



# PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 22, 2020

TIME: 9:12 AM

WSR 21-01-190

**Agency:** Department of Labor & Industries (L&I)

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

- Preproposal Statement of Inquiry was filed as WSR** 20-22-078 ; 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 increase for the following 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 (*Manufactured Home Installer Training and Certification Program*); WAC 296-150M-3000, Manufactured/mobile home fees; WAC 296-150P-3000, Recreational park trailer 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:
January 27, 2021	9:00 a.m.	Telephonic hearing only. Please call 1-866-715-6499. When prompted for the passcode, enter 9862128073# (pound sign must be entered	The telephonic hearing starts at 9:00 a.m. and will continue until all oral comments are received.

**Date of intended adoption:** February 16, 2021 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Alicia Curry  
 Address: Department of Labor & Industries, PO Box 44400, Olympia, WA 98504-4400  
 Email: Alicia.Curry@Lni.wa.gov  
 Fax: 360-902-5292  
 Other:  
 By (date) 5 p.m. on January 27, 2021

**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) January 13, 2021

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rulemaking is to propose changes to the Factory Assembled Structures (FAS) rules to increase fees by 5.91 percent. The fee increase is the maximum allowed by the state Office of Financial Management for fiscal year 2021.

**Reasons supporting proposal:** The budget and projected revenue of the FAS program was evaluated and a fee increase is needed to support the cost of ongoing services. A fee increase will enable the program to continue providing quality and timely services to assure the health and safety of Washington State citizens who work and live in factory-built housing and commercial structures.

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

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

**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 & Industries  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Shane Daugherty, Prog. Mgr.	Tumwater, Washington	360-902-5218
Implementation:	Steve Reinmuth, Asst. Dir.	Tumwater, Washington	360-902-6348
Enforcement:	Steve Reinmuth, 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: The 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)(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. \_\_\_\_\_
- 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:** December 22, 2020

**Name:** Joel Sacks

**Title:** Director

**Signature:**

