



# PROPOSED RULE MAKING

## CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: March 06, 2023

TIME: 12:18 PM

WSR 23-07-027

**Agency:** Washington Utilities and Transportation Commission

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

- Preproposal Statement of Inquiry was filed as WSR** 22-15-046 ; 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)

Rulemaking to consider revisions to insurance and safety regulations governing the operation of motor common carriers, household goods carriers, auto transportation companies, non-profit transportation providers, charter party and excursion service carriers, and solid waste collection companies in chapters 480-14, 480-15, 480-30, 480-31, and 480-70 of the Washington Administrative Code (WAC). This rulemaking is recorded as Docket T-220252 at the Utilities and Transportation Commission (UTC).

**Statutes authorizing the agency to adopt rules on this subject:** RCW 80.01.040, RCW 81.01.010, RCW 81.04.160,

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
June 7, 2023	9:30 a.m.	<a href="https://utc-wa-gov.zoom.us/j/86907867570?pwd=eUJocWxsSjhhMGhyeUxNaUtZUGJOUT09">https://utc-wa-gov.zoom.us/j/86907867570?pwd=eUJocWxsSjhhMGhyeUxNaUtZUGJOUT09</a>	Virtual public hearing to consider adoption of the proposed rule

**Date of intended adoption:** June 10, 2023 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Amanda Maxwell, Executive Director and Secretary  
Address: P.O. Box 47250, Olympia, WA 98504-7250  
Email: records@utc.wa.gov  
Fax:  
Other: (360) 664-1160  
By (date) May 1, 2023

**Assistance for persons with disabilities:**

Contact Human Resources  
Phone: (360) 664-1160  
Fax:  
TTY: (360) 586-8203  
Email: human\_resources@utc.wa.gov  
Other:  
By (date) May 1, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of the proposed rules is to improve motor carrier safety regulation and increase public safety. The Commission aims to eliminate redundant, overlapping, and inconsistent rules with its state and federal partners.

**Reasons supporting proposal:** The commission identified many areas that needed to be amended or revised. The detailed list is available in Docket T-220252 in the motor carrier safety increase regulatory consistency report.

**Statutory authority for adoption:** RCW 80.01.040, RCW 81.01.010, RCW 81.04.160

**Statute being implemented:**

**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:**

**Type of proponent:**  Private  Public  Governmental  
**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Mathew Perkinson	621 Woodland Square Loop SE Lacey, Washington 98503	(360) 701-1601
Implementation:	Amanda Maxwell	621 Woodland Square Loop SE Lacey, Washington 98503	(360) 664-1110
Enforcement:	Amanda Maxwell	621 Woodland Square Loop SE Lacey, Washington 98503	(360) 664-1110

**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: RCW 34.05.328 does not apply to the Washington Utilities and Transportation Commission as it is not one of the listed agencies in RCW 34.05.328(5)(a)(i).

**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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((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](#)):
- 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. The UTC is proposing to adopt rules that enable the UTC to improve its motor carrier safety regulations that intersect with the Washington State Patrol (WSP) and the Federal Motor Carrier Safety Administration (FMCSA) commercial vehicle safety regulations. The rules in effect meet the UTC's strategic business goal to work with the WSP and FMCSA to align safety rules and apply them equally to transportation companies regulated by the UTC. Further, in pursuing its mission to ensure the transportation services it regulates are safe, available, reliable, and fairly priced, the UTC seeks to establish necessary, understandable, and clear regulations in the interest of consumer protection and public safety. In support of Goal Two: Advance Public Safety in the UTC's 2021-2023 Strategic Business Plan, the UTC's Transportation Safety Division reviewed rules that fall under its Motor Carrier Safety program's jurisdiction. Implementing these rules eliminates redundant, overlapping, and inconsistent regulations which create uncertainty and confusion to regulated industries or offer no public benefit. In summary, the commission identified rules that may need to be repealed or amended to reduce inconsistencies that may cause confusion or to avoid imposing unnecessary costs on intrastate commerce and regulated transportation industries.

The commission sent a SBEIS questionnaire to affected entities, providing an opportunity to respond. The UTC received no responses to the supplemental questionnaire. Based on the information available to it, the UTC determined that the proposed rules do not have a fiscal impact to small businesses.

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:

<b>Date:</b> March 6, 2023	<b>Signature:</b> 
<b>Name:</b> Amanda Maxwell	
<b>Title:</b> Executive Director and Secretary	