WSR 26-16-005
PERMANENT RULES
WASHINGTON STATE PATROL
[Filed July 23, 2026, 6:05 a.m., effective August 23, 2026]

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

Purpose: Amendments to chapter 446-105 WAC are necessary to clarify procedures governing work zone speed safety camera system infractions and associated adjudicative processes. The proposed revisions clarify which matters are appropriate for brief adjudicative proceedings, establish clearer requirements and timelines for petitions for review, and specify the issues that may be raised in contested hearings. Additional revisions clarify payment, mitigation, and hearing procedures; identify exemptions for certain law enforcement vehicles; and specify discovery and service requirements in formal adjudicative proceedings. These changes are intended to improve administrative efficiency, ensure consistent processing of infractions by the office of administrative hearings, and provide clearer guidance to individuals and businesses receiving notices of infraction.

Citation of Rules Affected by this Order: New WAC 446-105-155 and 446-105-215; repealing WAC 446-105-100; and amending WAC 446-105-040, 446-105-060, 446-105-070, 446-105-110, [446-105-120, 446-105-130, 446-105-140], 446-105-150, 446-105-170, 446-105-190, 446-105-200, [446-105-210], 446-105-230, [446-105-240, 446-105-250], and 446-105-260.

Statutory Authority for Adoption: RCW 46.63.200.

Adopted under notice filed as WSR 26-13-029 on June 9, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 11, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 23, 2026.

John R. Batiste
Chief

RDS-7145.3

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-040 Brief adjudicative proceedings. (1) Adoption of brief adjudicative proceedings. Under RCW 34.05.410 (1)(a), and except as provided in subsection (2) of this section, the patrol hereby

adopts the use of brief adjudicative proceedings for the following matters:

(a) Mitigation hearings in which the petitioner has admitted to the violation, under WAC 446-105-130;

(b) Payment plan hearings in which the petitioner has admitted to the violation, under WAC 446-105-140; and

(c) Contested hearings in which the only issue being raised is a denial of responsibility under RCW 46.63.075.

(2) Infractions sent to businesses, including rental car companies, shall not be considered matters appropriate for brief adjudicative proceedings.

(3) Conversion to a formal adjudicative proceeding. The administrative law judge may, in their sole discretion, convert a brief adjudicative proceeding to a formal adjudicative proceeding whenever it appears that a brief adjudicative proceeding is insufficient to resolve the case.

(a) When a brief adjudicative proceeding is converted to a formal adjudicative proceeding, the OAH shall issue a new notice of hearing for a date not less than 15 calendar days from the date of the notice; and

(b) The OAH shall serve the petitioner and the patrol with the new notice of hearing.

((~~(3)~~)) (4) Procedure for brief adjudicative proceedings. The following procedure applies to brief adjudicative proceedings:

(a) An administrative law judge with the OAH will conduct the brief adjudicative proceeding.

(b) Not less than 14 calendar days before the date of the hearing, the OAH shall serve notice on the petitioner that a brief adjudicative proceeding will occur. The notice of hearing will contain the following:

(i) The date of the brief adjudicative proceeding;

(ii) Notice that the petitioner may submit additional relevant documentary evidence and sworn statements, if desired, along with a date by which these submissions must be made and instructions for doing so;

(iii) Notice that the administrative law judge's decision will be based on the written materials unless, within 10 calendar days of receiving the notice of hearing, the petitioner requests in writing to appear telephonically to submit sworn oral testimony.

(c) The administrative law judge, in their sole discretion, may send a written request for additional evidence to the petitioner or the patrol. The request will contain instructions for how to submit the additional evidence and the date by which additional evidence must be submitted.

(d) The administrative law judge's review will be limited to the record identified in subsection ((~~(4)~~)) (5) of this section.

(e) If the petitioner has submitted a written request to appear telephonically, the administrative law judge will entertain oral testimony from the petitioner at a time and place designated by the administrative law judge.

(f) No witnesses, other than the petitioner, may offer oral testimony.

(g) Formal discovery, including depositions and interrogatories, is not allowed.

(h) The administrative law judge will issue an initial order within 15 calendar days of the date for final submission of written materials or oral testimony, if any.

((~~(4)~~)) (5) Record for brief adjudicative proceedings. The record for brief adjudicative proceedings will consist of the following:

(a) The hearing packet;

(b) Any additional records, sworn declarations, or oral testimony submitted by the petitioner; and

(c) Any additional evidence submitted by the parties at the written request of the administrative law judge.

((~~(5)~~)) (6) Effectiveness of orders on brief adjudicative proceedings. Initial orders on brief adjudicative proceedings shall become final 21 calendar days after mailing of the initial order unless the petitioner or the patrol files a written petition for review.

(a) ((~~The~~)) A petition for review of the initial order must have resulted in a decision against the petitioning party.

(b) The petition must:

(i) Be filed with the OAH in accordance with WAC 10-08-110 within 21 calendar days of mailing of the initial order; and

(ii) Contain a concise statement of the issue(s) to be reviewed.

((~~(b)~~)) (c) The reviewing officer will be an administrative law judge with the OAH.

((~~(c)~~)) (d) Review is limited to the evidence and arguments included in the hearing record, as well as any arguments in the petition. Additional evidence will not be considered unless the administrative law judge expressly reopens the record after notifying the parties of the intention to do so.

(e) The reviewing officer will issue a written final order ((~~that~~)) which must include a brief statement of the reason(s) for the decision, and must be entered within 20 calendar days after the petition for review is filed with the OAH.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-060 What information must be included on a notice of infraction? The notice of infraction shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the person or business named in the notice, and that the determination shall be final unless contested as provided in RCW 46.63.200 and this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction, and that the infraction may result in nonrenewal of the vehicle registration if any monetary penalty is not timely paid;

(3) A statement of the ((~~penalty established for the infraction~~)) amount of the monetary penalty, including any applicable increased penalty for second and subsequent infractions;

(4) ((~~If the penalty is $0, a statement of the amount of the monetary penalty for second and subsequent infractions;~~

~~(5)~~)) A statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options;

((~~(6)~~)) (5) A statement that, at any hearing to contest the determination, the patrol has the burden of proving, by a preponderance of the evidence, that the infraction was committed;

((~~(7)~~)) (6) A statement that, at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commis-

sion of the infraction or for requesting a payment plan only, the person or business will be deemed to have committed the infraction;

((~~(8)~~)) (7) A statement that the person or business must respond to the notice of infraction within 30 days of receipt; and

((~~(9)~~)) (8) A statement that failure to appear at a hearing requested for the purpose of contesting the infraction, explaining mitigating circumstances, or seeking a payment plan may result in the registered owner being reported to a collection agency for collection of the unpaid monetary penalty plus fees associated with the cost of collection, or in refusal of the DOL to renew the vehicle registration if any penalties imposed under RCW 46.63.200 or this chapter have not been satisfied.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-070 Are any vehicles exempt from work zone speed safety camera system infractions? The following vehicles are exempt from receiving an infraction for a work zone speed safety camera system violation:

(1) Any vehicle registered to a fire department;

(2) Any vehicle registered to a general authority law enforcement agency for use by a general authority Washington ((~~police~~)) peace officer, as defined in RCW 10.93.020;

(3) Any vehicle registered to a sovereign tribal government for use by a tribal police officer, as defined in RCW 10.92.010;

(4) Any vehicle registered to a federal law enforcement agency for use by a federal ((~~police~~)) peace officer, as defined in RCW 10.93.020;

(5) Any aid vehicle registered to an aid service, as defined in RCW 18.73.030, equipped with emergency lights and sirens;

(6) Any ambulance registered to a public or private ambulance service, as defined in RCW 18.73.030, equipped with emergency lights and sirens;

(7) Any organ transplant vehicle registered to an organ transplant service, as defined in RCW 18.73.030, equipped with emergency lights and sirens; and

(8) Any vehicle with valid diplomatic license plates.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-110 What can I do if I receive a notice of infraction ((~~with a $248 penalty~~))? Any person or business that receives a notice of infraction ((~~with a $248 penalty~~)) may:

(1) Admit the violation and pay the penalty;

(2) Admit the violation and request a hearing to mitigate the penalty and/or to establish a payment plan; or

(3) Request a hearing to contest the infraction.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-120 How can I pay a work zone speed safety camera system infraction penalty? (1) Work zone speed safety camera infraction penalties may be paid by credit/debit card, check, or money order.

(2) Payments may be made:

(a) By mail((~~, using the payment coupon mailed with the notice of infraction~~)) to the following address: WSDOT-Work Zone Speed Safety Camera, P.O. Box 9832, Vancouver, WA 98666-8807;

(b) By telephone, as described on the instructions contained in the notice of infraction; and

(c) Online((~~, by following the instructions for online payments contained in the notice of infraction~~)) at www.waworkzonespeedcameras.gov.

(3) All payments must be made in full, unless a payment plan has been approved under WAC 446-105-140.

(a) Partial payments will not be accepted.

(b) If a payment plan has not been approved and a partial payment is received by mail, the payment will be returned to the sender.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-130 What is a hearing to mitigate the penalty and who can request one? (1) The purpose of a mitigation hearing is to allow the petitioner, after admitting the violation, to offer evidence to explain why they believe the monetary penalty should be reduced.

(2) Any person or business who receives a work zone speed safety camera system notice of infraction with a ((~~$248~~)) monetary penalty may request a mitigation hearing after ((~~first~~)) admitting to the violation.

((~~(3) A mitigation hearing is not available for a work zone speed safety camera system notice of infraction with a $0 penalty.~~))

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-140 Who can request a hearing to establish a payment plan? (1) Any person who receives a work zone speed safety camera system notice of infraction with a ((~~$248~~)) monetary penalty may admit the violation and request a hearing to establish a payment plan.

(2) ((~~A hearing to establish a payment plan is not available for a work zone speed safety camera system notice of infraction with a $0 penalty.~~

~~(3) A person or business may request a hearing for the sole purpose of establishing a payment plan after first admitting to the violation.~~

~~(4)~~)) If a person or business requests a contested hearing and liability is established at a hearing ((~~to contest the infraction~~)), the petitioner may still seek a payment plan ((~~during that hearing~~)) at any time.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-150 Who can request a hearing to contest an infraction and what issues will be addressed at the hearing? (1) Any person or business who receives a work zone speed safety camera system notice of infraction may request a hearing to contest the infraction.

(2) At the time a contested hearing is requested, the petitioner will be asked to identify the issues that they intend to raise at the hearing. The petitioner must identify all issues they intend to raise at the hearing when they make the hearing request. The hearing will be limited to those issues identified when the hearing request is made. The issues the petitioner identifies to raise at hearing will be reflected on the cover sheet of the hearing packet.

(3) The petitioner may choose any of the following general issues at a hearing to contest the infraction:

(a) General denial. The petitioner does not believe they should be found liable for the infraction;

(b) Radar/Lidar. Challenges the proper operation of the radar/lidar equipment, including calibration;

(c) Worker presence. Challenges workers being present in the state highway work zone at the time of the violation, as defined in WAC 468-90-010;

(d) Nonresponsibility. The petitioner denies responsibility per RCW 46.63.075 because the vehicle was stolen, or the petitioner was not the person in control of the vehicle at the time of the violation. A rental car company may not respond to an infraction by claiming nonresponsibility and must respond as described in WAC 446-105-155;

(e) Exempt vehicle. The vehicle is exempt from the issuance of work zone speed safety camera infractions under WAC 446-105-070; and

(f) Other. Issues other than those identified in (a) through (e) of this subsection. The petitioner must describe in detail any other issues they intend to raise at the hearing.

(4) The ((~~issues the petitioner has identified will be reflected on the hearing notice that will be mailed. If no~~)) petitioner will receive a notice of hearing from OAH. Any objection to the issues identified in the ((~~hearing notice is~~)) notice of hearing must be filed with the OAH within 10 calendar days after the date ((~~such~~)) the hearing notice is mailed((~~, the notice will control the subsequent course of the proceeding unless modified for good cause by subsequent order~~)). If no timely objections are filed, only the issues identified on the cover sheet of the hearing packet will be considered at the hearing, unless the administrative law judge allows additional issues for good cause shown.

NEW SECTION

WAC 446-105-155 Rental car companies. (1) A rental car company that receives a rental car business letter pursuant to RCW 46.63.200 (8)(f) must respond within 30 days in the manner provided in RCW 46.63.200 (8)(f)(i). Failure to respond may result in the issuance of a notice of infraction to the rental car business.

(2) At any hearing to contest or seek mitigation of the monetary penalty for a notice of infraction issued to a rental car company after failure to respond to a rental car business letter, the rental car

company may not offer evidence or testimony that would have been responsive if offered in the manner provided in RCW 46.63.200 (8)(f)(i).

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-170 What will happen if I do not respond to a work zone speed safety camera system notice of infraction within 30 days of receipt? (1) A notice of infraction represents a determination that the infraction has been committed, and the determination will be final unless it is contested.

(2) A person or business who receives a work zone speed safety camera system notice of infraction has 30 days from receipt, as defined in WAC 446-105-090, to respond as directed in the notice of infraction.

(3) ((~~The recipient must respond to all notices of infraction, whether the penalty is $0 or $248.~~

~~(4) If, within 30 days of receipt of the notice of infraction, the recipient does not respond by either admitting to the violation and paying any assessed penalty, or by requesting a hearing, a notification will be mailed finding the infraction committed and imposing the penalty identified in the notice of infraction~~)) If a person or business does not respond to the notice of infraction within 30 days of receipt, the infraction will be found committed. After an infraction is found committed, failure to pay the assessed penalty may result in a nonrenewal hold on the vehicle registration, or the registered owner may be reported to a collection agency for collection of the unpaid monetary penalty plus fees associated with the cost of collection.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-190 What will happen if I request a formal adjudicative hearing to contest the infraction? (1) Timely submitted hearing requests will proceed to a formal adjudicative hearing consistent with the Administrative Procedure Act and the provisions of this chapter.

(2) Once a request for a formal adjudicative hearing has been received, the OAH will mail a hearing notice to the address at which the vehicle is registered, unless the mailing address was updated by the petitioner at the time the hearing was requested.

(3) The hearing notice will contain the date and time of the hearing, and instructions for participating.

(4) Formal adjudicative proceedings will be held telephonically unless, within 10 calendar days of receiving the hearing notice, one or both parties request in writing to appear by videoconference.

(a) The request to appear by videoconference must be accompanied by a statement of the reason(s) for the request.

(b) The administrative law judge, in their sole discretion, will decide whether the formal adjudicative hearing shall be held by telephone or videoconference.

(5) The parties must attend the scheduled hearing. Failure to attend a scheduled hearing may result in a default order being entered.

If the parties cannot attend a scheduled hearing, they are responsible for contacting the OAH in advance of the hearing to request a new hearing date.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-200 Who can appear in a representative capacity at a work zone speed safety camera system infraction hearing? The following persons may appear in a representative capacity at a hearing:

(1) ((~~An individual representing themself~~)) The registered owner to whom the infraction was issued;

(2) An attorney at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(3) A legal intern admitted to limited practice under Rule 9 of the Washington state supreme court's admission and practice rules. No legal intern, however, may appear without the presence of a supervising lawyer unless the administrative law judge approves the intern's sole appearance in advance; and

(4) A bona fide officer, partner, or owner of a business, association, partnership, or corporation who appears on behalf of such business, association, partnership, or corporation.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-210 What discovery is allowed in a formal adjudicative proceeding? The parties should informally exchange information and documents relating to the case prior to the adjudicative proceeding. Formal discovery will be available only as follows:

(1) Methods and scope.

(a) The administrative law judge may only allow discovery regarding issues relevant to the subject matter in the pending action. Written discovery may be permitted only at the discretion of the administrative law judge ((~~and to the extent authorized by CR 26(b). In permitting discovery, reference must be made to the civil rules applicable in court proceedings for guidance~~)).

(b) The administrative law judge has the power to control the nature and frequency of discovery permitted, and to order discovery conferences to discuss discovery issues.

(c) The administrative law judge shall limit discovery if:

(i) The discovery sought is unreasonably cumulative or duplicative, or can be obtained from another source that is more convenient, less burdensome, or less expensive; or

(ii) The request would be overly burdensome or expensive considering the needs of the case, the parties' resources, and the importance of the issues.

(2) Limitation on discovery. In addition to limitations on discovery, set forth in ((~~any other applicable law, regulation, or rule,~~)) subsection (1) of this section, discovery does not include:

(a) Depositions; or

(b) Information or documents relating to work zone speed safety camera infractions issued to any person or entity other than the petitioner.

NEW SECTION

WAC 446-105-215 How are documents served? Service is the act of delivering a document to a party or a party's designated representative.

(1) Unless otherwise provided by law, documents must be served by:

(a) Personal service;

(b) First class, registered, or certified mail;

(c) Fax transmission; or

(d) The parties may agree in writing to service by electronic mail.

(2) Service by the parties to one another does not include filing documents electronically through the use of the OAH participant portal.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-230 What evidence will be available to the administrative law judge at a formal adjudicative proceeding to contest the infraction? (1) Hearing packet. Upon receipt of a request for a hearing, the hearing packet will be transmitted by the WSDOT to the OAH for consideration by the administrative law judge.

(2) Other evidence. During the hearing, ((~~any~~)) other documentary evidence or oral testimony may be admitted and considered by the administrative law judge. Absent good cause, the parties must follow the instructions in the notice of hearing regarding how to timely file and serve evidence for their case or the evidence may be excluded.

(3) The administrative law judge may exclude evidence that is irrelevant, immaterial, or repetitious.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-240 How will I be notified of the administrative law judge's decision? An administrative law judge with the OAH will enter ((~~a final~~)) an order stating whether the infraction is affirmed or reversed and whether the petitioner is liable for any penalty. Orders issued as a result of a hearing will be provided to the petitioner and the patrol electronically or by mail. Orders that are mailed to the petitioner will be mailed to the address at which the vehicle is registered, unless the mailing address was updated by the petitioner.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-250 When is payment due if I am found liable for an infraction with a monetary penalty? If a petitioner is found liable for a work zone speed safety camera system infraction with a monetary penalty after an administrative hearing, or due to a failure to respond to the notice of infraction as required by RCW 46.63.200, unless otherwise specified in the order, payment is due within 30 days of the date of the final order. If the petitioner does not pay the amount due within the time allotted, a nonrenewal hold ((~~will~~)) may be placed on the vehicle registration, or the registered owner may be reported to a collection agency for collection of the unpaid monetary penalty plus fees associated with the costs of collection.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-260 What happens if I disagree with ((~~the outcome of a hearing~~)) a final order? (1) Any party may file a petition for reconsideration of a final order as specified in RCW 34.05.470.

(a) A petition for reconsideration must be served upon the opposing party and filed with the OAH within 10 days of service of the final order.

(b) Unless denied under (c) of this subsection, the petition will be reviewed by the same administrative law judge who entered the order, if reasonably available.

(c) A petition for reconsideration is deemed denied if, within 20 days of the date it is filed, the administrative law judge:

(i) Denies the petition;

(ii) Does not act upon the petition; or

(iii) Does not serve the parties the date by which the administrative law judge will act on the petition.

(d) If the administrative law judge determines to act upon the petition, the opposing party must be provided at least seven business days in which to file a response.

(e) Reconsideration is limited to the evidence and arguments included in the hearing record. Additional evidence may not be considered unless the administrative law judge reopens the record after notifying the parties.

(f) The petition will be resolved by written order, which may deny the petition, grant the petition and modify or dissolve the final order, or grant the petition and set the matter for future hearing.

(2) A petitioner ((~~can~~)) may appeal a final order to superior court as specified in chapter 34.05 RCW.

If a petition for reconsideration is timely filed and complies with the procedural requirements, the time for filing a petition for judicial review does not begin until the agency has served the written order as described in subsection (1)(f) of this section.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 446-105-100	What can I do if I receive a notice of infraction with a $0 penalty?