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RCWs > Title 34 > Chapter 34.05 > Section 34.05.350

[34.05.345](#) << 34.05.350 >> [34.05.353](#)

RCW 34.05.350 Emergency rules and amendments.

*** CHANGE IN 2009 *** (SEE [5915.SL](#)) ***

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; or

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule,

the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW [34.05.380](#) and with the rules review committee.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW [43.17.010](#). Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

(4) In adopting an emergency rule, the agency shall comply with *section 4 of this act or provide a written explanation for its failure to do so.

[1994 c 249 § 3; 1989 c 175 § 10; 1988 c 288 § 309; 1981 c 324 § 4; 1977 ex.s. c 240 § 8; 1959 c 234 § 3. Formerly RCW [34.04.030](#).]

Notes:

*Reviser's note: The governor vetoed 1994 c 249 § 4.

Severability -- Application -- 1994 c 249: See notes following RCW [34.05.310](#).

Effective date -- 1989 c 175: See note following RCW [34.05.010](#).

Legislative affirmation -- Severability -- 1981 c 324: See notes following RCW [34.05.010](#).

Effective date -- Severability -- 1977 ex.s. c 240: See RCW [34.08.905](#) and [34.08.910](#).