

WAC 44-10-060 Powers and duties of arbitration special master.

(1) An arbitration special master may be appointed by the arbitration board to hear and decide preliminary and post-hearing issues within the arbitration board's authority. Requests for an arbitration special master must be made in writing by a party to the Lemon Law administration. The request will be reviewed by the program manager to determine whether issues identified in the special master request will be resolved by the program manager, forwarded to the board or denied. Post-hearing arbitration special masters and the program manager shall not resolve matters previously presented in the arbitration hearing and addressed in the arbitration decision except for clarification, or extend the time for compliance beyond the time necessary to hear and notify the parties of a decision about the issues in dispute or requiring clarification.

(2) Issues which may be decided by the program manager or arbitration special master include but are not limited to: Motions to quash or limit the scope of subpoenas, disputes related to requests to view the vehicle, disputes relating to 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 such as: Time and place for compliance, condition of the vehicle to be returned, clarification or recalculation of refund amounts or a determination that an offered vehicle is reasonably equivalent to the vehicle being replaced. The program manager or 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.

(3) The program manager or the arbitration special master shall not extend the forty day period during which the manufacturer must comply with the arbitration decision except where the program manager or arbitration special master makes a finding that:

(a) The issues identified in the special master request could not have been brought allowing sufficient time to conclude compliance within the forty day compliance period; and

(b) If the manufacturer made the request for a special master, the manufacturer's position in the dispute is supported by the special master's decision.

(4) 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 arbitration special master.

[Statutory Authority: RCW 19.118.080(2) and 19.118.061. WSR 10-01-069, § 44-10-060, filed 12/11/09, effective 1/11/10; WSR 02-12-093, § 44-10-060, filed 6/4/02, effective 7/5/02. Statutory Authority: RCW 19.118.080 (2) and (7), 19.118.061 and 1995 c 254 § 4. WSR 96-03-155, § 44-10-060, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 19.118.080 and 19.118.090. WSR 92-11-037, § 44-10-060, filed 5/18/92, effective 6/18/92. Statutory Authority: RCW 19.118.061, 19.118.080 and 19.118.090. WSR 89-16-024 (Order 89-4), § 44-10-060, filed 7/24/89, effective 8/24/89. Statutory Authority: RCW 19.118.080 (2) and (7). WSR 88-04-081 (Order 88-2), § 44-10-060, filed 2/3/88.]