WSR 26-19-134
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed September 23, 2026, 8:10 a.m., effective October 24, 2026]

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

Purpose: Clarify the department of licensing's authority to deny, cancel, or refuse to renew confidential and undercover license plates based on the conduct of units of local government, state departments, agencies and officials, and federal departments and agencies.

Citation of Rules Affected by this Order: Amending WAC 308-96A-080 Undercover and confidential license plates—Application procedures, and 308-96A-095 Undercover or confidential license plates—Cancellation.

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

Adopted under notice filed as WSR 26-16-090 on August 5, 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 23, 2026.

Kelsey Stone
Legislative 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.