

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

WASHINGTON STATE ATTORNEY GENERAL'S OFFICE

(agency name)

Administrative Order No. 88-10

I, Kenneth O. Eikenberry, director of Attorney General of Washington

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: Amendatory Section 44-10-120 Withdrawal

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect: [] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Kenneth O. Eikenberry, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is: Chapter 19.118 went into effect January 1, 1988 providing arbitration hearings for new motor vehicle owners. This rule is necessary for proper conduct of such arbitration hearings.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[X] (b) This rule is promulgated pursuant to RCW RCW 19.118.080 which directs that the

Attorney General's Office (agency)

has authority to implement the provisions of Chapter 19.118 RCW (name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED STATE OF WASHINGTON FILED DEC 12 1988

December 12 19 88

By Kenneth O. Eikenberry Attorney General of Washington Title

CODE REVISER'S OFFICE WSR 89-01-021

AMENDATORY SECTION (Amending Order 87-4, filed 12/22/87)

WAC 44-10-120 WITHDRAWAL. (~~(1)~~) A consumer may withdraw a request for arbitration at any time(~~(7)~~).

~~((a))~~ A withdrawal (~~(requested-at-least-three-business-days prior-to-the-scheduled-hearing)~~) shall be granted without prejudice, although upon withdrawal, the thirty month statute of limitations shall resume running. A consumer who has withdrawn may resubmit the claim for arbitration. However, if the consumer withdraw(~~(a)~~)s the second request, the withdrawal shall be considered a withdrawal with prejudice(~~(7-with-the-same-effect-as-a-withdrawal-under-WAC-44-10-120(1)(b))~~).

~~(b)--A-withdrawal-requested-less-than-three-business-days-prior-to-the-scheduled-hearing-shall-be-granted-with-prejudice)~~ and the consumer shall not be allowed to resubmit the claim for arbitration.