

WAC 446-30-040 Procedure. (1) Insofar as it is applicable, hearings under this chapter will be pursuant to chapters 34.05 RCW and 446-08 WAC as supplemented by this chapter.

(2) In accordance with RCW 46.12.735, any person claiming ownership or right of possession hereunder may remove the matter to a court of competent jurisdiction if the aggregate value of the article involved is one hundred dollars or more. If the article involved is a component part or parts of a vehicle, then the right to remove the matter to a court of competent jurisdiction will be conditioned on the component part or parts having an aggregate value of one hundred dollars or more. An officer of the Washington state patrol assigned to the motor vehicle theft section must determine the current market value of the article based on such factors as the condition of the vehicle, the year, and the make of the vehicle, etc. The value finally arrived at by the officer should reflect the value of the vehicle on the open market. If the value of the article cannot be agreed upon by the officer and the interested party, a dealer who specializes in the type article must be contacted to determine the current market value.

(3) The hearing officer, after having heard all pertinent evidence submitted to him/her will make written findings of fact based on the evidence and written conclusions based on the findings and applicable law in accordance with WAC 446-08-410. The findings and conclusions of the hearing officer will be served on all parties to the hearing within fifteen days of the close of the hearing. If a decision adverse to an interested party is made, no disposition will be made of the property until after thirty days following service of the hearing officer's decision, or until expiration of any stay of disposition granted by the hearing officer or court of competent jurisdiction, whichever date comes last.

(4) Upon application to the hearing officer by any interested party aggrieved by the decision for a stay of disposition in any matter in which an appeal has been filed, the hearing officer shall stay his or her order of disposition pending the outcome of the appeal to a court of competent jurisdiction.

[Statutory Authority: RCW 46.12.725. WSR 14-18-075, § 446-30-040, filed 9/3/14, effective 10/4/14; Order II, § 446-30-040, filed 11/22/74.]