

WSR 25-03-057

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed January 13, 2025, 8:10 a.m., effective February 13, 2025]

Effective Date of Rule: Thirty-one days after filing.

Purpose: After analysis of our commercial driver's license (CDL) disqualification procedures, the department of licensing is proposing the repeal of WAC 308-101-230(4) to allow for these CDL disqualifications to be addressed within the personal driver's license hearing procedures pursuant to RCW 46.20.308 Implied consent—Test refusal—Procedures.

Citation of Rules Affected by this Order: Repealing WAC 308-101-230(4).

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority.

Other Authority: RCW 46.20.308 Implied consent—Test refusal—Procedures.

Adopted under notice filed as WSR 24-23-103 on November 20, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 13, 2025.

Ellis Starrett
Rules and Policy Manager

OTS-5952.1

AMENDATORY SECTION (Amending WSR 23-23-087, filed 11/13/23, effective 12/14/23)

WAC 308-101-230 Final orders. (1) Every decision and final order shall:

- (a) Be correctly captioned as to the name of the department of licensing and name of the proceeding;
- (b) Designate all parties and representatives participating in the proceeding;
- (c) Contain a final order disposing of all contested issues; and
- (d) Contain a statement describing the right to appeal.

(2) In the event the original hearings examiner is unavailable, the department may assign a case to another hearings examiner to either hear the case if the record has not closed, or in a case where

the record is closed, make a determination as to the findings of fact and conclusions of law based on the record submitted.

(3) At any stage prior to commencement of the hearing the department may reassign a matter to a different hearings examiner.

~~((4) Pursuant to RCW 46.20.308, any commercial driver's license (CDL) holder that requests an administrative hearing to contest a suspension or revocation of their personal driver's license (PDL) and that hearing results in a verdict sustaining the suspension or revocation of the PDL, shall also receive an administrative review of the CDL disqualification under RCW 46.25.090. The administrative review shall be conducted no later than five business days after the final order is entered resolving the administrative sanction on the PDL. The sanctions, suspension, revocation, and/or disqualification of both the PDL and CDL for the same incident shall run concurrently.))~~