



# RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 01, 2020  
TIME: 2:55 PM

WSR 20-20-062

**Agency:** Washington State Patrol

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (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:** 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.

**Citation of rules affected by this order:**

New:  
 Repealed:  
 Amended: Chapter 212-12 WAC  
 Suspended:

**Statutory authority for adoption:** RCW 18.20.130, 18.46.110, 18.51.140, 43.43.939, 43.44, 70.41.080, 70.97.210, 71.12.485, 74.15.050

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 20-15-144 on 7/21/2020 (date).  
 Describe any changes other than editing from proposed to adopted version:

- 212-12-005 Subsection 2(e) – removed the added language of “and/or department of health”
- 212-12-044 Subsection 2 – removed the word “always”, it states that report has to be available
- 212-12-010 Subsection 6 – added “care centers” after Hospice
- 212-12-015 – added “care centers” after Hospice

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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>11</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>11</u>	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	___	Repealed	___

**Date Adopted:** October 1, 2020

**Name:** John R. Batiste

**Title:** Chief

**Signature:**



AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

**WAC 212-12-001 Statement of authority.** The state director of fire protection is authorized to administer and enforce the provisions of this chapter and in accordance with RCW 43.44.010.

AMENDATORY SECTION (Amending WSR 13-18-066, filed 9/3/13, effective 10/4/13)

**WAC 212-12-005 Definitions.** Unless otherwise provided in this section, definitions in the Washington State Building Code, chapter 19.27 RCW, and 42 C.F.R. Ch. IV § 483.70, National Fire Protection Association, standard 101 "Life Safety Code" (~~((2000 edition, as))~~) current adopted edition by (~~(CMS--)~~) Centers for Medicare/Medicaid Services (~~(+)~~) (CMS) shall apply to this chapter. The following definitions will also apply to this chapter:

(1) "State director of fire protection" means the director of fire protection within the Washington state patrol, the state fire marshal, or authorized deputy or designee.

(2) "New facility" means any facility that is:

(a) Being occupied or licensed for the first time (~~(r)~~);

(b) Vacated for more than one (~~((hundred eighty days))~~) year and reoccupied (~~(r)~~);

(c) Closed for more than one (~~((hundred eighty days))~~) year and reopened (~~(r-or)~~);

(d) Changes occupancy classification; or

(e) For which the license has expired, will be considered as a new facility and must meet the current codes and standards as adopted. (~~((Except for boarding homes))~~)

Exceptions:

• Existing assisted living facilities which may be vacated for more than one hundred eighty days if approved by the director of fire protection and the department of social and health services.

• Existing nursing homes that have been converted to an assisted living facility under provisions of chapter 388-78A WAC.

(3) "Before and after school program" means a program licensed by the department of (~~(early learning))~~ children, youth, and families that provides early learning experiences for children five years of age through twelve years of age who are attending kindergarten or elementary school.

(4) "Birth center" or "childbirth center" are defined in chapter 18.46 RCW.

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

**WAC 212-12-010 Adoption of codes and standards.** The following administrative codes and regulations are hereby adopted by reference as (~~(if))~~) set forth fully herein:

(1) Chapter 51-50 WAC, State Building Code adoption and amendment of the International Building Code.

(2) Chapter 51-51 WAC, State Building Code adoption and amendment of the International Residential Code.

(3) Chapter 51-52 WAC, State Building Code adoption and amendment of the International Mechanical Code.

(4) Chapter 51-54A WAC, State Building Code adoption and amendment of the International Fire Code.

(5) Chapter 51-56 WAC, State Building Code adoption and amendment of the Uniform Plumbing Code.

~~(6) ((Chapter 51-57 WAC, State Building Code adoption and amendment of Appendix A, B and Appendix I of the Uniform Plumbing Code.~~

~~(7))~~ 42 C.F.R. Ch. IV § 483.70, National Fire Protection Association, standard 101, "Life Safety Code," ((2000 edition)) current adopted edition by ((CMS—( ))) Centers for Medicare/Medicaid Services((+)) (CMS) for application in ambulatory surgical centers, hospice care centers, nursing homes and hospitals.

AMENDATORY SECTION (Amending WSR 13-18-066, filed 9/3/13, effective 10/4/13)

**WAC 212-12-015 Applicability.** The provisions of this chapter apply to all facilities for which the director of fire protection is responsible for fire protection and enforcement including:

Adult rehabilitation center.

Alcoholism hospital.

Alcoholism intensive inpatient treatment services.

Alcoholism treatment facility.

~~((Psychiatric hospital.))~~

Assisted living facility.

Before and after school program((s)).

~~((Boarding home.))~~

Birth center.

Child care ~~((occupancies))~~ occupancy.

Criminal prosecution.

Enhanced services facility.

Examination of premises.

Examination of witnesses.

Group care facility.

Group care ~~((facilities))~~ facility for severely and ~~((multiply))~~ multiple handicapped children.

Hazardous liquid and gas pipeline accidents—Preparedness of local first responders.

Hospice care center.

Hospital.

Nursing home.

~~((Transient accommodation.))~~

Psychiatric hospital.

Premises with guard animals—Registration, posting—Acts permitted firefighters—Liability for injury to firefighters.

Public buildings.

~~((Enhanced services facilities.~~

~~Examination of premises.))~~

Record of fires.

Removal of fire hazards—Appeal of order—Penalty.

Reports and investigations of fire—Police powers.

Residential treatment facility.

Standard of safety.

Schools—Standards for fire prevention and safety—Plan review and construction inspection.

~~((Removal of fire hazards—Appeal of order—Penalty.~~

~~Reports and investigations of fire—Police powers.~~

~~Statistical information and reports.~~

~~Examination of witnesses.~~

~~Criminal prosecution.~~

~~Record of fires.~~

~~Premises with guard animals—Registration, posting—Acts permitted firefighters—Liability for injury to firefighters.~~

~~Hazardous liquid and gas pipeline accidents—Preparedness of local first responders.))~~

Statistical information and reports.

Transient accommodation.

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

**WAC 212-12-020 Additional ((boarding home)) assisted living facility requirements. This section shall be applicable to existing facilities that do not have fire sprinkler protection and smoke compartmentation on floors in which residents reside.**

(1) ~~((Boarding home))~~ Resident evacuation capability levels.

(a) Evacuation capability is the ability of the resident of a ~~((boarding home))~~ facility licensed by the department of social and health services under chapter 18.20 RCW to respond to an emergency situation and either evacuate ~~((the boarding home))~~ or move to a point of safety.

(b) Residents shall be classified by the facility administration in one of the following evacuation ~~((levels))~~ capabilities:

(i) ~~((Level I))~~ Ambulatory - Persons physically and cognitively capable of walking or traversing a normal pathway to safety, including the ascent and descent of stairs, and capable of self-preservation, without the physical assistance of another person.

(ii) ~~((Level II))~~ Semiambulatory - Persons physically and cognitively capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.

(iii) ~~((Level III))~~ Nonambulatory - Persons physically or cognitively unable to walk or traverse a normal path to safety without the physical assistance of another person.

(2) Residents with evacuation capabilities of ~~((Level II or Level III))~~ semiambulatory or nonambulatory must reside on the grade level floor unless the ~~((boarding home))~~ facility receives written approval by the director of fire protection to house these residents on other floor levels.

(3) The ~~((boarding home))~~ facility must not admit or retain more than two residents with evacuation capabilities of ~~((Level II or Level III))~~ semiambulatory or nonambulatory unless:

(a) The ~~((boarding home))~~ facility receives written approval by the director of fire protection to care for more than two residents with evacuation capabilities of ~~((Level II or Level III))~~ semiambulatory or nonambulatory; and

(b) The ~~((boarding home))~~ facility is divided into at least two smoke barrier compartments on each floor; and

(c) The ~~((boarding home))~~ facility has an operational automatic sprinkler system throughout the facility, unless the ~~((boarding home))~~ facility was initially licensed prior to July 1, 2007, and is licensed for six or fewer residents.

AMENDATORY SECTION (Amending WSR 13-18-066, filed 9/3/13, effective 10/4/13)

**WAC 212-12-022 ((Additional)) Before and after school program requirements.** (1) ~~((Before and after school programs located in an existing, operational, public school or private school will be deemed as meeting code requirements at the time of their construction. Except that locations that are not equipped with an automatic fire sprinkler will be deemed as meeting code requirements only when the location of the program meets the following:~~

~~(a) Program must be located on the ground floor with direct exiting in the area the program is being provided;~~

~~(b) The building has an installed fire detection and alarm system; and~~

~~(c) The building has accessible fire extinguishers installed within the area the program is being provided.~~

~~(2)) Before and after school programs that are not located in an existing, operational, public or private school must be inspected as a new facility, as defined in WAC 212-12-005, and must be required to meet the code requirements outlined in chapter 19.27 RCW.~~

(2) Before and after school programs located in an existing, operational, public or private school wanting to change into a different license category as defined in chapter 43.216 RCW must meet the code requirements outlined in chapter 19.27 RCW.

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

**WAC 212-12-025 Fire reporting requirements.** Any facility licensed by the department of health or the department of social and health services, and inspected by the office of the state fire marshal, shall report within twenty-four hours to the office of the state fire marshal any accidental or unintentional fire, any deliberately set improper fire, any unusual incident that required implementation of the facility disaster plan, including any evacuation of all or part of the resident population to another area within the facility or to another address, and any circumstance which threatened or could have

threatened the ability of the facility to ensure continuation of normal services to the residents.

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

**WAC 212-12-030 Right of appeal for state cited facilities.** The following procedure will apply to appeals of orders, decisions or citations made by the state fire marshal's office and it does not apply to CMS federal surveys:

(1) Administrative appeal (step 1) - A facility will have an opportunity to dispute cited deficiencies with a chief deputy state fire marshal. The purpose of this informal process is to give the facility an opportunity to refute cited deficiencies after an inspection. A written request with an explanation of the specific deficiencies that are being disputed (~~shall~~) must be submitted within (~~ten~~) fifteen days of receipt of the correction notice. All submittals (~~shall~~) must be sent to WSP-Fire Protection Bureau, P.O. Box (~~42600~~) 42642, Olympia, WA (~~98504-2600~~) 98504-2642 or via email at FIREMARSH@wsp.wa.gov. If a facility is successful in demonstrating that a deficiency should not have been cited, the chief deputy state fire marshal will remove or make the appropriate corrections to the citation. If a facility is unsuccessful in demonstrating that a deficiency should not have been cited, the facility will be notified in writing that the citation will remain unchanged. The facility will then have the option to proceed to step #2 in the administrative appeal process.

(2) Administrative appeal (step 2) - If a facility is not satisfied with the decision made during the administrative appeal (step 1), they may appeal the decision in writing within (~~seven~~) ten days of receipt of the written decision to the prevention division assistant state fire marshal. If a facility is successful in demonstrating that a deficiency should not have been cited, the assistant state fire marshal will remove or make the appropriate corrections to the citation. If a facility is unsuccessful in demonstrating that a deficiency should not have been cited, the facility will be notified in writing that the citation will remain unchanged. The facility will then have the option to proceed to step #3 in the administrative appeal process.

(3) Administrative appeal (step 3) - If a facility is not satisfied with the decision made during the administrative appeal (step 2), they may appeal the decision in writing within (~~seven~~) ten days of receipt of the written decision to the director of fire protection. If a facility is successful in demonstrating that a deficiency should not have been cited, the director of fire protection will remove or make the appropriate corrections to the citation. If a facility is unsuccessful in demonstrating that a deficiency should not have been cited, the facility will be notified in writing that the citation will remain unchanged.

(4) This is a final agency action.

Note: This appeal process is not applicable to the Life Safety Code inspections.

AMENDATORY SECTION (Amending WSR 02-16-023, filed 7/29/02, effective 8/29/02)

**WAC 212-12-035 Special requirements.** In addition to the fire and life safety standards listed in WAC ((212-12-030)) 212-12-010, the following shall apply: ((1) In nursing homes, fire alarm system annunciators shall be provided where the system serves more than one floor, one fire or smoke division, or one building. They shall be located at each main nurses' station on each floor, fire or smoke division, and/or building.

(2) In all Group E-3, I, LC Occupancies, annual certification of fire alarm systems shall be performed by the holder of a current low-voltage electrical contractors specialty license issued by the department of labor and industries.

(3) Every story, and basements of Group LC Occupancies shall have not less than two exits.

Exception: Basements used exclusively for the service of the building may have one exit. For the purpose of this exception, storage rooms, laundry rooms, maintenance offices, and similar uses shall not be considered as providing service to the building.

(4)) In all ((Groups E-3, I, and LC)) occupancies inspected by the state fire marshal's office, emergency lighting for means of egress shall be provided. Emergency systems shall activate automatically in a power failure and be supplied from storage batteries or an on-site generator set. ((The system shall be installed in accordance with the requirements of the Electrical Code.))

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

**WAC 212-12-040 Fire ((emergency)) safety/evacuation/lockdown plan.** All ((Group I, Group E, and Group R2)) occupancies inspected by the state fire marshal's office shall develop and maintain a written ((fire emergency)) plan. In addition to the adopted code and standards in WAC 212-12-010, the plan shall include the following:

(1) Action to take by the person discovering a fire.

(2) Method of sounding an alarm on the premises.

((3) Actions to take for evacuation and assuring accountability of the occupants.

(4) An evacuation floor plan identifying exits.

(5) In Group R, Division 1 Occupancies and Group R, Division 3 Occupancies used as transient accommodations, a copy of the written evacuation plan shall be posted in each guest room.))

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

**WAC 212-12-044 Fire drills.** In all Group I, Group E, and Group R2 Occupancies licensed by the state and inspected by the state fire marshal's office, at least twelve planned and unannounced fire drills shall be held every year.

(1) Drills shall be conducted quarterly on each shift in Group I and Group R2, Occupancies and monthly in Group E Occupancies to familiarize personnel with signals and emergency action required under varied conditions.

(2) A detailed written record of all fire drills shall be maintained and available for inspection ((~~at all times~~)).

(3) When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. (~~Fire drills shall include the transmission of a fire alarm signal and simulation of emergency conditions. The fire alarm monitoring company shall be notified prior to the activation of the fire alarm system for drill purposes and again at the conclusion of the transmission and restoration of the fire alarm system to normal mode.~~)