

Chapter 204-24 WAC

TRACTION DEVICES

WAC

204-24-005	Promulgation.
204-24-010	Scope.
204-24-015	Definitions.
204-24-020	Standards for tire chains.
204-24-030	Standards for studded tires.
204-24-035	Standards for alternative traction devices.
204-24-040	Traction devices.
204-24-050	Use of tire chains or other traction devices.
204-24-070	Approval of tire chains or traction devices.
204-24-080	Hearing procedure.
204-24-090	Appeal.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

204-24-060	Period of use. [Order 7607, § 204-24-060, filed 9/14/76; Order 6902, § 204-24-060, filed 2/17/70.] Repealed by WSR 08-24-030, filed 11/24/08, effective 12/25/08. Statutory Authority: RCW 46.37.005 and 46.37.420.
------------	---

WAC 204-24-005 Promulgation. By authority of RCW 46.37.005 and 46.37.420, the Washington state patrol adopts the following standards for tire chains and traction devices.

[Statutory Authority: RCW 46.37.420. WSR 12-17-116, § 204-24-005, filed 8/21/12, effective 9/21/12. Statutory Authority: RCW 46.37.005 and 46.37.420. WSR 08-24-030, § 204-24-005, filed 11/24/08, effective 12/25/08.]

WAC 204-24-010 Scope. These standards apply to tire chains and traction devices designed for and used upon a public roadway.

[Statutory Authority: RCW 46.37.420. WSR 12-17-116, § 204-24-010, filed 8/21/12, effective 9/21/12. Statutory Authority: RCW 46.37.005 and 46.37.420. WSR 08-24-030, § 204-24-010, filed 11/24/08, effective 12/25/08.]

WAC 204-24-015 Definitions. (1) "All wheel drive" means a vehicle which has four-wheel drive capability and may be driven with all wheels in gear.

(2) "Alternative traction device (ATD)" means pneumatically driven chains which, when engaged, spin under the drive wheels automatically as traction is lost or a traction device differing from metal chains in construction, material or design but capable of providing traction equal to or exceeding that of such metal chains under similar conditions.

(3) "Cable laid rope" means a compound laid rope consisting of several ropes or several layers of strands laid together into one rope.

(4) "Cable tire chains" means any ladder-type cable tire chain assemblies designed for use on tires that have been manufactured in accordance with the standards of the Tire & Rim Association, Inc.; 3200 West Market Street; Akron, Ohio 44313.

(5) "Cross cable fastener" means any suitable fastener used to attach each cross cable to the side cable. The fastener must be constructed and assembled to prevent accidental detachment.

(8/21/12)

(6) "Cross cable traction reinforcement sleeves" means a device that is constructed of the manufacturer's specified material and of suitable length and width to maximize traction, braking, cornering and longevity.

(7) "Fastener" means any suitable connecting device, secured to one end of a side cable constructed so that it can connect to the opposing end and be easily closed (engaged or fastened) and be readily opened (released) by hand.

(8) "Link tire chains" means tire chains which consist of at least two chain loops, one on each side of the tire, connected by evenly spaced metal cross chains across the tire tread.

(9) "Reinforced cross cables" means stranded cable wrapped or covered to provide increased resistance to abrasive wear. This covering may be either a hard drawn spring wire, a high-carbon steel wire or nylon type 6 or 12. The wrapped or covered cable must be enclosed by traction reinforcement sleeves covering said cable essentially from side connector to side connector. Cross cable must be of specified length and provide proper drape over the tire tread.

(10) "Side cable" means stranded cable to complete one full circumference along the tire sidewall.

[Statutory Authority: RCW 46.37.420 and 46.37.005. WSR 10-19-073, § 204-24-015, filed 9/16/10, effective 10/17/10; WSR 08-24-030, § 204-24-015, filed 11/24/08, effective 12/25/08.]

WAC 204-24-020 Standards for tire chains. (1) Link tire chains must meet the National Association of Chain Manufacturers Tire Chain Specifications NACM-5179(TC).

(2) Cable tire chains must be designed for use on tires mounted in accordance with specifications in Society of Automotive Engineers (SAE) Recommended Practice J1232, Class S, and SAE Informational Report J683a. Oversized tires, snow tires, special service, or special traction tires, etc., may require chains of a larger size.

(a) Classifications. Cable tire chains described in this specification must be of the following types as specified for regular and restricted clearances:

- (i) Passenger car;
- (ii) Single light truck;
- (iii) Heavy truck;
- (iv) Special police and emergency vehicle.

(b) Requirements:

(i) Components. Cable tire chain assemblies must consist of two side cables, or two outer and one inner side cable, with reinforced cross cables, cross cable fastener, and fasteners necessary to form a complete assembly.

(ii) Material.

(A) Stranded side and stranded cross cable wire must be constructed of preformed galvanized high-carbon steel with a minimum of 450 pounds breaking strength with seven wires per strand and seven strands per cable. The lay must be a right hand lay.

[Ch. 204-24 WAC p. 1]

(B) Wire covering stranded cable must be constructed of high-carbon plow steel wire with a minimum tensile strength of 230,000 pounds per square inch.

(C) Spring wire covering stranded cable must be constructed of harddrawn spring wire with a minimum tensile strength of 200,000 pounds per square inch.

(D) Cables, spring, and plow wire must be manufactured in conformance to SAE Recommended Practice J113.

(E) Cross cable fasteners must be constructed of open hearth, electric furnace, or basic oxygen process steel.

(F) Metallic cross cable traction reinforcement sleeves must be constructed of open hearth, electric furnace, or basic oxygen process steel and shall comply with the following American Society for Testing Materials (ASTM) standards: Standard E6 - Bend Test, Standard E8 - Tension Test, Standard E18 - Test Methods for Rockwell Hardness, and Standard A568 - Table of Chemical Content of Steel.

(G) Nonmetallic cross cable traction reinforcement sleeves shall be constructed of "Zytel" ST-801 nylon or its equivalent.

(H) All side cable fasteners are to be constructed of material that will allow easy installation and removal.

(iii) Spacing of cross cable. The first cross cable must be attached to that point of each side cable nearest the fastener that will permit the fastener to lie in the proper plane when the assembled cable tire chain is applied to the tire. On single cable tire chains, the remainder of the cross cables must be attached to the side cable at intervals designed to provide for at least one cross cable in contact with the roadway at all times. On dual-triple tire chains, the remainder of the cross cable shall be attached to the outer side cables at like intervals and to the inner side chain with opposing cross cables staggered at the same intervals.

(iv) Tolerances.

(A) Cross cable length. The inside length of all cross cable, including fasteners held in the same plane, must be within a tolerance of minus 1/8 inch to plus 1/8 inch of the specified length indicated by the chain manufacturer's specifications. The length shall be measured by hanging the cross cable vertically on a horizontal pin and measuring the inside to inside length. The number of traction reinforcement sleeves in a cross cable may not vary from the number specified by the manufacturer.

(B) Side cable length. The length of all side cables must be within tolerance of minus 1/8 inch to plus 1/2 inch of the length indicated by the chain manufacturer's specifications.

(C) Stranded cable size. Stranded cable size must be subject to the following tolerances:

(I) Material up to and including .094 inch (2.4 mm) diameter shall not be less than the designated diameter and shall not exceed .010 inch (.25 mm) over the specified diameter.

(II) Material over .094 inch (2.4 mm) diameter shall not be less than the specified diameter and shall not exceed .014 inch (.36 mm) over the specified diameter.

(D) Component dimensions. The dimensions of manufactured components may vary, but the assembled cable chains must meet the tolerances specified in (b)(iv)(A), (B), and (C) of this subsection.

(E) Finish. All cable tire chains must have a rust-resistant finish for protection in transit and storage.

(F) Identification. Each half set of cable tire chains must be permanently marked with the manufacturing company's name, initials or trademark in order that it may be easily identified when not in the original container.

[Statutory Authority: RCW 46.37.005 and 46.37.420. WSR 08-24-030, § 204-24-020, filed 11/24/08, effective 12/25/08. Statutory Authority: RCW 46.37.420, 46.37.190, 46.37.194 and 46.37.280. WSR 82-16-047 (Order 82-07-01), § 204-24-020, filed 7/29/82; Order 7607, § 204-24-020, filed 9/14/76; Order 6902, § 204-24-020, filed 12/19/73; Order 6902, § 204-24-020, filed 2/17/70.]

WAC 204-24-030 Standards for studded tires. Studded tires must meet the following specifications:

(1) Studs must be metal, tipped with tungsten carbide.

(2) Metal studs must be inserted only in a new tire or a newly-recapped tire which has molded in the tread the "pin-holes" into which metal studs are to be inserted. Studs must not be inserted in any new tire or newly-recapped tire after it has been driven on a vehicle.

(3) Metal studs may be installed only by the tire manufacturer, or by a tire dealer or tire jobber who shall install the metal studs in conformance with the manufacturer's specifications.

(4) When a tire is sold or offered for sale as a studded tire or when studs are installed in a new tire or a newly recapped tire, there must be a minimum of seventy metal studs evenly spaced around the tread of the tire.

(5) A tire must contain a minimum of fifty-six metal studs at all times in order to qualify as a "studded tire" or as an approved traction device.

(6) Metal studs must not be installed in any tire of a vehicle which has a gross vehicle weight of ten thousand pounds or over.

(7) School buses and fire department equipment tires are exempt from subsection (6) of this section.

[Statutory Authority: RCW 46.37.005 and 46.37.420. WSR 08-24-030, § 204-24-030, filed 11/24/08, effective 12/25/08. Statutory Authority: RCW 46.37.420, 46.12.330, 46.37.005. WSR 02-19-055, § 204-24-030, filed 9/12/02, effective 10/13/02. Statutory Authority: RCW 46.12.330. WSR 00-15-009, § 204-24-030, filed 7/10/00, effective 8/10/00. Statutory Authority: RCW 46.37.420. WSR 92-05-016, § 204-24-030, filed 2/10/92, effective 3/12/92; WSR 83-21-080 (Order 83-10-01), § 204-24-030, filed 10/19/83; Order 7607, § 204-24-030, filed 9/14/76; Order 6902, § 204-24-030, filed 2/17/70.]

WAC 204-24-035 Standards for alternative traction devices. (1) In order for an alternative traction device to be considered approved:

(a) The alternative traction device must be tested in accordance with a recognized standard on vehicles certified by its manufacturer as complying with the United States Federal Motor Vehicle Safety Standards. The testing will:

(i) Be conducted using USDOT approved summer tires.

(ii) For passenger vehicles, at minimum:

(A) Be done on both front and rear wheel drive vehicles with the device mounted on only the drive tires.

(B) Include the following tests:

(I) Durability testing of the product;

(II) Acceleration on both snow and ice;

(III) Deceleration on both snow and ice; and

(IV) Traction force of the product on snow.

(iii) For vehicle combinations over 10,000 pounds as outlined in WAC 204-24-050(2), at minimum:

(A) Be done on a five axle vehicle with the device on one tire on each side of each drive axle and one tire on the last axle of the last trailer or semi-trailer, if seeking approval for a combination with five or less axles.

(B) Be done on a five axle vehicle with the device mounted on all tires on one drive axle and one tire on the last axle of the last trailer or semi-trailer, if seeking approval for a combination with five or more axles.

(C) Include the following tests:

(I) Durability testing of the product;

(II) Acceleration on snow and/or ice;

(III) Deceleration on snow and/or ice; and

(IV) Traction force of the product on snow.

(iv) Be done in comparison to a tire chain when tested using the same standard to show that the alternative traction device meets or exceeds the standard as compared to the results of the referenced tire chain approved for use in the state of Washington under this chapter.

(b) Alternative traction devices must cooperate well with any given electronic driving support such as ABS, ESP, and ASR.

(c) Alternative traction devices should be resistant to UV light, corrosion, water, fuels, spreading salts and alcohols typically used to clear roads during winter.

(d) The following information must be provided to the Washington state patrol:

(i) The testing standard used, in English.

(ii) Documentation of the testing results, which must include the data produced for each test comparing the alternative traction device to the referenced tire chain. Except that durability testing is not required to be provided for the referenced tire chain.

(iii) A certified statement from the company or manufacturer outlining what measurable indicator of wear can be used by an officer to indicate when the product will no longer provide adequate traction equivalent to a chain.

(iv) Review and approval by a third-party testing agency that the tests were conducted according to the published standard. If testing cannot be done according to the published standard, companies may self-certify any supplemental tests necessary to comply with the requirements in this section, provided that the data from the tests is confirmed by a third-party testing agency. The patrol may request that the data be provided by the third-party testing agency directly.

(v) Provide certification of the test results, which must contain the following statement "I certify that the test methods, conditions and results reported are accurate and complete" and bear the signature of the tester.

(2) The patrol may suspend or revoke approval for an alternative traction device upon receiving evidence that the device has failed to comply or no longer complies with any requirement or provision of law or this chapter. The following process will be used:

(a) The patrol will give the applicant or manufacturer notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW, prior to suspension or revocation of the approval, except as provided in subsection (3) of this section.

(b) Upon receiving notice of the action, the applicant or manufacturer may request an administrative hearing to contest the decision. A request for administrative hearing must:

(i) Be made in writing and mailed to the Washington State Patrol Equipment and Standards Section, P.O. Box 42600, Olympia, WA 98504-2600; and

(ii) Be received by the patrol's equipment and standards section within twenty business days after the date of the notice of action.

(c) Failure to request a hearing or failure to appear at a hearing, a prehearing conference, or any other stage of adjudicative proceeding may constitute default and result in the entry of a final order under RCW 34.05.440.

(d) Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action will be promptly instituted and determined. The patrol must give notice as practicable to the applicant or manufacturer.

(e) Unless the patrol finds the immediate revocation is necessary or unless the applicant or manufacturer timely requests a hearing as provided under this section, a decision to revoke or suspend will be effective thirty days from the date of the notice of action decision unless that patrol finds that immediate revocation is necessary.

(3) The patrol may, without prior notification suspend or revoke approval for a device if it finds that there is danger to the public health, safety, or welfare that requires immediate action. For every summary suspension of a letter of approval, an order signed by the patrol must be entered in accordance with the provisions of RCW 34.05.479.

[Statutory Authority: RCW 46.37.420. WSR 12-17-116, § 204-24-035, filed 8/21/12, effective 9/21/12.]

WAC 204-24-040 Traction devices. The following equipment items are approved by the state patrol for use as traction devices wherever traction devices are required by the department of transportation:

(1) Tire chains meeting the standards in WAC 204-24-020.

(2) Studded tires meeting the standards in WAC 204-24-030.

(3) Approved traction tires. An approved traction tire must have the following tread characteristics:

(a) A minimum of 4/32 inch tread, measured in the center portion of the tire at three locations equally spaced around the circumference of the tire.

(b) A relatively aggressive tread pattern designed primarily to provide additional starting, stopping, and driving traction on snow or ice. The tread must have ribs, lugs, blocks or buttons the edges of which are at an angle greater than thirty degrees to the tire circumferential centerline.

(c) On at least one side of the tread design, the shoulder lugs protrude at least 1/2-inch in a direction generally perpendicular to the direction of travel.

(d) Tires manufactured to meet these specifications must:

(i) Be permanently labeled on at least one sidewall with the words "mud and snow" or any contraction using the letters "M" and "S" (e.g. MS, M/S, M-S, M & S, etc.); or

(ii) Be permanently labeled on at least one side wall with the mountain/snowflake symbol.

(4) Alternative traction devices. Any alternative traction device approved under this chapter must be used in accordance with the manufacturer's recommendations concerning proper use of the product. The list of approved devices will be

maintained on the patrol's web site. Upon suspension or revocation of an approval for an alternative traction device, the device will be removed from the list of approved devices on the patrol's web site.

[Statutory Authority: RCW 46.37.420, WSR 12-17-116, § 204-24-040, filed 8/21/12, effective 9/21/12. Statutory Authority: RCW 46.37.005 and 46.37-420, WSR 09-15-150, § 204-24-040, filed 7/21/09, effective 8/21/09; WSR 08-24-030, § 204-24-040, filed 11/24/08, effective 12/25/08. Statutory Authority: RCW 46.37.420, WSR 92-05-016, § 204-24-040, filed 2/10/92, effective 3/12/92; WSR 83-21-080 (Order 83-10-01), § 204-24-040, filed 10/19/83. Statutory Authority: RCW 46.37.005, WSR 82-11-045 (Order 82-05-01), § 204-24-040, filed 5/12/82; Order 7607, § 204-24-040, filed 9/14/76; Order 6902, § 204-24-040, filed 2/17/70.]

WAC 204-24-050 Use of tire chains or other traction devices. (1) Vehicles under 10,000 pounds gross vehicle weight.

When traffic control signs are posted by the department of transportation it will be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires the traction device specified by the sign, which must also meet the requirements of WAC 204-24-040.

(a) Exception for all wheel drive vehicles. When "chains required" signs are posted, all-wheel drive vehicles will be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive tires are carried in the vehicle.

(b) Alternative traction devices listed on the patrol's web site as being approved for passenger vehicles as outlined in this chapter will be considered approved for use when "chains required" signs are posted.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight rating (GVWR).

When traffic control signs marked "chains required" are posted by the department of transportation it will be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its tires, tire chains as follows: Provided, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from the following requirements if such vehicle has sanding capability in front of the drive tires.

(a) Vehicles or vehicle combinations with two to four axles including but not limited to trucks, truck-tractors, buses and school buses: For vehicles with a single drive axle, one tire on each side of the drive axle must be chained. For vehicles with dual drive axles, one tire on each side of one of the drive axles must be chained. For vehicle combinations including trailers or semi-trailers; one tire on the last axle of the last trailer or semi-trailer, must be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(b) Automobile transporters are any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. For vehicles with single drive axles, one tire on each side of the drive axle must be chained. For vehicles with dual drive axles, one tire on each side of each of the drive axles must be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer must be

chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(c) Vehicle combinations with five axles consisting of a truck tractor with dual drive axles and a tandem axled semi-trailer; all tires on one drive axle may be chained or one tire on each side of each of the drive axles may be chained. Chains must be applied to a minimum of four tires on the drive axles. On the tandem axle semi-trailer, the chained tire may be on either of the last two axles.

(d) Vehicle combinations with five axles, consisting of a truck and trailer, or truck tractor and semi-trailer with a single drive axle, or truck tractor, semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle must be chained. For vehicles with dual drive axles, all tires on one of the drive axles must be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer must be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(e) Vehicle combinations with six or more axles, including but not limited to truck and trailer or truck tractor and semi-trailer or truck tractor semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle must be chained. For vehicles with dual drive axles where traffic control signs marked "approved traction tires required" are posted, all tires on one of the drive axles must be chained. For vehicles with dual drive axles where traffic control signs marked "chains required" are posted, all tires on one of the drive axles must be chained. In addition, one tire on each side of the additional drive axle must be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle must be chained. For vehicles with tandem axle trailers or semi-trailers, the chained tire may be on either of the last two axles.

(f) All vehicles over 10,000 pounds gross vehicle weight rating (GVWR) must carry a minimum of two extra chains for use in the event that road conditions require the use of more chains or in the event that chains in use are broken or otherwise made useless.

(g) Approved chains for vehicles over 10,000 pounds gross vehicle weight rating (GVWR) must have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains will not be allowed.

(h) On the following routes all vehicles and combinations of vehicles over 10,000 gross vehicle weight rating (GVWR) pounds must carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

(i) I-90 - Between North Bend (MP 32) and Ellensburg (MP 101).

(ii) SR-97 - Between (MP 145) and Junction SR-2.

(iii) SR-2 - Between Dryden (MP 108) and Index (MP 36).

(iv) SR-12 - Between Packwood (MP 135) and Naches (MP 187).

(v) SR-97 - Between the Columbia River (MP 0.00) and Toppenish (MP 59.00).

(vi) SR-410 - From Enumclaw to Naches.

(vii) SR-20 - Between Tonasket (MP 262) and Kettle Falls (MP 342); and SR-20 between Newhalem (MP 120) and Winthrop (MP 192).

(viii) SR-155 - Between Omak (MP 79) and Nespelem (MP 45).

(ix) SR-970 - Between (MP 0) and (MP 10).

(x) SR-14 - Between Gibbons Creek (MP 18.00) and (MP 108.40) intersection of Cliffs Road.

(xi) SR-542 - Mt. Baker highway between (MP 22.91) and (MP 57.26).

(xii) I-82 - Between Ellensburg Exit 3 (MP 3.00) and Selah Exit 26 (MP 26.00).

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) For the purpose of this section, chained will mean that the tire has either a tire chain approved for use under chapter 204-24 WAC or an alternative traction tire device listed on the patrol's web site as approved for the type of vehicle combination listed in this section.

(4) The Washington state department of transportation or Washington state patrol may prohibit any vehicle from entering a chain/approved traction device control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

[Statutory Authority: RCW 46.37.420. WSR 12-17-116, § 204-24-050, filed 8/21/12, effective 9/21/12. Statutory Authority: RCW 46.37.005 and 46.37.420. WSR 08-24-030, § 204-24-050, filed 11/24/08, effective 12/25/08. Statutory Authority: RCW 46.37.420, 46.12.330, 46.37.005. WSR 02-19-055, § 204-24-050, filed 9/12/02, effective 10/13/02. Statutory Authority: RCW 46.37.005. WSR 00-03-081, § 204-24-050, filed 1/19/00, effective 2/19/00; WSR 99-06-023, § 204-24-050, filed 2/22/99, effective 3/25/99; WSR 98-19-042, § 204-24-050, filed 9/11/98, effective 10/12/98; WSR 95-07-137, § 204-24-050, filed 3/22/95, effective 4/22/95. Statutory Authority: RCW 46.37.420. WSR 94-08-069, § 204-24-050, filed 4/4/94, effective 5/5/94; WSR 92-05-016, § 204-24-050, filed 2/10/92, effective 3/12/92. Statutory Authority: RCW 46.37.005. WSR 91-14-004 (Order 91-003), § 204-24-050, filed 6/21/91, effective 7/22/91. Statutory Authority: RCW 46.37.420. WSR 83-21-080 (Order 83-10-01), § 204-24-050, filed 10/19/83. Statutory Authority: RCW 46.37.005. WSR 82-11-045 (Order 82-05-01), § 204-24-050, filed 5/12/82. Statutory Authority: RCW 46.37.005 and 46.37.420. WSR 81-10-038 (Order 81-04-01), § 204-24-050, filed 4/30/81; WSR 78-02-091 (Order 7607A), § 204-24-050, filed 1/30/78; Order 7607, § 204-24-050, filed 9/14/76; Order 6902, § 204-24-050, filed 2/17/70.]

WAC 204-24-070 Approval of tire chains or traction devices. (1) Any tire chain, wheel chains, or studded tires meeting the standards in this chapter or certified under one of the following:

(a) Conformance to Federal Motor Vehicle Safety Standards, or, if none,

(b) Conformance to current standards and specifications of the Society of Automotive Engineers will be considered as an approved type chain, or studded tire.

(2) Links to the Code of Federal Regulations are available on the Washington state patrol web site at www.wsp.wa.gov. Copies of the C.F.R. may also be ordered through the United States Government Printing Office, 732 N. Capitol Street, N.W., Washington, D.C. 20401. Copies of the SAE standards are available for review at the Washington State Patrol, 210 11th Avenue, Olympia, WA 98504, and may also be ordered from the Society of Automotive Engineers International, 400 Commonwealth Drive, Warrendale, PA 15096.

(8/21/12)

[Statutory Authority: RCW 46.37.420. WSR 12-17-116, § 204-24-070, filed 8/21/12, effective 9/21/12. Statutory Authority: RCW 46.37.420 and 46.37.005. WSR 10-19-073, § 204-24-070, filed 9/16/10, effective 10/17/10; WSR 08-24-030, § 204-24-070, filed 11/24/08, effective 12/25/08. Statutory Authority: RCW 46.37.420. WSR 92-05-016, § 204-24-070, filed 2/10/92, effective 3/12/92; WSR 83-21-080 (Order 83-10-01), § 204-24-070, filed 10/19/83; WSR 78-02-091 (Order 7607A), § 204-24-070, filed 1/30/78; Order 7607, § 204-24-070, filed 9/14/76.]

WAC 204-24-080 Hearing procedure. (1) Hearings under this chapter will be pursuant to chapters 34.05 RCW and 10-08 WAC as supplemented by this section.

(2) A presiding officer will conduct a hearing and any prehearing conference(s).

(3) The burden of proof in any hearing will be on the applicant seeking approval, or on the person or agency seeking the suspension or revocation of approval or other action by the patrol.

(4) Oral proceedings must be recorded by the method chosen by the patrol and such recording will become part of the hearing record.

(5) The following process applies to administrative hearings under this chapter:

(a) The patrol will notify the assistant attorney general of the petitioner's request for an administrative hearing.

(b) The assistant attorney general will draft an administrative complaint and send it to the petitioner and to the office of administrative hearings.

(c) The office of administrative hearings will schedule a hearing date, and will notify the petitioner, assistant attorney general, and patrol in writing of the hearing date, time, and location.

(d) The hearing will be conducted by an administrative law judge assigned by the office of administrative hearings.

(e) At the hearing, the assistant attorney general will present witnesses and other evidence on behalf of the patrol.

(f) At the hearing, the petitioner may be represented by an attorney or may choose to represent himself or herself. The petitioner or his/her attorney will be allowed to present witnesses and other evidence.

(g) Nothing in this section will prevent the parties from resolving the administrative matter by settlement agreement prior to conclusion of the administrative hearing.

(6) Initial and final order. At the conclusion of the hearing, the administrative law judge will prepare an initial order and send it to the petitioner and the assistant attorney general.

(a) Either the petitioner or the assistant attorney general, or both, may file a petition for review of the initial order with the patrol within twenty days of the date of service of the initial order. A petition for review must:

(i) Specify the portions of the initial order to which exception is taken;

(ii) Refer to the evidence of record which is relied upon to support the petition; and

(iii) Be filed with the patrol within twenty days of the date of service of the initial order.

(b) A party on whom a petition for review has been served may, within ten days of the date of service, file a reply to the petition. Copies of the reply must be mailed to all other parties or their representatives at the time the reply is filed.

(c) The administrative record, the initial order, and any exceptions filed by the parties will be submitted to the patrol

for review. Following this review, the patrol will enter a final order that is appealable under the provisions of chapter 34.05 RCW.

[Statutory Authority: RCW 46.37.420. WSR 12-17-116, § 204-24-080, filed 8/21/12, effective 9/21/12.]

WAC 204-24-090 Appeal. Any person aggrieved by the decision of the patrol suspending or revoking an approval may appeal such decision to the superior court under the provisions of chapter 34.05 RCW.

[Statutory Authority: RCW 46.37.420. WSR 12-17-116, § 204-24-090, filed 8/21/12, effective 9/21/12.]