



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: OFFICE OF THE ATTORNEY GENERAL

Permanent Rule
 Emergency Rule

(1) Date of adoption: May 18, 1992

(2) Purpose: To provide a contextual definition of "subsequent transferee"; clarification of arbitration special master powers.

(3) Citation of existing rules affected by this order:
Repealed:
Amended: WAC 44-10-010 and WAC 44-10-060
Suspended:

(4) Authority for adoption:
Statute: RCW 19.118.080 and 19.118.090
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR 91-22-080 on November 5, 1991 (date).
Describe any changes other than editing from proposed to adopted version:
See Attachment 1

(5.2) **EMERGENCY RULE ONLY**
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules Emergency Rules
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY
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STATE OF WASHINGTON
FILED

MAY 18 1992

NAME (TYPE OR PRINT)
KENNETH O. EIKENBERRY
SIGNATURE *Kenneth O. Eikenberry*
TITLE ATTORNEY GENERAL DATE 5/18/92

TIME 3:15 PM
WSR 92-11-037

Attachment 1
Rule-Making Order CR-103
Office of the Attorney General

(5.1)

Describe any changes other than editing from proposed to adopted version:

WAC 44-10-010: "new" inserted in phrase "motor vehicle" to maintain consistency with RCW 19.118.021 definitions and caselaw.

WAC 44-10-060: Global modification of "arbitration service" to "arbitration board"; (1) deletion of reference to special master appointment after attorney general assignment to arbitration service; and (2) Issues to be decided by arbitration special master addition of phrase "or matters necessary for compliance with the arbitration decision."

The changes are the result of written and oral comments received at the December 16, 1991 public hearing.

AMENDATORY SECTION (Amending Order 87-4, filed 12/22/87)

WAC 44-10-010 DEFINITIONS.

Terms, when used in this chapter, shall have the same meaning as terms used in chapter 19.118 RCW. The following definitions shall supplement or aid in the interpretation of the definitions set forth in chapter 19.118 RCW.

(1) The phrase "arbitration service" means the agency, firm, board, organization, individual or other entity selected by the attorney general through a request for proposal to conduct the arbitrations provided under chapter 19.118 RCW.

(2) The phrase "arbitration special master" means the individual or group of individuals selected by the arbitration service to hear and decide special issues timely brought before the arbitration service by the parties.

(3) The terms "attorney general" or "attorney general's office" means the person duly elected to serve as attorney general of the state of Washington and delegates authorized to act on his or her behalf.

(4) The term "person" includes every natural person, firm, partnership, corporation, association, or organization.

(5) "Subsequent transferee" means a consumer that acquires a new motor vehicle and any remaining warranty coverage during the applicable manufacturer's written warranty period.

AMENDATORY SECTION (Amending Order 89-4, filed 7/24/89, effective 8/24/89)

WAC 44-10-060 POWERS AND DUTIES OF ARBITRATION SPECIAL MASTER. (1)

~~((One or more arbitration special masters shall be appointed by the arbitration service to hear and decide preliminary and post-hearing issues that must be resolved, including but not limited to:))~~ An arbitration special master may be appointed by the arbitration board to hear and decide preliminary and post-hearing issues which are within the arbitration board's authority. Requests for an arbitration special master may be made by either party, jointly or by the arbitration service. However, no arbitration special master may be appointed after the arbitration decision unless requested within twenty (20) days after the date of mailing of the arbitration decision or by the date the manufacturer receives the notice of acceptance from the arbitration service, whichever occurs first. Post-hearing arbitration special masters shall not resolve matters previously presented in the arbitration hearing and addressed in the arbitration decision.

(2) Issues which may be decided by the arbitration special master include but are not limited to: Motions to quash subpoenas, motions for telephone conference hearings, requests for continuances, requests to view the vehicle, request to set aside default determinations, resolution of factual disputes effecting an arbitration award including specification of the award amounts which could not have been or were not resolved at the arbitration hearing or matters necessary for compliance with the arbitration decision. The arbitration special master may conduct telephonic conferences with a party or parties, as appropriate, and may request additional written information in order to rule on issues.

~~((2))~~ (3) Arbitration special masters shall sign a written oath prior to their appointment as arbitration special master attesting to their impartiality. There shall be no ex parte communication initiated by a party with an ~~((between such party and the))~~ arbitration special master.