitted design plan" to align with the statutory amendments in HB 1514.

WAC 296-150P-0220, How do I obtain insignia based on state-plan approval?

- Amends language to clarify the application process for obtaining insignia to align with the statutory amendments in HB 1514.
- Removes the requirement that manufacturers include a list of their approved plans with each insignia application.

- Creates a new subsection that adds restrictions for park model recreational vehicles labels.

WAC 296-150P-0300, What is required to obtain insignia based on state-plan approval?

- Amends language for general housekeeping, such as updating the title from a question to statement format and clarification changes.

WAC 296-150R-0020, What definitions apply to this chapter?

- Adds a new definition to define the meaning of “submitted design plan” to align with the statutory amendments in HB 1514.

WAC 296-150R-0220, How do I obtain insignia based on state-plan approval?

- Amends language to clarify the application process for obtaining insignia to align with the statutory amendments in HB 1514.
- Removes the requirement that manufacturers include a list of their approved plans with each insignia application.
- Creates a new subsection that adds restrictions for recreational vehicle labels.

WAC 296-150R-0300, What is required to obtain insignia based on state-plan approval?

- Amends language to clarify the application process for obtaining insignia to align with the statutory amendments in HB 1514.
- Removes the requirement that manufacturers include a list of their approved plans with each insignia application.
- Amends language for housekeeping, such as updating the title from a question to statement format and grammatical and clarification changes.

Repealed Sections

WAC 296-49A-110, What statute governs the adoption of FAS rules and regulations?

Repeals the provisions pertaining to the adoption of FAS rules and procedures according to chapter 24.05 RCW, the Administrative Procedures Act.

Reasons supporting proposal: Rules are required for consistency with HB 1514 and SB 5089 that took effect July 23, 2023. Rulemaking is also necessary to make various updates and clean-up changes under chapter 296-49A WAC, as the rules have not been updated for many years.

Statutory authority for adoption: HB 1514 (Chapter 78, Laws of 2023), SB 5089 (Chapter 36, Laws of 2023), including chapters 43.22 and 43.22A RCW.

Statute being implemented: HB 1514 (Chapter 78, Laws of 2023), SB 5089 (Chapter 36, Laws of 2023), including chapters 43.22 and 43.22A 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:	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: Meagan Edwards
 Address: Department of Labor & Industries
 Field Services & Public Safety
 PO Box 44400
 Olympia, WA 98504-4400
 Phone: 360-522-0125
 Fax: 360-704-1980
 TTY:
 Email: Meagan.Edwards@Lni.wa.gov
 Other:

No: Please explain:

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 checked="" type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" 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: See explanation in section 2 below.

(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](#)):

	Proposed WAC Sections	This proposed rule section is <u>not exempt</u>-Analysis is required	This proposed rule section is exempt. Provide RCW to support this exemption.
1.	WAC 296-49A-010, What definitions apply to this chapter?	<input type="checkbox"/>	This section is exempt under RCW 34.05.310(4)(d) because it adopts changes that clarify language of a rule without changing the substance or effect of requirements.
2.	WAC 296-49A-020, The purpose of these rules.	<input type="checkbox"/>	This section is exempt under RCW 34.05.310(4)(d) because it adopts changes that clarify language of a rule without changing the substance or effect of requirements.
3.	WAC 296-49A-030, The purpose of the board.	<input type="checkbox"/>	This section is exempt under RCW 34.05.310(4)(c) and RCW 34.05.310(4)(d) because it adopts changes that

			clarify language of a rule without changing the substance or effect of requirements and rules adopting or incorporating by reference without material change Washington State statutes or rules.
4.	WAC 296-49A-040, The members and officers of the board.	<input checked="" type="checkbox"/>	
5.	WAC 296-49A-050, Board meeting dates.	<input checked="" type="checkbox"/>	
6.	WAC 296-49A-060, Conduct of board meetings.	<input type="checkbox"/>	This section is exempt under RCW 34.05.310(4)(d) because it adopts changes that clarify language of a rule without changing the substance or effect of requirements.
7.	WAC 296-49A-070, What are the duties of the board?	<input checked="" type="checkbox"/>	
8.	WAC 296-49A-080, Who can speak at board meetings?	<input type="checkbox"/>	This section is exempt under RCW 34.05.310(4)(d) because it adopts changes that clarify language of a rule without changing the substance or effect of requirements.
9.	WAC 296-49A-090, Can a person appearing before the board solicit business?	<input type="checkbox"/>	This section is exempt under RCW 34.05.310(4)(d) because it adopts changes that clarify language of a rule without changing the substance or effect of requirements.
10.	WAC 296-49A-100, What standards of ethical conduct are expected of the board members and persons appearing before the board?	<input checked="" type="checkbox"/>	
11.	WAC 296-49A-110, What statute governs the adoption of FAS rules and regulations?	<input type="checkbox"/>	As this is being repealed.
12.	WAC 296-150P-0020, What definitions apply to this chapter?	<input checked="" type="checkbox"/>	
13.	WAC 296-150P-0220, How do I obtain insignia based on state-plan approval?	<input checked="" type="checkbox"/>	
14.	WAC 296-150P-0300, What is required to obtain insignia based on state-plan approval?	<input type="checkbox"/>	This section is exempt under RCW 34.05.310(4)(d) because it adopts changes that clarify language of a rule without changing the substance or effect of requirements.
15.	WAC 296-150R-0020, What definitions apply to this chapter?	<input checked="" type="checkbox"/>	
16.	WAC 296-150R-0220, How do I obtain insignia based on state-plan approval?	<input checked="" type="checkbox"/>	
17.	WAC 296-150R-0300, What is required to obtain insignia based on state-plan approval?	<input type="checkbox"/>	This section is exempt under RCW 34.05.310(4)(d) because it adopts changes that clarify language of a rule without changing the substance or effect of requirements.

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. As the portions of the rule amendments not meeting exemptions will either result in a cost savings to customers or no increased costs over current practice or the baseline, the proposed amendments are not expected to impose more than minor costs, so an SBEIS is not required.

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: March 19, 2024

Name: Joel Sacks

Title: Director

Signature:

