

INSTRUCTIONS ON STYLE FOR THE WASHINGTON ADMINISTRATIVE CODE (WAC) 2017

(1) PUNCTUATION AND GRAMMAR

(a) **Commas.** "It is urged that the comma is the lowest and least significant of all punctuation marks . . . We must confess, however, to a very high regard for the lowly comma." *Peters v. Watson Co.*, 40 Wn.2d 121 (1952). The comma is to be used only if required. The most important uses of the comma are described in the following:

(i) In a series of three or more words or phrases, a comma is used after each item except the last, as in "officers, deputies, and employees." This rule applies to both conjunctive, "and," and disjunctive, "or," series.

(ii) A nonrestrictive clause is set off by commas, but a restrictive clause, which is essential to the meaning of the word being modified, should not be set off by commas. Compare the following two sentences, which illustrate a restrictive clause and a nonrestrictive clause, respectively:

Men who hate football should stay home.

Men, who hate football, should stay home.

(iii) A comma is used to separate the independent clauses of a compound sentence, but it should not be used to separate the noun from the verb in a simple sentence. The following examples illustrate the proper use and omission of commas in a simple sentence and a compound sentence, respectively:

The board may adopt rules to implement this chapter and shall report annually to the governor.

The board may adopt rules to implement this chapter, and the board shall report annually to the governor.

(iv) Always place commas around the year when used in a date, thus: For the period from December 1, 2005, through December 1, 2007, the rate must . . .

(v) If a qualifying phrase applies to all antecedents instead of only to the immediately preceding one, separate the qualifying phrase from the antecedents with a comma. *Judson v. Associated Meats and Seafoods*, 32 Wn. App. 794, 801 (1982). See Part II (12)(v) of the Bill Drafting Guide about the last antecedent rule.

(b) **Semicolons.** A semicolon is not used where a comma will suffice, but is to be used to separate phrases already containing commas. A semicolon, not a period, is used following each item in a series listing that is introduced by a colon, thus:

The board has the following powers and duties:

(1) Inspection of all dental appliances for safety, durability, and ease of operation;

(2) Licensing of all dental appliance manufacturers; and

(3) Regulation of dental appliance retailers.

(c) **Tabulation.**

(i) Break a sentence into its parts and present them in tabular form only if this makes the meaning substantially clearer.

(ii) Use a single "or" to indicate the disjunctive and a single "and" to indicate the conjunctive at the end of the next to last item in a series. Use a semicolon at the end of each item in the series.

(iii) As an alternative to using "or" or "and" to indicate the disjunctive or conjunctive in a series, use a phrase in the introductory clause of the series that clearly expresses how many of the following items are to be included, such as, "any of the following," "one of the following," "all of the following," or "any one or more of the following."

(iv) Language that qualifies all of the items should not be included in the last item of the tabulation.

(v) Do not place a sentence or paragraph after a tabulation. If the sentence or paragraph is not part of the tabulated series, draft it as a separate subsection or paragraph.

(d) **Provisos.** Provisos should not be used. See discussion in Part II (12)(i) of the Bill Drafting Guide. If used, the proviso should be preceded by a colon. The words "Provided," or "Provided further," are followed by the word "That," thus: "Provided, That . . ."

(e) **Colons.** A colon is used to introduce a list or a proviso, as shown in (1)(b) and (d) of this subsection.

(f) **Quotation marks.** Quotation marks are used to set off a particular word or phrase under discussion, as in a definition of a term.

If the end of a quotation coincides with another punctuation mark, several rules should be observed. Periods and commas are always placed inside the quotation marks. All other punctuation marks, such as colons, semicolons, question marks, and exclamation points are placed inside the quotation marks only if they are part of the material being quoted.

(g) **"Shall," "may," and "must."**

(i) Since a statute speaks at the time it is read, it should be drafted in the present tense. Thus, the word "shall" should not be used to state a proposition in the future tense. "Evidence is admissible . . ." is preferable to "Evidence shall be admissible . . ." See *Sutherland* § 21.10; 4 *John Marshall L.Q.* 204.

(ii) "Shall" should only be used to mean "has a duty to." That is, to require the performance of an act. For example, "the governor shall appoint a director . . ."

Avoid using a negative subject with an affirmative shall, "A person may not . . ." is preferable to "No person shall . . ." The latter means that no one is required to act. So read, it negates the obligation, but not the permission, to act. On the other hand, "A person may not . . ." negates also the permission and is, therefore, the stronger prohibition. To avoid confusion, the drafter should use the affirmative form, "A person may not . . .," rather than negative forms such as "No person may . . ." or "No person shall . . ." "Shall not" should only be used to mean "has a duty not to."

"May" indicates discretion and is used to confer a right, privilege, or power. *Faunce v. Carter*, 26 Wn.2d 211, 215 (1946); but cf. *Buell v. City of Toppenish*, 174 Wash. 79 (1933).

Do not confuse the words "may" and "might." "May" confers authority, as in "A person may file a petition." "Might" describes a possibility, as in "They might want coffee."

For a discussion of "may," "shall," and "must," see *Garner*.

(iii) To determine whether the use of "shall" or "may" is correct, a helpful test is to mentally substitute for the word "may" the words "has the authority to" and substitute for the word "shall" the words "has the duty to." This reading will make it readily apparent whether the usage is correct.

(iv) "Must" creates a condition precedent. Use "must" if the verb it qualifies is an inactive verb or an active verb in the passive voice. Examples: The applicant "must be" (inactive verb) an adult. Prior convictions "must be set forth" (active verb in passive voice) in the application.

Use "must not" if the verb it qualifies is an inactive verb or an active verb in the passive voice. Example: The applicant "must not be" (inactive verb) a convicted felon. The application "must not be filed" before the end of the reporting period.

Active voice is preferable to passive voice. If the word "must" seems appropriate because of passive voice, the drafter should improve the phrase to avoid ambiguity. See (h)(iii) of this subsection.

(h) Tense, mood, and voice.

(i) Use the present tense instead of the future tense. "A person who violates this section . . ." is preferable to "A person who shall violate this section . . ." Similarly, use the present perfect tense instead of the future perfect tense. "After apprehending a person who has violated this section . . ." is preferable to "After apprehending a person who shall have violated this section . . ."

(ii) Proper drafting uses both the indicative mood and the imperative mood, but the uses of the two moods are distinct. The proper role of the imperative mood is to create a legal duty or prescribe a rule of conduct, as in, "The department shall adopt rules." The imperative mood should not be used merely to state a legal result. "This chapter shall not apply to . . ." and "'Vehicle' shall mean . . ." are both "false imperatives" because the purpose of the provision is achieved by the very act of declaring the legal result. As self-executing provisions, the indicative mood is proper. Thus, "This chapter applies to . . ." and "'Vehicle' means . . ." In neither situation is the subjunctive mood appropriate, as in "If the director shall decide that . . ." See *Dickerson* § 6.6.

(iii) The active voice is preferable to the passive voice. The active voice forces the drafter to identify the party who is required or authorized to act. Thus, "The commission shall adopt rules . . ." is less ambiguous than "Rules shall be adopted . . ." or "Rules must be adopted . . ."

(i) **Fewer, less.** "Fewer" refers to number, individual countable items. "Less" refers to degree or quantity, general amounts. Examples: "Nonfat milk has fewer calories than whole milk." "We have less milk than I thought."

(j) **Words and phrases to avoid.** Ambiguity, wordiness, and legalese can be eliminated by using the suggested substitutes for the following words or phrases.

Avoid

afforded or accorded

aforesaid, aforementioned, before-mentioned

and/or

any and all

as provided in this chapter

at such time as

Use

given

"the," "that," or "those"

"either A or B, or both"

(either word)

(usually unnecessary-delete)

when

Avoid

at the time of
authorized and empowered to
be and the same is hereby
carry out
commence
constitute and appoint
deal with
deemed to be
during such time as
during the course of
each and all
either directly or indirectly
employ (meaning to use)
etc.
every person, all persons
except when otherwise provided
expend
fail, refuse, or neglect
following section
formulate
for the duration of
for the reason that
forthwith
from and after
from July 1st
full and complete
give consideration to
greater than
has the duty to
have need of
hereafter
hereby
herein, hereinafter, hereinbefore, hereinabove, above,
below, following, preceding

heretofore
in case
in order to
inquire

Use

when
may
is
"execute" or "complete"
begin
appoint
"address" or "conduct"
is
while
during
(either word)
(delete)
use
(delete)
a person
(delete)
spend
fail
section (fill in number)
make
during
because
immediately
after
after June 30th
full
consider
more than
shall
need
after the effective date of this act (or section)
(delete)
(These are objectionable if referring to the position of a
section or other position; if reference is necessary,
specify the title, chapter, section, or subsection by
number.)
before the effective date of this act (or section)
if
to
ask

Avoid

institute (verb)
in the event that
in the interests of
is able to
is applicable
is authorized to
is binding upon
is defined as and shall be construed to mean
is directed to
is empowered to
is entitled to
is hereby authorized to and it shall be his duty to
is required to
is unable to
it is his duty to
it is lawful to
make application
make payment
make provision for
means and includes
modify
necessitate
no later than June 30th
none whatever
not later than
null and void
occasion (verb)
of a technical nature
on and after July 1st
on his own application
on or after July 1st
on or before July 1st
operable
or, in the alternative
per annum
per centum
period of time
prior to
promulgate
provided (conjunction)

Use

"begin" or "start"
if
for
can
applies
may
binds
means
shall
may
may
shall
"shall" (if action) or "must" (if condition)
cannot
shall
may
apply
pay
provide for
"means" or "includes" as required
change
require
by July 1st
"none" or "no"
by
void
cause
technical
after June 30th
at his or her request
after June 30th
by July 1st
operative
or
a year
percent
"period" or "time" as required
before
adopt
"if" or "but"

Avoid

provided, however that
provision of law
purchase
pursuant to
regulations
render (meaning "to give")
retain
rules and regulations
said
same
shall be
shall be construed to mean
shall be deemed to be
shall constitute
shall have the power to
shall mean
sole and exclusive
subject to the provisions of
subsequent to
such
suffer
terminate
the provisions of section 5
to wit
under the provisions of
unless and until
until such time as
utilize
whatsoever
whenever
wheresoever
whomsoever
whosoever

Use

"except," "but," or "however," or start new sentence
law
buy
under
rules
give
keep
rules
"the," "that," or "those"
(appropriate pronoun)
is
means
is
is
may
means
exclusive
under
after
the
allow
end
section 5
(delete or use "namely")
under
"unless" or "until" as required
until
use
whatever
"when" or "if"
where
(archaic; improper)
whoever

Do not use made-up words ending in "-ize" or "-ization," such as "prioritize" or "prioritization."

Avoid adjectives such as "real," "true," and "actual" and adverbs such as "duly" and "properly." Since these ideas are normally implied, expressing them in some instances creates doubt that they are implied elsewhere.

Avoid the use of "such." Substitute "the," "that," or another pronoun. Ordinarily, "such" requires the addition of "a" before a true singular noun; for example, "such a person."

(k) **Italics.** Italics are used in these instances:

(i) Case names. The case name is italicized, but the location information is not. For example: *Citizens Council v. Bjork*, 84 Wn.2d 891 (1975); and

(ii) Scientific names. For example, the state fossil is the Columbian mammoth of North America (*Mammuthus columbi*). The scientific name is always italicized, with the first word capitalized and the second and subsequent words, no matter what their derivation, not capitalized. If only the genus name is used (in this case, *Mammuthus*), it is still capitalized and italicized. The scientific name is placed in parentheses after the popular name, if used, but may also be referred to alone. Groups of higher ranks, such as phyla, classes, or orders, such as in "the phylum Brachiopoda," are not italicized.

(iii) Names of publications.

(2) NUMBERS

(a) **Quantities and amounts** should be written in words, not figures, as:

one and one-half

two and one-tenth percent

twenty-seven one-thousandths

four hundred sixty-seven feet

population of twenty thousand

one hundred sixteen dollars

nine hundred dollars and sixty-three cents

six percent

The Omnibus Appropriations Act, other appropriations, tax rates, and tables are exceptions to this rule.

Do not repeat numbers in parenthesized numerals.

Compound numbers from twenty-one to ninety-nine are hyphenated. Fractions are also hyphenated unless the numerator or denominator is a compound number that also requires a hyphen.

Examples:

two-thirds

two thirty-thirds

twenty-three one-hundredths

(b) Dates.

2010s (no apostrophe)

32°F (no spaces)

April 1, 2016,

April 1st

first day of April

first of April

April 2nd

March 31st

September 30th

the 2016-17 school year

the 2015-2017 biennium

January 2016 (no commas)

January 2016 through June 2016 (no commas)

January 1, 2016, through June 1, 2016, (commas on each side of year)

(3) CAPITALIZATION

If using the scientific name of a plant or animal, capitalize the genus but not the species. See RCW 77.08.030.

Do not capitalize

chapter
chapter 19.86 RCW
city
civil rate
civil rule
county
eastern Washington
fax
federal

Capitalize

Administrative Procedure Act
Alaska native
Cascade mountains
Centers for Medicare and Medicaid Services (federal)
Coast Guard
Congress
Columbia River
Columbia and Snake rivers
C.F.R. Part 84

Do not capitalize

governor
 house of representatives
 internet
 legislature
 line
 listserv
 medicaid
 medicare
 names of boards, bureaus,
 departments, or officers
 names of state funds
 page
 section
 senate
 spring quarter
 state agencies
 state
 supplemental security income
 western Washington
 zip code

Capitalize

First word after a colon
 Geographical names
 Indian tribe
 Names of colleges and universities
 counties
 Names of nations, states, cities, towns, and counties
 National Drug Code (NDC)
 Northwest power planning council
 Pacific Northwest
 Pacific time
 Pascals
 Puget Sound
 Revised Code of Washington
 Social Security number
 Thurston County
 Thurston and Pierce counties
 Title 67 RCW
 Washington Administrative Code
 Washington State Register
 X ray (noun)
 X-ray (adjective)

(4) SPELLING

(a) Write:

accidentally
 acknowledgment
 a.m.
 archaeological
 attorneys' fees
 attorneys general
 benefited
 benefiting
 canceled
 canceling
 cancellation
 capital (meaning city or money)

judgment
 integration
 kidnapped
 kidnapping
 knowledgeable
 master's degree
 moneys
 Pharmacopoeia
 p.m.
 S.A.F.E.
 rescission
 therefor (for)

capitol (meaning buildings)
C.F.R.
commitment
exceedance
fulfill
gases

therefore (only if meaning consequently)
totaling
traveled
traveling
U.S.C.
veterans' administration
willful

(b) The following are written as **one word**:

aircraft, air . . .	fishmeal	posttrial
antidiscrimination	floodwater	pretext (most words containing “pre”)
antifreeze	framework	punchcard
antirepeat	gillnet	quitclaim
autoignition	greywater	racetrack
B&O	groundwater	ratemaking
backflow	handbill	ratepayer
biannual	handwashing	rearview
biannually	hoistway	recordkeeping
bimonthly	houseboat	requestor
biweekly	inpatient	runoff
bloodborne	insofar	safekeeping
bottomfish	instream	setoff (noun)
bylaw	intercounty	shorelands
cannot	landowner	semitruck
caregiver	layoff (noun)	shutdown
caregiving	letterhead	sightseeing
carpool	marketplace	spenddown
checkbox	midcourse	statewide
checkpoint	motorboat	stepparent
childbirth	muzzleloader	textbooks
cleanup (noun)	nighttime	tidelands
cochair	nonjudicial (most words containing “non”)	timeline
coextensive	ongoing	trademark
collocate	online	underserved
copay	parimutuel	videorecorder
copayment	payoff (noun)	videotaped
councilmember	percent	watercourse
counterclaim	pickup	wastewater
courthouse	policymaker (noun or adjective)	waterworks

crosswalk		weighmaster
cutoff	postconsumer	worldwide
cyberbullying	postgraduate	workday
cyberstalking	postharvest	workload
deenergized	postmortem	workplace
dropout	postproject	worksite
email	postponement	workspace
facepiece	postrecovery	
finfish	postretirement	
fingerprint	postsecondary	
firefighting		
firefighter		

Note: All “multi” words, except those beginning with an “i,” are written as one word.

(c) The following are written as **two words**:

air space	job site
at large	motor home
birth date	life span
bore hole	on board
candle power	park owner
cash out	part time
case finding	pay off (verb)
certificate holder	per annum
child care	per capita
coin operated	poll site
course work	post anesthetic
cut off (verb)	post office
cyber misconduct	power line
data base	pro rata (but prorated)
day care	punch board
decision making (noun)	ride sharing
de minimis	rule making (noun)
en route	semi tractor
ex officio	Sol Duc
face shield	stock water
fact finder	storm water
first aid	stream flow

first class	stream bank
flood plain	street car
food fish	timber land
food handling	time frame
forest land	time loss
free fall	to wit
full time (adverb)	traffic control
game fish	vice chair
gray water	vice president
hand delivery	water body
hand washing	web site
hard copy	work force
health care	work group
horse racing	work station
lien holder	X ray (noun)
in situ	

Note: Some of these two-word phrases should be hyphenated if used as compound adjectives. For examples, see (e) of this subsection.

(d) The following are written as **three words**:

as needed basis	out of country
attorney at law	out of region
attorney in fact	reduction in force
finding of facts	right of way
miles per hour	

(e) The following are written as **hyphenated words**:

before-and-after-school	off-road
by-product	off-site
case-by-case	one-of-a-kind
clean-up (adjective)	on-road
co-hosted	on-site
co-owner	one hundred-year flood
cost-of-living	out-of-state
court-martial	post-closure

co-responsibility
co-worker
cross-examined
cross-pollination
cross-reference
decision-making (adjective)
district-wide

even-numbered
ex-spouse
fact-finder
fact-finding
full-facepiece
full-time (adjective)
fund-raiser
fund-raising
half-facepiece
hands-on
in-kind
in-service
in-state
limited-access (highway)
limited-English-speaking
long-acting
long-range
marijuana-infused
man-made
nine-month period
non-Indian
off-site
one-half
odd-numbered

post-eligibility
post-test
pull-tabs
quasi-judicial
quasi-municipal
ride-sharing (adjective)
rule-making (adjective)
run-on
second-hand (adjective)
self-esteem
self-incrimination
self-insurance
self-insurer
self-service
semi-trailer
so-called
start-up
state-funded
toll-free
trade-off
Tri-Cities
up-to-date
well-being
X-ray (adjective)
year-round

Adjectives composed of two or more words are usually hyphenated when they precede a noun, even though the phrase would not be hyphenated if standing alone, such as "low income," "one year," "full time," and "part time." Example:

Low-income persons may serve three-year terms.

This is necessary to avoid ambiguity. Compare the following sentences:

A patron may purchase two dollar tickets.

A patron may purchase two-dollar tickets.

The ill educated man sold a little used car.
The ill-educated man sold a little-used car.

He came across a man eating tiger.
He came across a man-eating tiger.

Do not hyphenate between an adverb ending in "ly" and the adjective it modifies. For example, "substantially new construction" does not need a hyphen.

(5) SUBSECTIONS

(a) Subsections and subparagraphs are enumerated as follows:

- (1)
- (2)
- (a)
- (b)
- (i)
- (ii)
- (iii)
- (A)
- (B)
- (I)
- (II)

Subsections (1), (2), (3)
Subdivisions (a), (b), (c)
Items (i), (ii), (iii)
Subitems (A), (B), (C)

(b) Internal references to these subdivisions may be made as follows:

section 29(1)(a)(iii) of this act

subsection (1) of this section

subsection (2)(a)(i) of this section

subsections (1) and (2) of this section

subsection (1) or (2) of this section

subsection (1)(a) and (b) of this section

subsection (1)(a) or (b) of this section

(a) of this subsection

(a)(iii) of this subsection

(6) CITATIONS

(a) To the Washington Administrative Code.

(i) WAC sections.

WAC (no periods between letters)

WAC 1-21-010

WAC 1-21-010(3) (not "subsection (3) of WAC 1-21-010")

WAC 1-21-010 (3)(a)(ii)

WAC 1-21-010 (3) and (5)

WAC 1-21-010 and 1-21-015

WAC 1-21-010, 1-21-016, and 1-21-037

WAC 1-21-010 through 1-21-140 (for an inclusive string)

(ii) WAC chapters.

chapter 1-21 WAC

chapter 1-04 or 1-21 WAC

chapters 1-04 and 1-21 WAC

chapters 1-04, 1-06, and 1-21 WAC

(iii) WAC titles.

Title 1 WAC

Titles 1 and 16 WAC

Titles 1, 16, and 246 WAC

(b) To the Revised Code of Washington.

(i) RCW sections.

RCW (no periods between letters)

RCW 1.08.010

RCW 1.08.010(3) (not "subsection (3) of RCW 1.08.010")

RCW 1.08.010 (3)(a)(ii)

RCW 1.08.010 (3) and (5)

RCW 1.08.010 and 1.08.015

RCW 1.08.010, 1.08.016, and 1.08.037

RCW 1.08.010 through 1.08.140 (for an inclusive string)

(ii) **RCW chapters.**

chapter 34.05 RCW

chapter 24.03 or 24.06 RCW

chapters 24.03 and 24.06 RCW

chapters 24.03, 24.06, and 34.05 RCW

(iii) **RCW titles.**

Title 43 RCW

Titles 43 and 44 RCW

Titles 34, 43, and 90 RCW

(iv) **Session laws.**

section 3, chapter 113, Laws of 1935

section 2, chapter 5, Laws of 1994 sp. sess.

section 45, chapter 2, Laws of 1995 1st sp. sess.

section 5, chapter 93, Laws of 1967 ex. sess.

section 9, chapter 176, Laws of 1975 1st ex. sess.

Sessions that are not regular sessions are referred to as "special" sessions. Before 1991, these sessions were referred to as "extraordinary" sessions.

See discussion in Part II (2)(c)(iv) of the Bill Drafting Guide as to which years require the special session to be designated 1st or 2nd.

(c) **To the state Constitution.**

Article VII, section 2 of the state Constitution

Article II, section 1(b) of the state Constitution

section 2 of this article

(d) **To federal law.**

(i) Federal statutes. If possible, cite both the Statutes at Large and the United States Code:

26 U.S.C. Sec. 501(c)(3) of the federal Internal Revenue Code of 1986, as amended

the G.I. Bill of Rights (58 Stat. 284; 38 U.S.C. Sec. 693)

the federal Comprehensive Employment and Training Act (87 Stat. 839; 29 U.S.C. Sec. 801 et seq.)

Do not cite the unofficial U.S.C.A.

(ii) Public Laws.

P.L. 94.115

(iii) *Federal Register.*

47 C.F.R. Sec. (year)

(e) **Other citations** should conform to *A Uniform System of Citation* (Harvard Law Review Association, 17th ed. 2000).

In case of doubt as to word or punctuation styles other than those listed in this guide, the *U.S. Government Printing Office Style Manual* (United States Government Printing Office, 1984) may be consulted.

MISCELLANEOUS

Punctuation is always included in bold.

Punctuation is not included in italics.

Title, chapter, and section captions are written with the first word of the caption and the first word after a dash capitalized.