

WSR 23-18-093

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed September 6, 2023, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-12-119.

Title of Rule and Other Identifying Information: WAC 308-96A-560
Special license plates—Criteria for creation or continued issuance.

Hearing Location(s): On October 11, 2023, at 10:00 a.m. Join Zoom
meeting [https://dol-](https://dol-wa.zoom.us/j/85688679612?pwd=UVluTjIHaDVoVlFHQ0d6bmRqR3JmUT09)

[wa.zoom.us/j/85688679612?](https://dol-wa.zoom.us/j/85688679612?pwd=UVluTjIHaDVoVlFHQ0d6bmRqR3JmUT09)
[pwd=UVluTjIHaDVoVlFHQ0d6bmRqR3JmUT09](https://dol-wa.zoom.us/j/85688679612?pwd=UVluTjIHaDVoVlFHQ0d6bmRqR3JmUT09), Meeting ID 856 8867 9612, Pass-
code 574807; one-tap mobile +12532050468,,85688679612#,,,,*574807# US,
+12532158782,,85688679612#,,,,*574807# US (Tacoma), Meeting ID 856
8867 9612, Passcode 574807. Find your local number [https://dol-](https://dol-wa.zoom.us/j/85688679612?pwd=UVluTjIHaDVoVlFHQ0d6bmRqR3JmUT09)
[wa.zoom.us/u/kcly7Wfuwk](https://dol-wa.zoom.us/j/85688679612?pwd=UVluTjIHaDVoVlFHQ0d6bmRqR3JmUT09). If you are having difficulty joining the Zoom
meeting at the time of the public hearing, please call 360-902-0131.
An in-person option is available at Highways and Licensing Building,
1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: October 12, 2023.

Submit Written Comments to: Kelsey Stone, 1125 Washington Street
S.E., Olympia, WA 98504, email rulescoordinator@dol.wa.gov, by October
10, 2023.

Assistance for Persons with Disabilities: Contact Kelsey Stone,
phone 360-902-0131, email rulescoordinator@dol.wa.gov, by October 1,
2023.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: Requiring new specialty plates to show
the jurisdiction at the top of the plate.

Reasons Supporting Proposal: Amendments will clarify standard
specialty plate design guidelines.

Statutory Authority for Adoption: RCW 46.18.200 Department ap-
proved plate types, and 46.01.110 Rule-making authority.

Statute Being Implemented: WAC 308-96A-560 Specialty license
plates—Criteria for creation or continued issuance.

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

Name of Agency Personnel Responsible for Drafting: Kelsey Stone,
1125 Washington Street S.E., Olympia, WA 98504, 360-902-0131; Imple-
mentation and Enforcement: Chante Vernie, 1125 Washington Street S.E.,
Olympia, WA 98504, 360-902-3937.

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.
These changes are nonsubstantive as they are only clarifying the de-
sign guidelines for specialty plates to require the jurisdiction at
the top of the plate.

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(4).

Scope of exemption for rule proposal:

Is fully exempt.

September 6, 2023
Ellis Starrett
Rules and Policy Manager

OTS-4894.1

AMENDATORY SECTION (Amending WSR 11-01-118, filed 12/20/10, effective 1/20/11)

WAC 308-96A-560 Special license plates—Criteria for creation or continued issuance. (1) **What is a special license plate series?** For the purpose of this rule a special license plate series is one license plate design with a range of numbers and letter combinations to be determined by the department.

(2) **What is required for an organization to apply to create a new plate through the department?** The organization must submit a completed application packet, signature sheet and supporting documentation as required by law. Signature sheets must reflect that they are collected within three years of submission.

~~((If an organization started collecting signature sheets before the moratorium was put into place that ends on July 1, 2009, they are exempt from the three-year time frame. However, organizations collecting signatures during the moratorium must submit their completed application packet and signature sheets to the department within ninety days after the moratorium is lifted. If an organization does not submit the signature sheets to the department within ninety days after the moratorium, the signature sheets are no longer valid.))~~

(3) **What are the design criteria for a special license plate series?**

(a) The jurisdiction must be located at the top of the license plate;

(b) The plate dimensions, bolt hole placement, and other features must comply with the Department's Specialty Plate Design Guide;

(c) Plate color usage must be readable by state tolling facilities or law enforcement plate readers, consistent with the department's published guidance; and

(d) Other criteria as established by the department.

(4) **What criteria are used to discontinue issuing special license plates?** A special license plate series may be canceled if:

(a) The department determines that fewer than ~~((five hundred))~~ 500 special license plates are purchased annually and fewer than ~~((one thousand five hundred))~~ 1,500 special license plates are purchased in any continuous three-year period. (Except those license plates issued under RCW 46.16.301, 46.16.305, and 46.16.324); or

(b) If the sponsoring organization does not submit an annual financial statement required by RCW 46.16.765 and certified by an accountant; or

(c) The legislature concurs with a recommendation from the department to discontinue a plate series created after January 1, 2003; or

(d) The state legislature changes the law allowing that plate series.

~~((4))~~ (5) **What information must be contained in the annual financial report?** The annual financial report must include all expenditures related to programs, fund-raising, marketing, and administrative expenses related to their special license plate(s). The report must include:

(a) The stated purpose of the organization receiving the special plate revenue;

- (b) A message from the chair or director of the organization;
- (c) Program highlights with a detailed list of how the funds were expended for those programs;
- (d) List of special events the organization held to market their special plate for the current reporting year;
- (e) A summary of financial information:
 - (i) Previous revenue received during current reporting year;
 - (ii) Total revenue received during current reporting year;
 - (iii) Summary of administrative expenses.

If an organization is disbursing funds through a grant program or to another nonprofit organization supporting Washington citizens, a list including the program and the organizations must be submitted which includes their name and amount received.

~~((5))~~ **(6) What steps are taken by the department if the annual financial report is not submitted as required or the special plate revenue is expended for purposes other than allowed by law?** The department will follow the guidelines as established in the organization's contractual agreement with the department:

- (a) Send a written notice of the violations to the organization;
- (b) The organization is given ~~((thirty))~~ 30 days to correct the violation;
- (c) If the violation is not corrected, the department may immediately terminate the contract.

~~((6))~~ **(7) Can an organization have more than one special plate series?** No. Organizations cannot have more than one special license plate series except those issued before January 1, 2006. Those organizations that already have multiple special plate series may not have more.

An updated design of the current special license plates does not constitute more than one special plate series. The newest design supersedes the prior design. The assigned number and letter combination cannot be changed when a new plate design is created.

(8) Are tribal license plates established pursuant to RCW 46.16A.230 subject to the requirements of this section? No. Tribal license plates enacted through the compacting process described in RCW 46.16A.230 are exempt from the special license plate requirements established in this section.

[Statutory Authority: RCW 46.01.110. WSR 11-01-118, § 308-96A-560, filed 12/20/10, effective 1/20/11; WSR 08-22-067, § 308-96A-560, filed 11/4/08, effective 12/5/08; WSR 07-20-110, § 308-96A-560, filed 10/3/07, effective 11/3/07. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276. WSR 04-08-079, § 308-96A-560, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. WSR 01-10-069, § 308-96A-560, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 1997 c 291. WSR 98-01-151, § 308-96A-560, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.16.301, 46.16.324 and 46.01.110. WSR 95-11-043, § 308-96A-560, filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 46.01.110. WSR 93-14-083, § 308-96A-560, filed 6/30/93, effective 7/31/93; WSR 91-03-091, § 308-96A-560, filed 1/18/91, effective 2/18/91.]