

WSR 23-14-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed July 5, 2023, 9:28 a.m.]

Subject of Possible Rule Making: Create a new chapter under chapter 308-101 WAC to define business rules, guidelines, and the process for conducting administrative reviews of the petitioner's commercial driver's licenses (CDL) disqualifications based on an adverse decision on the admin per se/implicit consent hearing, per RCW 46.20.308.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220 Rules for agency procedure—Indexes of opinions and statements.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule changes will provide due process to CDL-endorsed petitioners based on the admin per se/implicit consent administrative hearing's decision impacting personal driving privileges by confirming that sanctions against driving privileges don't exceed statutory guidelines. It also provides a separate opportunity for due process of the CDL disqualification under RCW 46.20.245 and 49 U.S.C. § 383.51, as recommended by the assistant attorney general's review of current processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov [rulescoordinator@dol.wa.gov], website dol.wa.gov/about/rules; or Marguerite Friedlander, P.O. Box 9031, Olympia, WA 98507-9031, phone 360-664-1523, fax 360-570-4950, email mfriedlandl@dol.wa.gov, hearings@dol.wa.gov.

July 5, 2023
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