

WSR 24-23-103

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed November 20, 2024, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-20-140.

Title of Rule and Other Identifying Information: Repealing WAC 308-101-230(4) Final orders.

Hearing Location(s): On January 6, 2025, at 11:00 a.m., via Microsoft Teams, Meeting ID 213 753 764 625, Passcode CR4660; or dial in by phone +1 564-999-2000,,768700343# United States, Olympia, 833-322-1218,,768700343# United States (toll-free), phone conference ID 768 700 343#. For organizers, [contact agency for links]. Please note that there is both an in-person and a virtual option. If you are not able to sign in using Teams, your only option may be phone. Please plan on attending in person if the call-in option is not a preferred method of participating.

Date of Intended Adoption: January 7, 2025.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, email rulescoordinator@dol.wa.gov, by January 6, 2025.

Assistance for Persons with Disabilities: Contact Ellis Starrett, phone 360-902-3846, email rulescoordinator@dol.wa.gov, by December 30, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: After analysis of our commercial driver's license (CDL) disqualification procedures, the department of licensing is proposing to repeal WAC 308-101-230(4) to allow for these CDL disqualifications to be addressed within the personal driver's license hearing procedures pursuant to RCW 46.20.308 Implied consent—Test refusal—Procedures.

Reasons Supporting Proposal: Repeal of WAC 308-101-230(4) will provide clarity and alignment with statute by allowing for these CDL disqualifications to be addressed within the personal driver's license hearing procedures pursuant to RCW 46.20.308 Implied consent—Test refusal—Procedures.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority.

Statute Being Implemented: RCW 46.20.308 Implied consent—Test refusal—Procedures.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Colton Myers, 1125 Washington Street S.E., Olympia, WA 98504, 564-464-5716; Implementation and Enforcement: Marta Reinhold, 1125 Washington Street S.E., Olympia, WA 98504, 360-664-1488.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to

agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.
Scope of exemption for rule proposal:
Is fully exempt.

November 20, 2024
Ellis Starrett
Rules and Policy Manager

OTS-5952.1

AMENDATORY SECTION (Amending WSR 23-23-087, filed 11/13/23, effective 12/14/23)

WAC 308-101-230 Final orders. (1) Every decision and final order shall:

(a) Be correctly captioned as to the name of the department of licensing and name of the proceeding;

(b) Designate all parties and representatives participating in the proceeding;

(c) Contain a final order disposing of all contested issues; and

(d) Contain a statement describing the right to appeal.

(2) In the event the original hearings examiner is unavailable, the department may assign a case to another hearings examiner to either hear the case if the record has not closed, or in a case where the record is closed, make a determination as to the findings of fact and conclusions of law based on the record submitted.

(3) At any stage prior to commencement of the hearing the department may reassign a matter to a different hearings examiner.

~~((4) Pursuant to RCW 46.20.308, any commercial driver's license (CDL) holder that requests an administrative hearing to contest a suspension or revocation of their personal driver's license (PDL) and that hearing results in a verdict sustaining the suspension or revocation of the PDL, shall also receive an administrative review of the CDL disqualification under RCW 46.25.090. The administrative review shall be conducted no later than five business days after the final order is entered resolving the administrative sanction on the PDL. The sanctions, suspension, revocation, and/or disqualification of both the PDL and CDL for the same incident shall run concurrently.))~~