

CONCISE EXPLANATORY STATEMENT (CES)

Elevator Fee Increase (CMS Funding)

Chapter 296-96 WAC, Safety Regulations and Fees for all Elevators, Dumbwaiters, Escalators and Other Conveyances

The date of adoption for this rule: October 18, 2022

The effective date for this rule: January 1, 2023

I. Purpose of rulemaking:

The Washington State Department of Labor & Industries (L&I) has adopted a 17% fee increase for funding of a new Conveyance Management System (CMS). The fee increase is divided into two, 8.5% fee increases, effective January 1, 2023, and January 1, 2024. The fees include licensing, permits, inspections, and other services for conveyances.

A fee increase is necessary to fund a new CMS. The CMS is the database used to provide permitting, inspection, and other information. The current system is aging, failing, and no longer meets the service needs of customers or staff. The new CMS is expected to go-live in January 2024.

On May 17, 2022, L&I filed a CR-102 Proposed Rulemaking (WSR 22-11-069) for a single 17% fee increase. The intent was to ensure adequate funding for the new CMS to go-live in mid-2023. The CMS project schedule has been updated with a new go-live date for the CMS of January 2024. As a result, the 17% increase has instead been divided into two, 8.5% fee increases over fiscal years 2023, and 2024.

2. Differences between the rule as adopted and the proposed rule:

There are differences between the rule as adopted and proposed. Although amendments were made to the proposed rule, the adopted rule is not substantially different under RCW 34.05.340. The following are the amendments:

- **WAC 296-96-00922, Licensing fees.**
 - Added language to specify the fiscal years and effective dates of the updated elevator licensing fees and added new fee amounts for two, 8.5% increases.
- **WAC 296-96-01005, Obtaining permits.**
 - Amended subsection (2)(c) of the permit fees by removing the existing fee and adding “as follows” for the addition of new subparagraphs.

- Added new subsections (2)(c)(i) and (2)(c)(ii) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
- **WAC 296-96-01010, Installation and alteration permit fees.**
 - Added language to specify the fiscal years and effective dates of the updated elevator permit fees and added new fee amounts for two, 8.5% increases.
- **WAC 296-96-01025, Permit fees for personnel and material hoists.**
 - Amended language by removing the existing permit fee and adding “as follows” for the addition of new subsections.
 - Added new subsections (1) and (2) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
- **WAC 296-96-01027, Permit fee refunds.**
 - Amended language by removing the existing permit refund fee and adding “as follows” for the addition of new subsections.
 - Added a new subsection (1) and subsection (2) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
- **WAC 296-96-01030, Plan approval.**
 - Amended language by removing the existing plan approval fee and adding “are as follows” for the addition of new subsections.
 - Added new subsections (1) and (2) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
- **WAC 296-96-01035, Inspection fees.**
 - Amended subsection (1) by removing the existing inspection fee, adding “as follows” for the addition of new subsections, and relocating existing language for how the fees apply to new subsections (1)(a) and (1)(b).
 - Added a new subsection (1)(a) and (1)(b) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
 - Amended numbering of existing subsections and subparagraphs for formatting.
 - Amended subsection (2) by removing the existing inspection fee for personnel hoists or material hoists, adding “as follows” for the addition of new subsections, and relocating existing language for how the fees apply to new subsections (2)(a) and (2)(b).
 - Added a new subsection (2)(a) and (2)(b) that specifies the fiscal year and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
 - Amended subsection (3)(a) by removing the existing fee for on-site variance inspections, adding “as follows” for the addition of new

- subsections, and relocating existing language for how the fees apply to a new subsections (3)(a)(i) and (3)(a)(ii).
- Added a new subsection (3)(a)(i) and (3)(a)(ii) to specify the fiscal year and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
 - Amended subsection (3)(b) by removing the existing fee for variances without inspection, adding “as follows” for the addition of new subsections, and relocating existing language for how the fee applies “per conveyance” to new subsections (3)(b)(i) and (3)(b)(ii).
 - Added a new subsection (3)(b)(i) and (3)(b)(ii)) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
 - Amended subsection (4) by removing the existing fee for red-tag status and adding “as follows” for the addition of new subsections.
 - Added new subsections (4)(a) and (4)(b) to specify the fiscal years and effective dates of the updated fees and add new fee amounts for two, 8.5% increases.
 - Amended subsection (5) by removing the existing fees for decommission inspections and adding “as follows” for the addition of new subsections.
 - Added new subsections (5)(a) and (5)(b) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
 - Amended subsection (6) by removing the existing fee for voluntary inspections, removing existing language of “will be” for clarity, adding “is as follows” for the addition of new subsections, and relocating existing language for how the fee applies to new subsections (6)(a) and (6)(b).
 - Added new subsections (6)(a) and (6)(b) to specify the fiscal years and effective dates of the updated fees and added new fee amounts for two, 8.5% increases.
- **WAC 296-96-01040, Construction-use inspection fee.**
 - Amended subsection (1) by removing the existing fees for construction-use inspections and adding “is as follows” for the addition of new subsections.
 - Added new subsections (1)(a) and (1)(b) to specify the fiscal years and effective dates of the updated fees and add new fee amounts for two, 8.5% increases.
 - **WAC 296-96-01045, Residential elevator inspection and fees.**
 - Amended subsection (3) to specify the fiscal years and effective dates of the updated residential inspection fees and added new fee amounts for two, 8.5% increases.
 - **WAC 296-96-01055, Technical services and consultations.**
 - Amended language by removing the existing fee for technical services and consultations, adding “as follows” for the addition of new subsections,

- and relocating existing language for how the fees apply to new subsections (1) and (2).
- Added new subsections (1) and (2) to specify the fiscal years and effective dates of the updated fees and add new fee amounts for two, 8.5% increases.
- **WAC 296-96-01057, Accident investigations.**
 - Amended language by removing the existing fee for accident investigations, adding “as follows” for the addition of new subsections, and relocating existing language for how the fees apply to new subsections (1) and (2).
 - Added new subsections (1) and (2) to specify the fiscal years and effective dates of the updated fees and add new fee amounts for two, 8.5% increases.
- **WAC 296-96-01060, Inspections after normal business hours.**
 - Amended subsection (3) by removing the existing fees for after hour inspections, adding “as follows” for the addition of new subsections, and relocating existing language for how the fees apply to new subsections (3)(a) and (3)(b).
 - Added a new subsection (3)(a) and (3)(b) to specify the fiscal years and effective dates of the updated fees and add new fee amounts for two, 8.5% increases.
- **WAC 296-96-01065, Annual operating permit fees.**
 - Amended language by removing a reference to the fee table for rule clarity, adding new language to specify the fiscal years and effective dates of the updated permit fees, and adding new fee amounts for two, 8.5% increases.

3. Comments on proposed rule:

The public comment period for this rulemaking began on May 17, 2022, and ended on June 22, 2022.

L&I accepted written comments through June 22, 2022. L&I did not receive any written comments on the proposed rules.

A public hearing was held on June 22, 2022, at 9:00 a.m., virtually and telephonically. Five (5) L&I staff, and seven (7) other persons attended the public hearing. No persons elected to provide testimony on the proposed rules.

L&I did not receive any oral or written comments on the proposed rules; therefore, the rules have been adopted.