



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: October 18, 2022

TIME: 8:20 AM

WSR 22-21-118

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

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2023 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

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

The fee increase is necessary to fund a new CMS. The CMS is the database used to provide permitting, inspection, and other information. Our 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 percent fee increase. The purpose was to ensure adequate funding for the new CMS to go-live in mid-2023. The CMS project team has updated the project schedule with a new go-live date for the CMS of January 2024. As a result, the single, 17 percent increase has instead been divided into two, 8.5 percent fee increases for fiscal years 2023, and 2024.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 296-96-00922, 296-96-01005, 296-96-01010, 296-96-01025, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01055, 296-96-01057, 296-96-01060, and 296-96-01065

Suspended:

Statutory authority for adoption: Chapter 70.87 RCW

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-11-069 on May 17, 2022 (date).

Describe any changes other than editing from proposed to adopted version:

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 inspections 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.

Although changes were made to the proposed rule, the adopted rule is not substantially different under RCW 34.05.340.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency’s own initiative:

New	___	Amended	<u>13</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>13</u>	Repealed	___

Date Adopted: October 18, 2022

Name: Joel Sacks

Title: Director

Signature:

