



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 20, 2018

TIME: 11:25 AM

WSR 18-07-090

Agency: Department of Labor and Industries

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-03-160 ; 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 296-17 WAC, General Reporting Rules, Audit and Recordkeeping, Rates and Rating System for Washington Workers' Compensation Insurance, and Chapter 296-17A WAC, Classifications for Washington Workers' Compensation Insurance.

Hearing location(s):

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

April 27, 2018	10:00 a.m.	L&I Headquarters, Room S117 7273 Linderson Way SW Tumwater, WA 98501	
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Date of intended adoption: May 22, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Jo Anne Attwood
Address: PO Box 44148
 Olympia, WA 98504-4148
Email: JoAnne.Attwood@Lni.wa.gov
Fax: 360 902-4485
Other:
By (date) April 27, 2018, 5:00 p.m.

Assistance for persons with disabilities:

Contact Jo Anne Attwood
Phone: 360 902-4777
Fax: 360 902-4988
TTY: 360 902-5797
Email: JoAnne.Attwood@Lni.wa.gov
Other:
By (date) April 23, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department reviewed these chapters and made revisions to: correct typographical and other errors (such as invalid or outdated references), specifically, making corrections to classification references which changed as a result of a prior rulemaking for a number of classifications; revise wording and formatting to make the rules easier to understand and apply; and incorporate and formalize existing agency practices (such as expressly including in a risk classification employment that the department currently includes by interpretation or analogy).

The purpose of this rulemaking is not to make substantive changes to how the department classifies employment, but to review and revise the classification plan to ensure it is clear and understandable. These changes will not change the way we calculate employer rates, our reporting requirements, or how we classify businesses.

Amendments to:
WAC 296-17-31014 Farming and agriculture

WAC 296-17A-0217, WAC 296-17A-0217 Concrete flatwork
WAC 296-17A-1106, WAC 296-17A-1106-00 Rental stores, N.O.C.; Truck canopy sales
WAC 296-17A-1303, WAC 296-17A-1303-00 Telecommunication service providers - All other employees
WAC 296-17A-2906, WAC 296-17A-2906-14 Wood piano or musical instrument: Manufacturing
WAC 296-17A-3503, WAC 296-17A-3503-17 Pottery, earthenware, ceramics, porcelain or china: Manufacturing
WAC 296-17A-3503, WAC 296-17A-3503-20 Stained or leaded glassware, N.O.C.: Manufacturing
WAC 296-17A-3602, WAC 296-17A-3602-10 Camera, video camcorder, motion picture projectors; Manufacturing, assembly, or repair
WAC 296-17A-4107, WAC 296-17A-4107-20 Piano tuning
WAC 296-17A-5301, WAC 296-17A-5301-18 Telephone answering services
WAC 296-17A-6206, WAC 296-17A-6206-06 Golf courses, N.O.C.
WAC 296-17A-6411, WAC 296-17A-6411-24 Tobacco and marijuana products, vaporizers and liquids, and smoking accessories
WAC 296-17A-6506, WAC 296-17A-6506-02 Motion picture film exchanges
WAC 296-17A-6705, WAC 296-17A-6705-00 Ski facilities

Reasons supporting proposal: As part of this rulemaking, the department also reviewed these chapters for need, clarity, and consistency as required by SSB 5679 (Chapter 30, 2013 Laws 2nd Special Session) to make changes where possible to reduce the regulatory burden on employers insured with the State Fund.

Statutory authority for adoption: RCW 51.04.020 and RCW 51.16.035

Statute being implemented: RCW 51.16.035

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

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:	Jo Anne Attwood	Tumwater, WA	360 902-4777
Implementation:	Chris Bowe	Tumwater, WA	360 902-4826
Enforcement:	Victoria Kennedy	Tumwater, WA	360 902-4997

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: Since the proposed rules do not change any existing coverage options for employers or workers and adjust fees pursuant to legislative standards, they are exempted by RCW 34.05.328(5)(b)(vi) from the requirement for a cost benefit analysis.

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:

- | | |
|---|--|
| <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 .

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. _____

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: March 20, 2018

Name: Joel Sacks

Title: Director

Signature:

A handwritten signature in cursive script that reads "Joel Sacks".