



RL **MAKING ORDER**
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Licensing	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: May 7, 1998	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Adoption
	<input type="checkbox"/> Expedited Repeal

(2) Purpose: Repeal of administrative procedure rules currently codified in chapter 196-08 WAC. Said rules would be replaced with new rules in a new chapter 196-09 WAC. Said new rules would correspond to the procedures set forth in the Administrative Procedures Act, Chapter 34.05 RCW and Chapter 10-08 WAC as well as applicable court rules.

(3) Citation of existing rules affected by this order:
Repealed: All of WAC 196-08 containing 57 rules. See attached list.
Amended:
Suspended:

(4) Statutory authority for adoption: RCW 18.43.035
Other Authority:

PERMANENT RULE ONLY
Adopted under notice filed as WSR 98-08-078 on March 1, 1998 (date). *31 AM*
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY
Under RCW 34.05.350 the 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.
 (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.
Reasons for this finding:

EXPEDITED REPEAL ONLY
Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:
 Yes No If Yes, explain:

(6) Effective date of rule:
Permanent Rules or Expedited Repeal **Emergency Rules**
 31 days after filing Immediately
 Other (specify) 7/1/98* Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
George A. Twiss
Signature
George A. Twiss
Title
Executive Director **Date**
May 29, 1998

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 29 1998

TIME: 1:38 AM
WSR: 98-12-045 (PM)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>2</u>	Amended	_____	Repealed	<u>57</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>2</u>	Amended	_____	Repealed	<u>57</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Chapter 196-09 WAC
PRACTICE AND PROCEDURE

NEW SECTION

WAC 196-09-010 Declaration of purpose. This chapter contains rules and procedures for all adjudicative proceedings held by the board in executing its responsibilities under chapter 18.43 RCW. This chapter replaces all rules previously codified in chapter 196-08 WAC.

NEW SECTION

WAC 196-09-020 Adjudicative proceedings. Chapters 34.05 RCW and 10-08 WAC apply to all adjudicative proceedings. The procedures described in Washington superior court civil rules 26 through 32, 34, 36 and 37 also apply.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 196-08-010	Appearance and practice before agency--Who may appear.
WAC 196-08-040	Appearance and practice before agency--Standards of ethical conduct.
WAC 196-08-050	Appearance and practice before agency--Appearance by former employee of agency or former member of attorney general's staff.
WAC 196-08-060	Appearance and practice before agency--Former employee as expert witness.
WAC 196-08-070	Computation of time.
WAC 196-08-080	Notice and opportunity for hearing in contested cases.
WAC 196-08-090	Service of process--By whom served.
WAC 196-08-100	Service of process--Upon whom served.
WAC 196-08-110	Service of process--Service upon parties.
WAC 196-08-120	Service of process--Method of service.
WAC 196-08-130	Service of process--When service complete.
WAC 196-08-140	Service of process--Filing with agency.
WAC 196-08-150	Subpoenas--Form.
WAC 196-08-160	Subpoenas--Issuance to parties.
WAC 196-08-170	Subpoenas--Service.
WAC 196-08-180	Subpoenas--Fees.
WAC 196-08-190	Subpoenas--Proof of service.
WAC 196-08-200	Subpoenas--Quashing.
WAC 196-08-210	Subpoenas--Enforcement.
WAC 196-08-220	Subpoenas--Geographical scope.
WAC 196-08-230	Depositions and interrogatories in contested cases--Right to take.
WAC 196-08-240	Depositions and interrogatories in contested cases--Scope.
WAC 196-08-250	Depositions and interrogatories in contested cases--Officer before whom taken.
WAC 196-08-260	Depositions and interrogatories in contested cases--Authorization.

WAC 196-08-270 Depositions and interrogatories in contested cases--Protection of parties and deponents.

WAC 196-08-280 Depositions and interrogatories in contested cases--Oral examination and cross-examination.

WAC 196-08-290 Depositions and interrogatories in contested cases--Recordation.

WAC 196-08-300 Depositions and interrogatories in contested cases--Signing attestation and return.

WAC 196-08-310 Depositions and interrogatories in contested cases--Use and effect.

WAC 196-08-320 Depositions and interrogatories in contested cases--Fees of officers and deponents.

WAC 196-08-330 Depositions and interrogatories in contested cases--Submission of interrogatories.

WAC 196-08-340 Depositions and interrogatories in contested cases--Interrogation.

WAC 196-08-350 Depositions and interrogatories in contested cases--Attestation and return.

WAC 196-08-360 Depositions and interrogatories in contested cases--Provisions of deposition rule.

WAC 196-08-370 Official notice--Matters of law.

WAC 196-08-380 Official notice--Material facts.

WAC 196-08-390 Presumptions.

WAC 196-08-400 Stipulations and admissions of record.

WAC 196-08-410 Form and content of decisions in contested cases.

WAC 196-08-420 Definition of issues before hearing.

WAC 196-08-430 Prehearing conference rule--Authorized.

WAC 196-08-440 Prehearing conference rule--Record of conference action.

WAC 196-08-450 Submission of documentary evidence in advance.

WAC 196-08-460 Excerpts from documentary evidence.

WAC 196-08-470 Expert or opinion testimony and testimony based on economic and statistical data--Number and qualifications of witnesses.

WAC 196-08-480 Expert or opinion testimony and testimony based on economic and statistical data--Written sworn statements.

WAC 196-08-490 Expert or opinion testimony and testimony based on economic and

WAC 196-08-500	statistical data --Supporting data. Expert or opinion testimony and testimony based on economic and statistical data--Effect of noncompliance with WAC 196-08-470 or 196-08-480.
WAC 196-08-510	Continuances.
WAC 196-08-520	Rules of evidence--Admissibility criteria.
WAC 196-08-530	Rules of evidence--Tentative admission--Exclusion-- Discontinuance--Objections.
WAC 196-08-540	Petitions for rule making, amendment or repeal--Who may petition.
WAC 196-08-550	Petitions for rule making, amendment or repeal--Requisites.
WAC 196-08-560	Petitions for rule making, amendment or repeal--Agency must consider.
WAC 196-08-570	Petitions for rule making, amendment or repeal--Notice of disposition.
WAC 196-08-580	Declaratory rulings.
WAC 196-08-590	Forms.