

WAC 308-101-120 Continuances. (1) After a hearing has been scheduled, it may be continued, rescheduled, or adjourned only at the discretion of the hearings examiner.

(2) Requests for a continuance, to reschedule, or to adjourn must be made in writing, to the assigned hearings examiner, and shall include the basis for the request.

(3) Except in the case of an emergency, the hearings examiner must receive the continuance request at least two business days before the scheduled hearing. Absent an emergency, requests made with less than two business days' notice may be summarily denied.

(4) The hearings examiner may continue, reschedule, or adjourn at any time, including on the date of the administrative hearing.

(5) A party shall not consider a hearing continued, rescheduled, or adjourned until notified by the hearings examiner or his or her designee.

(6) The hearings examiner may require the party who requests a continuance, to reschedule, or to adjourn to submit documentary evidence that substantiates the reason for the request.

(7) A second request for a continuance, to reschedule, or to adjourn will only be granted in the event of an emergency and at the discretion of the assigned hearings examiner.

(8) Notwithstanding any provisions of this section to the contrary, a hearings examiner may continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear. The hearings examiner must continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear and the petitioner is a holder of a commercial driver's license or was operating a commercial motor vehicle at the time of the driver's arrest. A hearing continued under this subsection must be adjourned until such time as the subpoena may be enforced under RCW 7.21.060.

[Statutory Authority: RCW 46.01.110. WSR 18-11-098, § 308-101-120, filed 5/21/18, effective 9/4/18.]