

# Chapter 470-08 WAC

## PRACTICE AND PROCEDURE

### WAC

470-08-005	Definitions.
470-08-540	Petitions for rule making, amendment or repeal.
470-08-580	Declaratory rulings.
470-08-590	Forms.

**WAC 470-08-005 Definitions.** (1) "Committee" wherever used herein shall mean the advisory committee established in RCW 46.48.170 [46.48.190].

(2) "Chief" wherever used herein shall mean the chief of the Washington state patrol.

[Rules (part), filed 3/21/60.]

**WAC 470-08-540 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 may, in his discretion, 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.

[Rules (part), filed 3/21/60.]

**WAC 470-08-580 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.

[Rules (part), filed 3/21/60.]

**WAC 470-08-590 Forms.** (1) **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.

(a) At the top of the page shall appear the wording "Before the chief of the Washington state patrol." On the left side of the 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."

(3/1/69)

Opposite the foregoing caption shall appear the word "petition."

(b) 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.

(c) 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.

(2) For promulgation, amendment, or repeal of regulations. Any interested person petitioning the chief requesting a promulgation, amendment, or repeal of any regulations shall generally adhere to the following form for such purpose.

(a) 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 regulation (or regulations)." Opposite the foregoing caption shall appear the word "petition."

(b) 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 regulation or regulations, or amendment or repeal of existing regulation or regulations. The second paragraph, in the case of a proposed new regulation or regulations or amendment of an existing regulation, shall state the desired regulation in its entirety. Where 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 regulation such shall be stated and the proposed to be repealed shall either be set forth in full or shall be referred to by regulation 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 regulation. Additional numbered paragraphs may be used to give full explanation of the petitioners reasons for the action sought.

(c) 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.

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

[Rules (part), filed 3/21/60.]