

WSR 21-22-096

EXPEDITED RULES

DEPARTMENT OF LICENSING

[Filed November 2, 2021, 11:25 a.m.]

Title of Rule and Other Identifying Information: WAC 308-56A-460
Destroyed or wrecked vehicle—Reporting—Rebuilt.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update WAC 308-56A-460 with the following changes: Subsection (3) should read: "The current market value threshold amount is eight thousand two hundred thirty dollars."

Reasons Supporting Proposal: RCW 46.12.600 requires the department to determine the market value threshold each year according to information provided in the United States Department of Labor Consumer Price Index Report. An increase in the threshold that exceeds 50 dollars requires the department to document the new amount by updating the rule, which will become effective July 1, 2020.

Statutory Authority for Adoption: RCW 46.12.600.

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

Name of Agency Personnel Responsible for Drafting: Dora Calle, HLB 3E08, 360-902-3798; Implementation and Enforcement: Ellis Starrett, HLB 4W18, 360-902-3846.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: RCW 46.12.600 (4)(a) requires the department of licensing to update the market value threshold when the Bureau of Labor Statistics at the United States Department of Labor shows an annual average increase over the previous year.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Dora Calle, Washington State Department of Licensing, P.O. Box 9030, Olympia, WA 98507, Phone 360-902-3798, email dcalle@dol.wa.gov, AND RECEIVED BY January 3, 2022.

November 2, 2021
Ellis Starrett
Rules and Policy Manager

OTS-3428.1

AMENDATORY SECTION (Amending WSR 20-19-113, filed 9/21/20, effective 10/22/20)

WAC 308-56A-460 Destroyed or wrecked vehicle—Reporting—Rebuilt.

(1) **What are total loss, destroyed, salvage, and wrecked vehicles?** For the purposes of this section:

(a) A total loss vehicle is one whose destruction has been reported to the department as described in RCW 46.12.600 by an insurer (insurance companies and self-insurers as described in RCW 46.29.630);

(b) A destroyed vehicle is one whose destruction has been reported to the department as described in RCW 46.12.600 by the vehicle's owner;

(c) A salvage vehicle as defined in RCW 46.04.514;

Note: When used in this section, the terms "destroyed" and "destroyed vehicle" include total loss, destroyed, and salvage vehicles.

(d) A wrecked vehicle as defined in RCW 46.80.010(6).

Note: A vehicle may be considered destroyed or wrecked when the evidence of ownership is a salvage certificate/title, insurance company bill of sale, or wrecker bill of sale from any jurisdiction, or when the evidence of ownership indicates the vehicle may be a destroyed vehicle not reported to the department.

(2) **How are vehicles reported to the department as total loss, destroyed, salvage, or wrecked?**

(a) Insurers may report total loss vehicles to the department:

(i) Electronically through the department's online reporting system. Insurers must destroy ownership documents for a vehicle reported this way; or

(ii) By submitting the certificate of title or affidavit in lieu of title indicating the vehicle is "DESTROYED"; or

(iii) By submitting a completed total loss claim settlement form.

Note: Reports of total loss vehicles must include the insurer's name, address, and the date of loss.

(b) Registered or legal owners report a vehicle as destroyed by submitting the certificate of title or affidavit in lieu of title indicating the vehicle is "DESTROYED," and must include the registered owner's name, address, and date of loss.

(c) Licensed wreckers report wrecked vehicles as required in RCW 46.80.090.

(d) For vehicles six through (~~twenty~~) 20 years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.600 is also required.

(3) **What is the current market value threshold amount?** The current market value threshold amount is (~~eight thousand ten dollars~~) \$8,230.

(4) **How is the market value threshold amount determined?** Using the current market value threshold amount described in RCW 46.12.600 each year the department will add the increased value if the increase is equal to or greater than (~~fifty dollars~~) \$50.

(5) **What if the "market value threshold amount" is not provided as required?** If the market value threshold amount is not provided when required, the department would treat the report of destruction as if the market value threshold as described in RCW 46.12.600 has been met. The certificate of title will be branded according to WAC 308-56A-530.

(6) **What documentation is required to obtain a certificate of title after a vehicle is destroyed?** After a vehicle has been reported destroyed or wrecked and is rebuilt, you must submit the following documentation to the department in order to obtain a new certificate of title:

(a) Application for certificate of title as described in RCW 46.12.530;

(b) Certificate of vehicle inspection as described in WAC 308-56A-150;

(c) Bill of sale from the insurer, owner, or wrecker who reported the vehicle's destruction to the department.

(i) Bills of sale from insurers must include a representative's signature and title of office;

(ii) Bills of sale from insurers and wreckers do not need to be notarized;

(iii) Bills of sale from owners shown on department records must be notarized or certified;

(iv) A bill of sale is not required when owners shown on department records retain a destroyed vehicle and apply for a new certificate of ownership;

(v) Releases of interest from lien holder(s) or proof of payment such as a canceled check bearing a notation that it has been paid by the bank on which it was drawn or a notarized statement on a receipt from the legal owner that the debt is satisfied are required when the vehicle is retained by the registered owner(s).

(d) Odometer disclosure statement, if applicable.

(7) What is required of a Washington licensed vehicle dealer prior to selling a destroyed or wrecked vehicle? Except as permitted by RCW 46.70.101 (1)(b)(viii), before a dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a vehicle inspection by the Washington state patrol; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

(8) Once a destroyed or wrecked vehicle is rebuilt, do the license plates remain with the vehicle? Whether or not the license plates remain with the vehicle depends on the circumstance:

(a) Standard issue license plates may remain with a destroyed vehicle unless they are severely damaged or the vehicle was issued a department temporary permit described in WAC 308-56A-140;

(b) Replacement license plates are required for wrecked vehicles since Washington licensed wreckers are required by WAC 308-63-070 to remove them;

(c) Special license plates may remain with or be transferred to a destroyed or wrecked vehicle;

(d) Applicants may retain the current license plate number as provided for in RCW 46.16A.200, unless the vehicle was issued a department temporary permit as described in WAC 308-56A-140.

(9) Will the certificate of ownership or registration certificate indicate "WA REBUILT"? Salvage or wrecked vehicles meeting the criteria described in WAC 308-56A-530 will be branded "WA REBUILT."

[Statutory Authority: RCW 46.12.600. WSR 20-19-113, § 308-56A-460, filed 9/21/20, effective 10/22/20; WSR 19-13-008, § 308-56A-460, filed 6/6/19, effective 7/7/19. Statutory Authority: RCW 46.01.110 and 46.12.600. WSR 12-20-032, § 308-56A-460, filed 9/27/12, effective 10/28/12; WSR 11-22-034, § 308-56A-460, filed 10/26/11, effective 11/26/11. Statutory Authority: RCW 46.01.110. WSR 10-19-045, § 308-56A-460, filed 9/13/10, effective 10/14/10. Statutory Authority: RCW 46.12.005 and 46.01.110. WSR 09-19-113, § 308-56A-460, filed

9/22/09, effective 10/23/09. Statutory Authority: RCW 46.01.110. WSR 04-08-080, § 308-56A-460, filed 4/6/04, effective 5/7/04; WSR 02-19-016, § 308-56A-460, filed 9/9/02, effective 10/10/02; WSR 01-20-010, § 308-56A-460, filed 9/20/01, effective 10/21/01. Statutory Authority: RCW 46.01.110 and 46.12.070. WSR 00-06-025, § 308-56A-460, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110. WSR 92-15-024, § 308-56A-460, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.12.070. WSR 91-04-025, § 308-56A-460, filed 1/29/91, effective 3/1/91; Order MV 208, § 308-56A-460, filed 7/31/74.]

WSR 21-22-110
EXPEDITED RULES
EMPLOYMENT SECURITY DEPARTMENT
[Filed November 3, 2021, 7:57 a.m.]

Title of Rule and Other Identifying Information: Amending the definition of domestic violence in WAC 192-150-112 Definitions—Domestic violence and stalking—RCW 50.20.050 (1)(b)(iv) and (2)(b)(iv).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The expedited rule amends WAC 192-150-112 so that the definition of domestic violence is consistent with the definition contained in section 2 of E2SHB 1320 (chapter 215, Laws of 2021). Section 2 of E2SHB 1320 (chapter 215, Laws of 2021) will be codified at RCW 7.105.010.

Reasons Supporting Proposal: E2SHB 1320 (chapter 215, Laws of 2021) updated the definition of domestic violence. This definition goes into effect on July 1, 2022. Also effective July 1, 2022, under RCW 50.20.050, it is good cause to quit if the separation was necessary to protect the claimant or the claimant's immediate family member from domestic violence, as defined in section 2 of E2SHB 1320, or stalking, as defined in RCW 9A.46.110. Section 2 of E2SHB 1320 (chapter 215, Laws of 2021) will be codified at RCW 7.105.010.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (ESD). Effective July 1, 2022, under RCW 50.20.050, it is good cause to quit if the separation was necessary to protect the claimant or the claimant's immediate family member from domestic violence, as defined in section 2 of E2SHB 1320, or stalking, as defined in RCW 9A.46.110.

Statute Being Implemented: E2SHB 1320 (chapter 215, Laws of 2021), sections 2 and 153; RCW 50.20.050.

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

Name of Proponent: ESD, governmental.

Name of Agency Personnel Responsible for Drafting: Josh Dye, Olympia, 360-890-3472; Implementation and Enforcement: Julie Lord, Olympia, 360-890-9579.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule amends WAC 192-150-112 so that the definition of domestic violence is consistent with the definition contained in section 2 of E2SHB 1320 (chapter 215, Laws of 2021). Section 2 of E2SHB 1320 (chapter 215, Laws of 2021) will be codified at RCW 7.105.010.

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November 3, 2021

Dan Zeitlin

Employment System Policy Director

OTS-3315.2

AMENDATORY SECTION (Amending WSR 10-01-156, filed 12/22/09, effective 1/22/10)

WAC 192-150-112 Definitions—Domestic violence and stalking—RCW 50.20.050 (1) (b) (iv) and (2) (b) (iv). To constitute good cause for leaving work, your job separation must have been necessary to protect yourself or a member of your immediate family from domestic violence or stalking.

(1) **Immediate family** is defined (~~((in WAC 192-150-055 and means))~~) as your spouse, domestic partner, and (~~((the))~~) the children (including your unborn children), siblings, stepchildren, foster children, or parents of either spouse or domestic partner, whether living with you or not, and other relatives who temporarily or permanently reside in your household.

(2) (~~((a))~~) **Domestic violence** is defined in RCW (~~((26.50.010. It includes the following acts committed between family or household members:~~

~~(i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault;~~

~~(ii) Sexual assault; or~~

~~(iii) Stalking.~~

~~(b) The perpetrator of domestic violence must be a family or household member, which means:~~

~~(i) Spouses, domestic partners, former spouses, and former domestic partners,~~

~~(ii) Persons who have a child in common regardless of whether they have been married or have lived together at any time,~~

~~(iii) Adult persons related by blood or marriage,~~

~~(iv) Adult persons who are presently residing together or who have resided together in the past,~~

~~(v) Persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship,~~

~~(vi) Persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and~~

~~(vii) Persons who have a biological or legal parent-child relationship, including stepparents, stepchildren, grandparents, and grandchildren.~~

~~(c) "Dating relationship" means a social relationship of a romantic nature)) 7.105.010.~~

(3) **Stalking** is defined by RCW 9A.46.110. It means:

(a) Intentionally and repeatedly harassing or following another person; and

(b) Placing the person being harassed or followed in fear of injury to self or property, or to another person or the property of another person; and

(c) Intending to frighten, intimidate, or harass the other person; or

(d) Knowing or having reason to know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(i) "Harass" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose.

(ii) "Repeatedly" means on two or more separate occasions.

(iii) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(iv) "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 34.05.120. WSR 10-01-156, § 192-150-112, filed 12/22/09, effective 1/22/10. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042, and 50.20.010. WSR 05-13-156, § 192-150-112, filed 6/21/05, effective 7/22/05.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.