INSTRUCTIONS ON STYLE
FOR THE WASHINGTON ADMINISTRATIVE CODE (WAC) 2009

(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 (11)(v) of this 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 (11)(i) of this guide. If used, the proviso should be preceded by a colon. The words "PROVIDED," or "PROVIDED FURTHER," are written in capitals 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.

<table>
<thead>
<tr>
<th>Avoid</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>afforded or accorded</td>
<td>given</td>
</tr>
<tr>
<td>aforesaid, aforementioned, before-mentioned</td>
<td>&quot;the,&quot; &quot;that,&quot; or &quot;those&quot;</td>
</tr>
<tr>
<td>and/or</td>
<td>&quot;either A or B, or both&quot;</td>
</tr>
<tr>
<td>any and all</td>
<td>(either word)</td>
</tr>
</tbody>
</table>
**Avoid**

as provided in this chapter
at such time as
at the time of
authorized and empowered to
be and the same is hereby
carry out
commence
constitute and appoint
deal with
deeded 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

**Use**

(usually unnecessary-delete)
when
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)
**Avoid**

 Avoid

 in case
 in order to
 inquire
 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

**Use**

 Use

 if
 to
 ask
 "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

5
Avoid
period of time
prior to
promulgate
provided (conjunction)
provided, however that

Use
"period" or "time" as required
before
adopt
"if" or "but"
"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 general appropriation bill and other budgets are exceptions to this rule.

Do not repeat numbers in bracketed 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.**

1980s (no apostrophe)

32°F (no spaces)

April 1, 2005,

April 1st

first day of April

first of April

April 2nd

March 31st

September 30th

the 2005-06 school year

the 2005-2007 biennium

January 2005 (no commas)

January 2005 through June 2005 (no commas)

January 1, 2005, through June 1, 2005, (commas on each side of year)

(3) **CAPITALIZATION**

Observe the following capitalization in drafting bills. Note that resolutions, memorials, and amendment headings require more liberal capitalization. See examples in Part II (12) of this guide.

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

<table>
<thead>
<tr>
<th>Do not capitalize</th>
<th>Capitalize</th>
</tr>
</thead>
<tbody>
<tr>
<td>chapter</td>
<td>Administrative Procedure Act</td>
</tr>
</tbody>
</table>
(4) SPELLING

(a) Write:

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

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

gases
kidnapped
kidnapping
knowledgeable
master's degree
moneys
p.m.
rescission
therefor (for)
therefore (only if meaning consequently)
totaling
capitol (meaning buildings) traveled
commitment traveling
exceedance veterans' administration
fulfill willful

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

- aircraft, air...
- antifreeze
- antirepeat
- autoignition
- B&O
- biannual
- biannually
- bimonthly
- biweekly
- bloodborne
- bylaw
- cannot
- caregivers
- carpool
- certificateholder
- checkbox
- childbirth
- cleanup (noun)
- cochair
- coextensive
- collocate
- copay
- copayment
- councilmember
- counterclaim
- courthouse
- crosswalk
- cutoff
- dropout
- facepiece

- finfish
- firefighter
- framework
- handbill
- handwashing
- houseboat
- inpatient
- insofar
- intercounty
- landowner
- layoff (noun)
- letterhead
- marketplace
- motorboat
- “Multi” words, except those beginning with an “i,” are written as one word
- muzzleloader
- nighttime
- nonjudicial (most words containing “non”)
- ongoing
- parimutuel
- payoff (noun)
- percent
- pickup
- policymaker (noun or adjective)
- postconsumer
- postgraduate
- postproject
- postretirement
- posttrial (most words containing “post”)

- pretext (most words containing “pre”)
- punchcard
- quitclaim
- racetrack
- ratepayer
- rearview
- recordkeeping
- runoff
- safekeeping
- setoff (noun)
- shorelands
- sightseeing
- statewide
- stepparent
- textbooks
- tidelands
- timeline
- trademark
- underserved
- videorecorder
- videotaped
- wastewater
- waterworks
- weighmaster
- workday
- workload
- workplace
- worksite
- workspace
(c) The following are written as **two words**:

- air space
- at large
- bore hole
- candle power
- cash out
- case finding
- child care
- coin operated
- course work
- cut off (verb)
- data base
- day care
- decision making (noun)
- de minimis
- en route
- ex officio
- face shield
- fact finder
- first aid
- first class
- flood plain
- food fish
- food handling
- forest land
- free fall
- full time (adverb)
- game fish
- gill net
- gray (grey) water
- ground water
- health care
- horse racing
- lien holder
- in situ
- job site
- motor home
- on board
- park owner
- part time
- pay off (verb)
- per annum
- per capita
- poll site
- post anesthetic
- post office
- power line
- pro rata (but prorated)
- punch board
- ride sharing
- rule making (noun)
- Sol Duc
- stock water
- storm water
- street car
- time frame
- time loss
- to wit
- traffic control
- water body
- web site
- work force
- work station
- X ray (noun)

**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**:

- attorney at law
- attorney in fact
finding of facts
miles per hour
out of country
reduction in force
right of way

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

before-and-after-school  off-road
by-product             off-site
clean-up (adjective)   one-of-a-kind
co-hosted              on-line
co-owner               on-road
cost-of-living         on-site
court-martial          out-of-state
co-worker              post-closure
cross-examined         post-harvest
cross-pollination      post-mortem
cross-reference        pull-tabs
decision-making (adjective)  quasi-judicial
e-mail                 quasi-municipal
even-numbered          ride-sharing (adjective)
ex-spouse               rule-making (adjective)
fact-finder            run-on
fact-finding           second-hand (adjective)
full-facepiece         self-esteem
full-time (adjective)   self-incrimination
fund-raiser            self-insurance
fund-raising           self-insurer
half-facepiece         self-service
hands-on               semi-trailer
in-kind                so-called
in-service             start-up
in-state               toll-free
limited-access (highway)  trade-off
limited-English-speaking Tri-Cities
long-range             up-to-date
man-made               vice-chair
nine-month period      vice-president
non-Indian             well-being
off-site               world-wide
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 this 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:

- section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3))
- 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.