



PROPOSED RULE MAKING

CR-102 (June 2024)
(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: February 04, 2025
TIME: 8:49 AM

WSR 25-04-097

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

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 24-24-088 ; 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) Amusement Rides or Structure Rules. WAC 296-403A-100, Definitions

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 13, 2025	10:00 a.m.	Department of Labor & Industries 7273 Linderson Way SW Tumwater, WA 98501 OR Join electronically (Zoom): https://lni-wa-gov.zoom.us/j/86892327477?pwd=aUICCXs6mHzVNYjFRdlSw5bHozDYhl.1 Passcode: DtU\$4#Kp OR Join by phone (audio only): 253-215-8782 Meeting ID: 868 9232 7477 Passcode: 52973583	The in-person and virtual/telephonic hearing starts at 10:00 a.m. and will continue until all oral comments are received.

Date of intended adoption: May 6, 2025 (Note: This is **NOT** the effective date)

Submit written comments to:	Assistance for persons with disabilities:
Name Meagan Edwards Address Department of Labor & Industries Field Services & Public Safety Division PO Box 44400 Olympia, WA 98504-4400 Email Meagan.Edwards@Lni.wa.gov Fax 360-704-1980 Other Beginning (date and time) February 5, 2025, at 8 a.m. By (date and time) March 13, 2025, at 5 p.m.	Contact Meagan Edwards Phone 360-522-0125 Fax 360-704-1980 TTY Email Meagan.Edwards@Lni.wa.gov Other By (date) <u>February 27, 2025</u>

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this rulemaking is to propose amendments to the definitions for amusement rides or structures under WAC 296-403A-100. L&I accepted a rulemaking petition to amend the definition of "Amusement structures" to exclude fixed artificial climbing surfaces built for the sport of rock climbing, including equipment used for climber education and safety, when not located on the same

premises as amusement rides. This rulemaking proposes amendments from the petitioner's request. Additional amendments to WAC 296-403A-100 are also being proposed to bring the rule up-to-date.

Proposed amendments:

WAC 296-403A-100, Definitions.

- Clarifies the definition of "amusement structures" to exclude fixed artificial climbing surfaces built for the sport of rock climbing, including equipment used for climber education and safety, when not located on the same premises as amusement rides.
- Amends the definition of "NEC". This includes:
 - Removing the outdated reference to the 2002 edition of the National Electrical Code (NEC) and referencing to the NEC edition adopted in the electrical rules under Chapter 296-46B WAC; and
 - Removing the physical location for obtaining hard copies of the NEC and adds how copies can now be obtained.
- Amends the definitions of "RCW" and "WAC" to clarify that copies of the electrical laws and rules are only available electronically.
- Amends the definition of "amusement rides" to update a reference.

Reasons supporting proposal: This rulemaking is in response to a petition for rulemaking. The amendments are necessary to ensure the definitions are up-to-date and clearly define the types of structures that are regulated as amusement rides.

Statutory authority for adoption: Chapter 67.42 RCW Amusement Rides

Statute being implemented: Chapter 67.42 RCW Amusement Rides

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Wayne Molesworth, Prog. Mgr	Tumwater, WA	360-480-5673
Implementation	Steve Reinmuth, Asst. Dir.	Tumwater, WA	360-902-6348
Enforcement	Steve Reinmuth, Asst. Dir.	Tumwater, WA	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 proposal is exempt from the cost benefit analysis requirement under the Administrative Procedure Act. Specifically, RCW 34.05.328(5)(b)(iv) exempts rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect. RCW 34.05.328(5)(b)(iii) exempts rules adopting or incorporating by reference without material change of national consensus codes that generally establish industry standards.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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 checked="" type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" 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 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)): All parts of the rule except as discussed below.

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. WAC 296-403A-100(3) clarifies the definition of "amusement structures" to exclude fixed artificial climbing surfaces built for the sport of rock climbing, including equipment used for climber education and safety, when not located on the same premises as amusement rides and is based on the interpretation of the definition of "amusement structures" under RCW 67.42.010(1). There are no cost associated with this change.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: February 4, 2025

Name: Joel Sacks

Title: Director

Signature:

