474 Treasurer, Washington State
478 University of Washington
479 Transportation Improvement Board
480 Utilities and Transportation Commission

Each title is divided into chapters by subject matter. Chapters are divided into sections.

Access to the WAC is through a subject index in the last volume. Most of the entries are by agency name, so it often helps to think about what agencies would be likely to issue rules on the subject you are researching. The index is not very detailed. For instance, the index in the 2001 edition is only 58 pages long to cover 12 volumes. Compare the 2000 RCW, whose index of 867 pages covers only 8 volumes. Because of the lack of detail in the WAC's index, researchers often go to the title that covers the appropriate agency and skim the chapter headings until they find a relevant chapter.

To update a WAC section, first check the supplement, if any. (The WAC is usually published every other year, with a supplement in the in-between year.) Then check the cumulative table of WAC sections affected in the latest edition of the Washington State Register. If the last calendar year is not included in the WAC or the WAC supplement, also check the table of WAC sections affected in the second issue of January of the current year; this table includes changes during the last calendar year.

C. Researching the History of Regulations

Each WAC section has a bracketed entry at the end indicating its statutory authority—that is, the RCW section that authorized the agency to issue this rule. In this bracketed entry, you will also find references to the rule's history, including a citation to the Register where the final rule was originally published, the date the rule was filed, and the date it became effective. If a rule has been amended, it will have a citation for each amendment (as well as for the original rule). The Register citations will lead you back to the proposal, which might lead you back to a preproposal notice. The entries in the Register often explain the agency's reasons for proposing and adopting the rule. Sometimes you will also find summaries

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### Coverage of WAC Editions Since 1977

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of the public comments during the rule making process. The richness of the material in the Register varies, depending on how complex and controversial the rule was. (If the rule was adopted before 1978, there will be no Register citation, but there will be a note indicating the date the final rule was filed. The Washington Administrative Code Bulletin (1970-77), did not include the language of regulations or comments about them.)

Beyond checking the entries in the Register, researchers can go to the agency that issued a rule. The Administrative Procedure Act provides:

Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts.
The file and materials incorporated by reference shall be available for public inspection.

RCW §34.05.370(1) (2000). The statute goes on to specify the materials to be included in the rule-making file.

An example of researching the history of a regulation follows.

Example: WAC 480-120-071

This is a regulation of the Utilities and Transportation Commission about telephone companies’ extension of service to customers who are outside current coverage areas. The regulation takes up 2 1/2 pages in the 2000 WAC.

Step one: Read the bracketed information at the end of the WAC section:

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.080, 80.36.300. 00-24-097 (Order R-474, Docket No. UT-991737), §480-120-071, filed 12/5/00, effective 1/15/01; Order R-25, §480-120-071, filed 5/5/71. Formerly WAC 480-120-170.]

The Register citation is 00-24-097.

(The order R-25, filed 5/5/71, is noted in the Washington Administrative Code Bulletin, number 26 (May 1, 1971-May 14, 1971). The only text is: “Amending and repealing rules within Chapter 480-120 WAC relating to telephone companies.” By leafing backwards from this date, one can find the form for “Notice of Intention to Adopt, Amend or Repeal Rules,” filed April 12, 1971. Bulletin No. 24, April 1, 1971-April 14, 1971.

Again, no explanation or discussion is provided. Using the Washington Administrative Code Bulletin seldom produces useful information about a regulation’s history.)

Step two: Look up the Register citation. WSR 00-24-097 is in Permanent Rules section of the Dec. 24, 2000, issue of the Register. Here are 4 1/2 pages, detailing the purpose of the rule and the stages in its adoption. The agency lists the parties that provided written comments (which will be in the file) and summarizes the oral comments made at the rule’s adoption hearing.

Step three: Work backwards. The permanent rule (WSR 00-24-097) cites:

- The Preproposal Statement of Inquiry (WSR 99-23-110). This document gives notice of the subject of possible rule making, states reasons why rules may be needed, and explains the process the agency will use.

- The notice of proposed rule making (WSR 00-10-086). This entry presents a draft of the rule, a summary, and the reasons for it. It includes a survey asking local exchange companies for information to assess the rule’s impact on small businesses.
• The supplemental notice of proposed rule making (WSR 00-17-068). Unfortunately, this citation in the permanent rule contains a typographical error: WSR 00-17-068 is the announcement of a staff change at the Marine Employees' Commission. Checking the index of that issue of the Register leads to the correct citation: WSR 00-17-168. This document presents a new draft of the rule. It also provides a summary, reasons supporting it, and so on.

Step four: Contact the agency. Ask to see the file associated with WUTC Docket No. UT-991737.

D. Electronic Versions of Administrative Regulations

The Register is available in electronic formats:

• On the Office of the Code Reviser's website, http://slc.leg.wa.gov/wsr/register.htm. At this site, you can access current or historic (from 1997 on) issues of the Register by WAC section affected or Index.

• On the Washington Legislature's website, http://search.leg.wa.gov/basic/textsearch/default.asp. You may search by word, choosing any year from 1998 to present (or multiple years).

• On LexisNexis (WASH; WARGST file), from January 1996 (issue 96-01).

• On disk, biweekly from the Office of the Code Reviser (See http://slc.leg.wa.gov/Default.htm#publications).

• CD Law, from 2001.

• Loislaw, from 2001.

LexisNexis and Westlaw both provide a regulation tracking service produced by State Net, part of Information for Public Affairs, Inc. (State Net tracks regulations and legislation in all fifty states.) This service contains summaries and status information for pending and recently adopted regulations. Records cite the affected section of the WAC, but not the Register. Although both systems derive their data from the same source, the coverage is different. The WASH;WARGTR file on LexisNexis only has the current two years; the scope screen for WA-REGTRK database on Westlaw says that it only has “current” data, but it goes back many years. It is in the WASH library; WARGTR file on LexisNexis, and the WA-REGTRK database on Westlaw.

The WAC is available in many electronic formats. This is particularly helpful because the WAC's index is so cursory and hard to use. Researchers can use full-text searching to find rules that use particular words or combinations of words—e.g., rules where “motorcycle” appears within ten words of “helmet.” This flexibility is invaluable. Electronic sources include:

• Washington Legislature's website (searchable).

• Office of Code Reviser's website (arranged by title).

• Office of the Code Reviser CD-ROM (See http://slc.leg.wa.gov/Default.htm#publications for ordering information.)

• LexisNexis: WASH; WAADMN file. Updated annually. As of September 23, 2001, it was current through January 24, 2001.


• CD Law. Updated four times per year. As of September 2001, regulations through April 4, 2001.

Researching the History of a Regulation

✓ Start with the WAC section.
✓ Note references to the Washington State Register (rules adopted since 1978), look them up, and work backwards.
✓ If the rule was adopted before 1978, you will not be able to find as much information.
✓ For more information, contact the agency.


• VersusLaw does not have its own version of the WAC. Instead, it links to the version from the Code Reviser’s Office.

VI. Case Law

This section discusses Washington appellate court decisions, which are published in official and unofficial print sources and several electronic sources. For information on administrative agency decisions, see Chapter 5, Administrative Decisions and Materials. For information on jury verdicts, see Chapter 4, Washington Practice Materials.

A. Official Reports

Since statehood in 1889, the Washington Supreme Court’s opinions have been published in Washington Reports (v.1-200; 1889-1939) and Washington Reports, 2d Series (v.1, 1939- ). (Three volumes of Washington Territorial Reports cover the period 1854-1888. For more on researching the territorial period, see Chapter 8, Historical and Archival Sources.) Washington Appellate Reports began in 1969, when the Washington Court of Appeals was established. All Supreme Court opinions are published; many Court of Appeals opinions are not—see Section E, Unpublished Opinions, below.

These reporters contain the official version of Washington cases. That is, if there is some variation between this version and, say, the text in Pacific Reporter, 2d Series—the official version controls. (In 1995, the State of Washington contracted out publication of the official reports to Lawyers Cooperative Publishing. The reports are now published by LEXIS Publishing. Even though Washington Reports, 2d and Washington Appellate Reports are now published and distributed by a private publisher, they remain the official reports.)

The Reporter of Decisions adds some editorial features to each case to aid researchers. Following the parties’ names are headnotes summarizing the points of law discussed in the opinion. For instance, the first headnote in State v. Wanrow, 88 Wn.2d 221 (1977) is:


An emergency telephone call to a police station is a “private communication” as that term is used in RCW 9.73.030, which prohibits the recording of such communications without the consent of all parties.

The headnote is not a part of the opinion itself. It is not written by a justice and is not “the law.” However, it is a useful summary. One can use the headnotes as a sort of “table of contents” to the opinion. For instance, by skimming the opinion for a “1” in brackets, one can find the place, at pages 227-28, where the majority opinion discusses the “private communication” issue. A case might have just two or three headnotes or it might have twenty or more, depending on how many issues are discussed. The Wanrow case, for example, has eleven headnotes. (A list of the subjects used in Washington Reports and Washington Appellate Reports is printed in the back of the Cumulative Subject Index. See Section VII.C, below.)

A statement of concurring and dissenting opinions, if any, follows the headnotes. The Wanrow case has a note cautioning that only four justices concur in all the statements, then a list of which justices concurred and dissented. The Reporter of Decisions also provides a procedural summary for each case, describing the nature of the action and what happened at the Superior Court, Court of Appeals, and Supreme Court levels. The parties’ attorneys are listed. Finally, the justices’ opinions are printed—majority (or plurality) first, then concur-