

WAC 162-08-700 Declaratory orders. (1) **Contents of petition.** A petition for a declaratory order under RCW 34.05.240 shall contain the following in addition to the requirements of RCW 34.05.240(1):

(a) A statement of the question on which the declaratory order is sought;

(b) A full statement of the facts giving rise to the question;

(c) A statement of the basis for the petitioner's interest in the question.

(2) **Form.** A petition for a declaratory order may be in any form, including the form of a letter or a pleading.

(3) **Where filed.** Petitions for declaratory orders shall be filed with the clerk.

(4) **Confirmation, investigation.** In order to determine the full facts giving rise to the question the executive director may require the petitioner to submit additional information, and may make an independent investigation.

(5) **Notice and disposition.** Within fifteen days after receipt of a petition for a declaratory order, the commission will give notice of the petition to all persons to whom notice is required by law. Within thirty days after receipt of a petition for a declaratory order, the commission will:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances; or

(b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition; or

(c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its actions. See RCW 34.05.240(5).

(6) **Revocation or revision.** A declaratory order may be revoked or revised at any time by vote of the commissioners at a meeting. The revocation or revision shall not be effective as to the person who requested the declaratory order until that person has notice of the revocation or revision.

(7) **Supersedure.** A declaratory order is automatically superseded, without need for notice, by any material change in the statutes, or by a decision of the Washington supreme court or court of appeals that is contrary to the declaratory order.

(8) **Reliance.** When any person has relied in good faith on a declaratory order of the commission, the commission will not thereafter assert a contrary position against that person, unless the declaratory order is revoked, revised, or superseded under subsection (7) of this section. This paragraph (8) covers persons other than the person to whom the declaratory order was issued, if the persons have justifiedly relied on the declaratory order.

(9) **Use of administrative law judge.** The commissioners may direct that a hearing for the purpose of issuing a declaratory order shall be held before a member of the commission, or a panel of members of the commission, or an administrative law judge. The member, panel, or administrative law judge shall hear testimony and argument, receive exhibits and other testimony, evaluate the material, and make a proposal for decision by the commissioners, to be considered and decided in the manner provided in RCW 34.05.410 through 34.05.494.

[Statutory Authority: RCW 49.60.120(3). WSR 89-23-020, § 162-08-700, filed 11/7/89, effective 12/8/89; Order 37, § 162-08-700, filed 10/27/77; Order 35, § 162-08-700, filed 9/2/77.]