

WSR 23-23-087

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed November 13, 2023, 3:54 p.m., effective December 14, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Creating a new section under chapter 308-101 WAC to define business rules, guidelines, and the process for conducting administrative reviews of the petitioner's commercial driver's license disqualifications based on an adverse decision on the admin per se/ implied consent hearing, per RCW 46.20.308

Citation of Rules Affected by this Order: Amending WAC 308-101-230 Final orders.

Statutory Authority for Adoption: RCW 34.05.220 Rules for agency procedure—Indexes of opinions and statements [RCW 46.01.110].

Adopted under notice filed as WSR 23-19-099 on September 20, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 13, 2023.

Ellis Starrett  
Rules and Policy Manager

**OTS-4943.1**

AMENDATORY SECTION (Amending WSR 18-11-098, filed 5/21/18, effective 9/4/18)

**WAC 308-101-230 Final orders.** (1) Every decision and final order shall:

- (a) Be correctly captioned as to the name of the department of licensing and name of the proceeding;
- (b) Designate all parties and representatives participating in the proceeding;
- (c) Contain a final order disposing of all contested issues; and
- (d) Contain a statement describing the right to appeal.

(2) In the event the original hearings examiner is unavailable, the department may assign a case to another hearings examiner to either hear the case if the record has not closed, or in a case where the record is closed, make a determination as to the findings of fact and conclusions of law based on the record submitted.

(3) At any stage prior to commencement of the hearing the department may reassign a matter to a different hearings examiner.

(4) Pursuant to RCW 46.20.308, any commercial driver's license (CDL) holder that requests an administrative hearing to contest a suspension or revocation of their personal driver's license (PDL) and that hearing results in a verdict sustaining the suspension or revocation of the PDL, shall also receive an administrative review of the CDL disqualification under RCW 46.25.090. The administrative review shall be conducted no later than five business days after the final order is entered resolving the administrative sanction on the PDL. The sanctions, suspension, revocation, and/or disqualification of both the PDL and CDL for the same incident shall run concurrently.