WSR 26-16-090
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed August 5, 2026, 10:28 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); and proposal is exempt under RCW 34.05.350 Emergency rules and amendments.

Title of Rule and Other Identifying Information: WAC 308-96A-080 Undercover and confidential license plates—Application procedures, and 308-96A-095 Undercover or confidential license plates—Cancellation.

Hearing Location(s): On September 14, 2026, at 10:30 a.m., via Zoom meeting at https://us06web.zoom.us/j/89992460071?pwd=vxryUtmBIoFjaTTeTMBnZUEEBYICg3.1 or meeting chat link at https://us06web.zoom.us/launch/jc/89992460071, Meeting ID 899 9246 0071, Passcode 907007; or One-tap mobile +12532158782,,89992460071#,,,,*907007# US (Tacoma), +12532050468,,89992460071#,,,,*907007# US; or join by SIP 89992460071@zoomcrc.com. Join instructions at https://us06web.zoom.us/meetings/89992460071/invitations?signature=kxNYlbyqJ6OOCtzeDoAd_buX7u4hsdjrjGR8t6hWyfM. If you are having trouble accessing the virtual meeting, call 360-902-3486 at the time of the hearing to request assistance. Email rulescoordinator@dol.wa.gov if you would like to request an interpreter, or other accommodations, at least one week in advance of the public hearing.

NOTE: Hearing participants are encouraged to attend in person or be prepared to use the telephonic option (call in) if they experience technical difficulties. In-person attendance will take place at the Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: September 15, 2026.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, email rulescoordinator@dol.wa.gov, beginning August 5, 2026, by September 14, 2026.

Assistance for Persons with Disabilities: Contact Ellis Starrett, phone 360-902-3846, email rulescoordinator@dol.wa.gov, by August 31, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarify the department of licensing's (department) authority to deny, cancel, or refuse to renew confidential and undercover license plates based on the conduct of the units of local government, state departments, agencies and officials, and federal departments and agencies.

Reasons Supporting Proposal: Clarifying the department's authority to deny, cancel, or refuse to renew confidential and undercover license plates is a matter of imminent public safety. The department seeks to ensure that confidential and undercover license plates are not used to further policies found to be unconstitutional or in violation of Washington state or federal law.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority.

Statute Being Implemented: RCW 46.08.066 Publicly owned vehicles—Confidential license plates, drivers' licenses, identicards—Issuance, rules governing.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, 360-902-3846.

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. The department is further clarifying already existing authority. There are no additional costs or requirements being placed on applicants for a confidential or undercover license 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(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Scope of exemption for rule proposal:

Is fully exempt.

August 5, 2026
Ellis Starrett
Rules and Policy Manager

RDS-7229.3

AMENDATORY SECTION (Amending WSR 06-04-026, filed 1/24/06, effective 2/24/06)

WAC 308-96A-080 Undercover and confidential license plates—Application procedures. (1) **What are undercover and confidential license plates?** They are standard issue license plates assigned only to vehicles owned or operated by government agencies as identified in RCW 46.08.066. These vehicles include, but are not limited to, off road vehicles, trailers, and snowmobiles.

(2) **When is an undercover or confidential license plate issued?** An undercover or confidential license plate is issued to government agencies when being used in confidential, investigative, or undercover work.

(3) **When are undercover and confidential license plates used?**

(a) These plates are used for official business by government agencies or any state elected official.

(b) For the personal security of any other public officer, or public employee, for use on an unmarked publicly owned or controlled vehicle for the conduct of business for the period of time required.

(4) **How are undercover and confidential vehicles registered?**

(a) An undercover license plate record will show fictitious names and addresses on all department records subject to public disclosure.

(b) A confidential license plate record will show the government agency name and address on all department records subject to public disclosure.

(5) **Who is responsible for verifying that only fictitious names and addresses are used for undercover vehicle registrations?** The individual signing the application.

(6) **How does a government agency apply for undercover or confidential license plates?**

(a) A completed application form approved by the department needs to be signed by the government agency head or designated contact person.

(b) A copy of the current title, registration or other documents approved by the department of licensing that proves the vehicle is owned or operated by the government agency.

(c) Provided, however, that the department shall have discretion to deny, cancel, or refuse to renew confidential or undercover plates to any state, local, or federal law enforcement agency or department that acted under a policy a court has found unconstitutional or illegal under Washington state or federal law and has not taken corrective action to reform its unconstitutional or illegal policy.

AMENDATORY SECTION (Amending WSR 02-21-118, filed 10/23/02, effective 11/23/02)

WAC 308-96A-095 Undercover or confidential license plates—Cancellation. (1) **Who may cancel undercover or confidential license plates?** Undercover or confidential license plates may be canceled one of two ways:

(a) The department may cancel or refuse to renew undercover or confidential license plates when the department has reasonable cause to believe the license plates are being used for purposes other than those authorized in RCW 46.08.066 or by any state, local, or federal law enforcement agency or department that has acted under a policy a court has found unconstitutional or illegal under Washington state or federal law and has not taken corrective action to reform its unconstitutional or illegal policy; or

(b) A government agency may request cancellation of their undercover or confidential license plates when the license plates are no longer required.

(2) **How does a government agency cancel undercover or confidential license plates?** The government agency notifies the department in writing that the undercover or confidential license plates are no longer required, and indicates that the license plates and registration are being returned to the department or are being destroyed.

(3) **May the undercover or confidential license plates remain on the vehicle when it is removed from the program?** No, the license plates must be removed from the vehicle and returned to the department or destroyed.