

WAC 308-102-250 Issues to be determined—Formal hearing. (1)

Only the following issues shall be considered at any formal hearing held on request of a person for failing to deposit sufficient security funds:

(a) Whether the person was the owner or driver of any motor vehicle of a type subject to registration under the motor vehicle laws of this state which was in any manner involved in an accident within this state;

(b) Whether the accident resulted in bodily injury or death of any person or damage to the property of any one person in an amount meeting or exceeding the property damage threshold established by WAC 308-102-008;

(c) Whether there is a reasonable possibility of a judgment being entered against the person in the amount required by the order of the department fixing such security;

(d) Whether the amount of security to be deposited, if any, is sufficient to satisfy any judgment or judgments resulting from such accident as may be recovered against the person, not to exceed the amount listed in chapter 46.29 RCW; and

(e) Whether the person is entitled to an exception to the requirement of security pursuant to RCW 46.29.080.

(2) The following issues shall be considered at any formal hearing held on request of a person for failure to satisfy a judgment pursuant to RCW 46.29.330; whether the department received the following from the judgment creditor:

(a) A certified copy or abstract of such judgment;

(b) A certificate of facts relative to such judgment; and

(c) Where the judgment is by default, a certified copy or abstract of that portion of the record which indicates the manner in which service of the summons was effectuated and all the measures taken to provide the defendant with timely and actual notice of the suit against him, her, or them.

[Statutory Authority: RCW 46.01.110 and 46.01.040(10). WSR 23-07-073, § 308-102-250, filed 3/13/23, effective 4/13/23. Statutory Authority: RCW 46.01.110. WSR 92-08-045, § 308-102-250, filed 3/25/92, effective 4/25/92; Order 467-DOL, § 308-102-250, filed 12/30/77; Order MV-302, § 308-102-250, filed 3/31/75.]