



# 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: October 23, 2018

TIME: 10:22 AM

WSR 18-21-169

Agency: Department of Labor and Industries

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 18-15-072 ; 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) Proposed fee increases for Contractor Registration, Elevator, and Factory Assembled Structures (FAS) programs. The proposed rules include: Chapter 296-200A WAC, Contractor Certificate of Registration Renewals – Security – Insurance), Chapter 296-96 WAC, Safety Regulations and fees for all elevators, dumbwaiters, escalators and other conveyances, Chapter 296-150C WAC, Commercial coaches; Chapter 296-150F WAC, Factory-built housing and commercial structures; Chapter 296-150I WAC, Manufactured home installer training and certification program; Chapter 296-150M WAC, Manufactured homes; Chapter 296-150P WAC, Recreational park trailers; Chapter 296-150R WAC, Recreational vehicles; Chapter 296-150T WAC, Factory-built temporary worker housing structures; and Chapter 296-150V WAC, Conversion vendor units and medical units.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
November 27, 2018	8:30 a.m.	Department of Labor and Industries 7273 Linderson Way SW Tumwater, Washington 98501	

**Date of intended adoption:** December 4, 2018 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Alicia Curry  
 Address: Department of Labor and Industries  
 Post Office Box 44400  
 Olympia, Washington 98504-4400  
 Email: Alicia.Curry@Lni.wa.gov  
 Fax: 360-902-5292  
 Other:  
 By (date) 5 p.m. on November 27, 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 November 13, 2018

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rulemaking is to propose fee increases by the fiscal growth factor rate of 4.0 percent for the Contractor Registration, Elevator, and Factory Assembled Structures (FAS) programs. This is the Office of Financial Management’s maximum allowable fiscal growth factor for fiscal year 2019. The fee increase is needed to support the programs operating expenses for inspections and other public safety activities.

**Reasons supporting proposal:** The programs have not increased fees for several years. The last fee increases took effect June 30, 2007, for Contractor Registration, April 1, 2014, for Elevator, and April 30, 2012, for FAS. Fee increases are necessary to ensure that revenues match expenditures; otherwise, services may need to be reduced.

**Statutory authority for adoption:** Chapters 18.27, 70.87, 43.22 and 43.22A RCW

**Statute being implemented:** Chapters 18.27, 70.87, 43.22 and 43.22A RCW

**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:** 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:			
	Dean Simpson, Prog. Mgr.	Tumwater, Washington	360-902-5571
	Dotty Stanlaske, Prog. Mgr.	Tumwater, Washington	360-902-6456
	Craig Sedlacek, Prog. Mgr.	Tumwater, Washington	360-902-5218
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:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: This rule is exempt from the cost benefit analysis requirement under The Administrative Procedure Act RCW 34.05.328(5)(b)(vi) 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 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)(e)  
(Dictated by statute)

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

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

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

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:** October 23, 2018

**Name:** Joel Sacks

**Title:** Director

**Signature:**

