

Chapter 204-08 WAC

PRACTICE AND PROCEDURE

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WAC 204-08-010 Definition. Whenever used in this title "commission," "commission on equipment," and "state commission on equipment" means the chief of the Washington state patrol.

[Statutory Authority: RCW 46.37.005. 87-16-032 (Order 87-01-ESR), § 204-08-010, filed 7/27/87; 78-08-078 (Order 7760), § 204-08-010, filed 7/27/78; Rule I, filed 3/21/60.]

WAC 204-08-020 Petitions for rule-making amendment or repeal. (1) Any interested person may petition the chief requesting the promulgation, amendment, or repeal of any regulation.

(2) Where the petition requests the promulgation of a regulation, the requested or proposed regulation must be set out in full. The petition must also include all the reasons for the requested regulation together with briefs of any applicable law. Where the petition requests the amendment or repeal of a regulation presently in effect, the regulation or portion of the regulation in question must be set out as well as the suggested amendment form if any. The petition must include all reasons for the requested amendment or repeal of the regulation.

(3) All petitions shall be considered by the chief and he/she may, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any regulation.

(4) The chief shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Statutory Authority: RCW 46.37.005. 88-03-031 (Order 88-01-ESR), § 204-08-020, filed 1/15/88; Rule II, filed 3/21/60.]

WAC 204-08-030 Declaratory rulings. (1) As prescribed in RCW 34.04.080, any interested person may petition the chief for a declaratory ruling. The chief shall consider the petition and within a reasonable length of time shall:

- (a) Issue a nonbinding declaratory ruling; or
- (b) Notify the person that no declaratory ruling is to be issued; or
- (c) Set a reasonable time and place for an oral hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission and of the issues involved.

If a hearing as provided in subsection (c) is conducted, the chief shall within a reasonable time:

- (1) Issue a binding declaratory rule; or

(1/15/88)

- (2) Issue a nonbinding declaratory rule; or
- (3) Notify the person that no declaratory ruling is to be issued.

[Statutory Authority: RCW 46.37.005. 88-03-031 (Order 88-01-ESR), § 204-08-030, filed 1/15/88; 78-08-078 (Order 7760), § 204-08-030, filed 7/27/78; Rule III, filed 3/21/60.]

WAC 204-08-040 Forms for declaratory rulings. Any interested person petitioning the chief for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

(1) At the top of the page shall appear the wording "Before the chief of the Washington state patrol." On the left side of the page following the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(3) The original and two legible copies shall be filed with the agency. Petitions shall be on white paper 8 1/2" by 11" in size.

[Statutory Authority: RCW 46.37.005. 88-03-031 (Order 88-01-ESR), § 204-08-040, filed 1/15/88; Rule IV, filed 3/21/60.]

WAC 204-08-050 For promulgation, amendment, or repeal of commission regulations. Interested persons petitioning the chief requesting a promulgation, amendment, or repeal of any regulations shall generally adhere to the following form for such purpose.

(1) At the top of the page shall appear the wording "Before the chief of the Washington state patrol." On the left side of the page following the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment, or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in the case of a proposed new rule or rules or amendment of an existing rule, shall state the desired rule in its entirety. Where

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the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule such shall be stated and the proposed to be repealed shall either be set forth in full or shall be referred to by rule number. The third paragraph shall set forth concisely the reason for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of the petitioners reasons for the action sought.

(3) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency.

(4) Petitions shall be on white paper 8 1/2" by 11" in size.

[Statutory Authority: RCW 46.37.005, 88-03-031 (Order 88-01-ESR), § 204-08-050, filed 1/15/88; Rule V, filed 3/21/60.]

WAC 204-08-100 Procedure for obtaining approval of automotive equipment within the scope of RCW 46.37-005 and 46.37.320. (1) Method for obtaining approval.

(a) To obtain approval the petitioner must provide for submission of any lighting device, or other safety equipment, component, or assembly to any recognized organization or agency such as, but not limited to, the Vehicle Equipment Safety Commission, American National Standards Institute, Society of Automotive Engineers, and the American Association of Motor Vehicle Administrators, as the agent of the state commission on equipment, and for the issuance of an approved certificate by that recognized organization or agency to the state commission on equipment.

(b) If any lighting device, or other safety equipment, component, or assembly cannot be submitted to the organization or agency named in the above paragraph (a), then the petitioner must submit to the state commission on equipment the following:

(i) A copy of a test report from a nationally recognized testing laboratory certifying that the device meets the current specifications for that device as prescribed by the commission in chapter 204-10 WAC.

(ii) A sample of the device as marketed when requested by the commission on equipment.

(iii) Correspondence, test reports and samples are to be submitted to: Secretary, State Commission on Equipment, Washington State Patrol, General Administration Building AX-12, Olympia, Washington 98504.

(2) Forms and files of the state commission on equipment. Certificates of approval shall be on forms provided by the secretary of the state commission on equipment and the files of the state commission on equipment shall be kept by the secretary of the state commission on equipment in the offices of the Washington state patrol.

[Statutory Authority: RCW 46.37.005, 46.37.194, 46.37.280, 46.37.310, 46.37.320 and 46.37.380. 81-18-008 (Order 81-08-02), § 204-08-100, filed 8/21/81. Statutory Authority: RCW 46.37.005. 78-08-078 (Order 7760), § 204-08-100, filed 7/27/78; Rule VI, filed 3/21/60.]