

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

WASHINGTON STATE ATTORNEY GENERAL'S OFFICE

(agency name)

Administrative Order No. 88-3

(1) I, Kenneth O. Eikenberry, director of Attorney General of Washington

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: Chapter 19.118 RCW

New Section 44-10-165 Technical Expert Pre-Hearing Inspection Report

(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 RCW went into effect on January 1, 1988 providing arbitration hearings for new motor vehicle owners. This rule is necessary for the 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.

XXX (b) This rule is promulgated pursuant to RCW 19.188.080(2) and (7) which directs that the Washington State 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

FEB 3 1988

2-3 19 88 By Kenneth O. Eikenberry Attorney General of Washington Title

CODE REVISER'S OFFICE NSR 88-04-079

NEW SECTION

WAC 44-10-165 TECHNICAL EXPERT PRE-HEARING INSPECTION REPORT. (1) In the event a technical expert is assigned to a dispute and conducts an inspection of the vehicle prior to hearing per WAC 44-10-160(2), any written report or results of such inspection shall be supplied to the parties as soon as it is available.

(2) In the event a technical expert conducts an inspection of the vehicle prior to hearing, said technical expert shall be present at the hearing or shall be available by telephone at the time of hearing, and may be examined by either party or the arbitrator. If the technical expert is not available for examination, upon motion by either party, the arbitrator shall have the discretion to continue the hearing up to 10 days if it appears that examination of the expert is necessary for a fair resolution of the dispute.