



# 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: July 13, 2021

TIME: 2:20 PM

WSR 21-15-035

Agency: Washington State Patrol

Original Notice

Supplemental Notice to WSR 21-07-101

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 20-19-074 ; 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) Chapter 212-10 WAC Smoke Detection Devices in Dwelling Unit

### Hearing location(s):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
September 1, 2021	1:30pm – 2:30pm	Zoom Call-in 1-253-215-8782 Meeting ID: 917 7657 2638 Passcode: 969320	

Date of intended adoption: September 2, 2021 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Kimberly Mathis, Agency Rules Coordinator

Address: 106 11<sup>th</sup> Street SE; Olympia WA 98507

Email: [wsprules@wsp.wa.gov](mailto:wsprules@wsp.wa.gov)

Fax:

Other:

By (date) September 1, 2021

### Assistance for persons with disabilities:

Contact Kimberly Mathis, Agency Rules Coordinator

Phone: 360-596-4017

Fax:

TTY:

Email:

Other:

By (date) August 27, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed changes will provide clean up and clarification to the existing language to ensure the rules reference and comply with current laws in the state of Washington and national recognized standards.

**Reasons supporting proposal:** Updates are to provide clarity and clean up existing language

**Statutory authority for adoption:** RCW 43.44.110

**Statute being implemented:** RCW 43.44.110

**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:**

**Name of proponent:** (person or organization) Washington State Patrol  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Kimberly Mathis	Olympia WA	360-596-4017
Implementation:	Washington State Patrol	Olympia WA	360-596-4017
Enforcement:	Washington State Patrol	Olympia WA	360-596-4017

**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:

**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:** July 13, 2021

**Name:** John R. Batiste

**Title:** Chief

**Signature:**



AMENDATORY SECTION (Amending WSR 81-04-058, filed 2/4/81)

**WAC 212-10-010 Administration, authority.** These rules are adopted pursuant to chapter 50, Laws of 1980, entitled smoke detection devices in dwelling units, and to RCW ((48.48.140)) 43.44.110 to provide for the installation and maintenance of smoke detection devices inside all dwelling units:

- (1) Occupied by persons other than the owner((r)); or
- (2) Built or manufactured in this state.

AMENDATORY SECTION (Amending WSR 81-04-058, filed 2/4/81)

**WAC 212-10-015 Application and scope.** (1) The provisions of these rules shall apply to:

- (a) All dwelling units occupied by persons other than the owner after December 31, 1981((r-and));
- (b) All dwelling units built or manufactured in this state after December 31, 1980; and
- (c) All dwelling units sold on or after July 1, 2019.

(2) Notwithstanding the provisions of chapter 19.27 RCW, RCW 43.22.340 through 43.22.434 and 43.22.450 through 43.22.490, the provisions of these rules shall also apply to all buildings or structures, mobile homes and factory built housing used as dwelling units.

AMENDATORY SECTION (Amending WSR 81-04-058, filed 2/4/81)

**WAC 212-10-020 Definitions.** (1) **Smoke detection device.** A self-contained alarm for detecting visible or invisible particles of combustion, which consists of an assembly of electrical components including a smoke chamber, alarm sounding appliance, and provision for connection to a power supply source, either by splice leads or a cord and plug arrangement or containing integral batteries. A supplemental heat detector may be included as part of the appliance. Terminals may be included for connection to a remote, audible signaling appliance or accessory. An integral transmitter may also be included to energize a remote audible signaling appliance. The smoke detection device may be of the photoelectric and/or ionization type.

(2) **Photoelectric detector.** A smoke detection device which activates when visible smoke from a fire enters the detector. Sensitive to smoldering fires as well as smoke generated by an open flame fire.

(3) **Ionization detector.** A smoke detection device which activates in response to invisible particles created by combustion. Sensitive to open flame fire.

(4) **Combination photoelectric/ionization detector.** A smoke detection device containing both an ionization and a photoelectric element.

(5) **Dwelling unit.** A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(6) **Sleeping room.** A room or area of the dwelling unit which is ordinarily used for sleeping.

(7) **Factory built housing.** For the purpose of these rules, factory built housing is considered as any structure designed primarily for human occupancy other than a mobile home, the structure of any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site, and which is subject to regulation by the Washington department of labor and industries pursuant to RCW 43.22.450 through 43.22.490.

~~((7))~~ (8) **Mobile home.** For the purpose of these rules, a mobile home is considered as a factory-assembled structure or structures assembled with the necessary service connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without a permanent foundation, and which is subject to regulation by the Washington department of labor and industries pursuant to RCW 43.22.340 through 43.22.434.

~~((8))~~ (9) **New building.** For the purpose of these rules, a new building is considered as any structure constructed, erected or moved onto a permanent site on or after December 31, 1980, any portion of which is used or intended for use as a dwelling unit by any person or persons.

~~((9))~~ (10) **Existing building.** For the purpose of these rules an existing building is considered as any structure in existence prior to December 31, 1981, any portion of which is used, intended for use or thereafter converted for use as a dwelling unit by any person or persons other than the owner who do not otherwise qualify as a guest or member of the household of the owner.

AMENDATORY SECTION (Amending WSR 81-04-058, filed 2/4/81)

**WAC 212-10-025 Conformance with nationally accepted standards.**

All smoke detection devices shall be designed ~~((and))~~, manufactured, and installed in conformance with the requirements of Underwriters Laboratories, Inc. Standard UL 217 or ~~((International Conference of Building Officials Standard 43-6))~~ codes adopted by chapter 19.27 RCW, and shall be approved or listed for the purposes for which they are intended.

**Exception:** Smoke detection devices in dwelling units built or manufactured in this state after December 31, 1980, shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent without a disconnecting switch other than those required for overcurrent protection.

AMENDATORY SECTION (Amending WSR 81-04-058, filed 2/4/81)

**WAC 212-10-045 Installation responsibility.** (1) It is the responsibility of the builder or manufacturer of each new building, mobile home or factory built housing to install smoke detection devices within each dwelling unit.

(2) It is the responsibility of the owner of each existing building, mobile home or factory built housing to install smoke detection devices within each dwelling unit occupied by persons other than the owner.

(3) It is the responsibility of the owner of each new or existing building, mobile home or factory built housing, containing dwelling

units occupied by persons other than the owner, to inspect and test all smoke detection devices at the time of vacancy or at time of sale and make the necessary repairs or replacements to insure that the smoke detection devices are operational prior to reoccupancy, and to instruct the occupants of the purpose, operation and maintenance of the smoke detection device(s).

AMENDATORY SECTION (Amending WSR 81-04-058, filed 2/4/81)

**WAC 212-10-050 Maintenance responsibility.** It is the responsibility of the occupant of all new or existing dwelling units, owned by other than the occupant, to maintain and test all smoke detection devices installed within the dwelling unit by the owner. Actual costs of maintenance, repair or replacement of smoke detection devices shall be as agreed beforehand by the occupant and owner. However, failure of the owner to abide by the terms of any such agreement does not relieve the occupant of the responsibility to maintain the smoke detection devices in a fully operational condition at all times. Failure to do so can subject the occupant to the penalty provisions of WAC 212-10-055.

AMENDATORY SECTION (Amending WSR 81-04-058, filed 2/4/81)

**WAC 212-10-055 Penalties.** Any person who violates any of the provisions of RCW ((48.48.140)) 43.44.110 or these rules shall be punished by a fine ((of not more than fifty dollars)) as defined in RCW 43.44.110(5).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 212-10-030 Primary power supply.
- WAC 212-10-035 Number of smoke detection devices.
- WAC 212-10-040 Location of smoke detection devices.