

Chapter 446-30 WAC

DISPOSITION OF VEHICLES SEIZED FOR ALTERED VEHICLE IDENTIFICATION NUMBERS—HEARINGS

WAC

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WAC 446-30-010 Purpose. The purpose of this regulation is to provide administrative rules and standards for hearings conducted pursuant to chapter 124, Laws of 1974 1st ex. sess. (RCW 9.54.130 and 46.12.330) relating to the disposition of motor vehicles, motorcycles, motor-driven cycles, trailers, vessels, motorboats, or component parts thereof impounded by the Washington state patrol.

[Statutory Authority: RCW 46.12.330. 00-02-069, § 446-30-010, filed 1/4/00, effective 2/4/00; Order II, § 446-30-010, filed 11/22/74.]

WAC 446-30-020 Definitions. (1) The term "aggregate value" of an article or articles whose ownership is in question shall be the current market value of the article as determined by procedures set out in WAC 446-30-040(2) as of the time of the proposed disposition.

(2) The term "interested party" or "party in interest" is defined as a party claiming ownership or a right to possession of the article involved.

(3) The term "article" shall encompass the plural "articles" and includes motor vehicles, motorcycles, motor-driven cycles, trailers, vessels, motorboats, or component parts thereof.

[Order II, § 446-30-020, filed 11/22/74.]

WAC 446-30-030 Hearing officer. The hearing shall be conducted by a person appointed by the chief of the Washington state patrol. The hearing shall be conducted at a place within the state designated by the hearing officer who shall consider the convenience of the witnesses involved in the hearing, and the convenience of the parties in interest. The hearing officer, after having heard evidence submitted to him and having conducted a hearing in accordance with this chapter and chapter 446-08 WAC, shall decide whether a party in interest has presented a claim of ownership or right to possession of the article involved sufficient to award possession of the article to the party. If so, he shall order the article released to such party.

[Order II, § 446-30-030, filed 11/22/74.]

WAC 446-30-040 Procedure. Insofar as it is applicable, (1) Chapter 446-08 WAC, shall govern hearing procedure, and the service of notice of the hearing upon the person who held possession or custody of the article when it was impounded, and upon any other person who, prior to final

(1/4/00)

disposition, notifies Headquarters, Washington state patrol, in writing of a claim of ownership or lawful right to possession thereof.

(2) In accordance with chapter 124, Laws of 1974 1st ex. sess. (RCW 9.54.030(3)), any person claiming ownership or right of possession hereunder may remove the matter to a court of competent jurisdiction if the aggregate value of the article involved is one hundred dollars or more. If the article involved is a component part or parts of a vehicle, then the right to remove the matter to a court of competent jurisdiction shall be conditioned on the component part or parts having an aggregate value of one hundred dollars or more. An officer of the Washington state patrol assigned to the motor vehicle theft section shall determine the current market value of the article based on such factors as the condition of the vehicle, the year, and the make of the vehicle, etc. The value finally arrived at by the officer should reflect the value of the vehicle on the open market. If the value of the article cannot be agreed upon by the officer and the interested party, a dealer who specializes in the type article shall be contacted to determine the current market value.

(3) The hearing officer, after having heard all pertinent evidence submitted to him, shall make written findings of fact based on the evidence and written conclusions based on his findings and applicable law in accordance with WAC 446-08-410. The findings and conclusions of the hearing officer shall be served on all parties to the hearing within fifteen days of the close of the hearing. If a decision adverse to an interested party is made, no disposition shall be made of the property until after thirty days following service of the hearing officer's decision, or until expiration of any stay of disposition granted by the hearing officer or court of competent jurisdiction, whichever date comes last.

(4) Upon application to the hearing officer by any interested party aggrieved by the decision for a stay of disposition in any matter in which an appeal has been filed, the hearing officer shall stay his order of disposition pending the outcome of the appeal to a court of competent jurisdiction.

[Order II, § 446-30-040, filed 11/22/74.]

WAC 446-30-050 Burden of proof. The person or party in interest claiming to be the lawful owner or to have the lawful right to possession shall have the burden of establishing his claim of ownership.

[Order II, § 446-30-050, filed 11/22/74.]

WAC 446-30-060 Record. Any oral proceedings shall be recorded on tape and such tape shall become part of the hearing record.

[Order II, § 446-30-060, filed 11/22/74.]

WAC 446-30-070 Appeal. Appeal from the decision of the hearing officer to a superior court by an interested party aggrieved by a decision in a contested case shall be in accordance with RCW 34.04.130 and applicable court rules.

[Order II, § 446-30-070, filed 11/22/74.]