



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: June 05, 2018

TIME: 3:13 PM

WSR 18-12-102

Agency: Department of Labor and Industries

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 17-12-023 ; 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) Amendments to the elevator licensing rules in chapter 296-96 WAC Safety Regulations and Fees For All Elevators, Dumbwaiters, Escalators, and Other Conveyances

Hearing location(s):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
July 10, 2018	9:00 a.m.	L&I Tukwila Office 12806 Gateway Dr S Tukwila, Washington 98168	
July 11, 2018	9:00 a.m.	Red Lion River Inn 700 N Division St, Spokane, Washington 99202	
July 12, 2018	9:00 a.m.	Red Lion Hotel Yakima Center 607 E Yakima Ave Yakima, Washington 98901	
July 13, 2018	9:00 a.m.	Towne Place Suites Marriott 17717 SE Mill Plain Blvd Vancouver, Washington 98683	

Date of intended adoption: July 31, 2018 (Note: This is NOT the effective date)

Submit written comments to:

Name: Alicia Curry

Address: PO Box 44400 Olympia, Washington 98504-4400

Email: Alicia.Curry@Lni.wa.gov

Fax: 360-902-5292

Other:

By (date) 5 p.m. on July 13, 2018

Assistance for persons with disabilities:

Contact Alicia Curry

Phone: 360-902-6244

Fax: 360-902-5292

TTY:

Email: Alicia.Curry@Lni.wa.gov

Other:

By (date) 5 p.m. on June 22, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Department of Labor and Industries (L&I) is proposing changes to the elevator licensing rules in Chapter 296-96 WAC. The department performed a formal review of the licensing rules to update and clarify the rules, and to make housekeeping changes.

Proposed amendments to this chapter will:

- Amend the existing licensing requirements for elevator mechanics and elevator contractors, for example:
 - Modifying the renewal period of temporary elevator mechanic licenses (category 09) to allow twelve licenses in a twelve-month period;
 - Requiring applicants to demonstrate more than 75% of the education and training hours to qualify for a temporary license (category 09) if multiple licenses are requested;
 - Integrating the education and training requirements for elevator mechanics from policy; and
 - Adding “removal” to the elevator mechanic licensing category descriptions to differentiate between removal and decommissioning of conveyances to reflect existing practices.
- Adopt proposals requested by stakeholders, for example:
 - Modified requirements to the ratio, general direction, and education and experience requirements for category 04 elevator mechanics; and
 - Providing a new emergency license for elevator mechanics that is limited for use during a state of emergency.
- Establish a new fee for the emergency license.
- Amend language to update and clarify the rules, for example:
 - Clarifying the existing requirements and processes for obtaining a license, renewals, and revocation;
 - Clarifying the ratio of helper/apprentice to licensed elevator mechanics for various licensing categories;
 - Clarifying the fees that may apply and be collected by an outside testing vendor for some elevator mechanic examinations;
 - Clarifying that not all conveyances are under “full maintenance” contracts, thereby limiting the responsibility of the contractor; and
 - Removing language from the licensing category descriptions, to eliminate interchangeable terms and confusion on work that requires a license.
- Amend language for greater consistency with statutory requirements, such as specifying those that perform conveyance work that must have an appropriate license(s).
- Eliminate duplicative language with the national conveyance safety standards to simplify the rules.
- Amend language for general housekeeping, reformatting, grammatical and reference corrections, to eliminate the question and answer format in section titles, etc.

Reasons supporting proposal: The Elevator Program performed emergency rulemaking creating a temporary limited Category 03 license that is restricted to work performed on hand-powered manlifts in grain terminals. An initial emergency rule (WSR 17-12-022) and CR 101 Preproposal Statement of Inquiry (WSR 17-12-023) were filed on May 30, 2017 to:

- Consider permanent rulemaking related to a temporary limited Category 03 licenses for hand-powered manlifts in grain terminals;
- Review all the elevator mechanic licensing rules; and
- Review elevator licensing policies to consider converting longstanding policies into rule.

A second emergency rule (WSR 17-20-028) to renew the rule was filed on September 27, 2017. The emergency rule was needed to address the shortage of licensed mechanics in the grain industry for the upcoming harvest season.

The Elevator Program has solicited input from stakeholders in the development of permanent rules and for other changes to the licensing rules.

Statutory authority for adoption: Chapter 70.87 RCW, Elevators, Lifting Devices, and Moving Walks

Statute being implemented: Chapter 70.87 RCW, Elevators, Lifting Devices, and Moving Walks

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.

Name of proponent: (person or organization) Department of Labor and Industries Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Dotty Stanlaske, Prog. Mgr.	Tumwater, Washington	360-902-6456
Implementation:	David Puente Jr., Asst. Dir.	Tumwater, Washington	360-902-6348
Enforcement:	David Puente Jr., Asst. Dir.	Tumwater, Washington	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: Alicia Curry
Address: PO Box 44400 Olympia, Washington 98504-4400
Phone: 360-902-6244
Fax: 360-902-5292
TTY:
Email: Alicia.Curry@Lni.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

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 ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If 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 analysis showing how costs were calculated.

The proposed rules include five amendments that do not meet any of the Regulatory Fairness Act exemptions listed above. The department concludes, based on the best information available and detailed in the Cost Benefit Analysis, that the five proposed rule amendments do not impose any new costs on the parties involved.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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: June 5, 2018

Name: Joel Sacks

Title: Director

Signature:

