



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Licensing

- Preproposal Statement of Inquiry was filed as WSR 08-18-066 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) WAC 308-104-160: Moving and nonmoving violations defined.

Hearing location(s):

Highways-Licenses Building, Conference Room 413
1125 Washington Street SE
Olympia, Washington 98507
(check in at counter on first floor)

Date: January 22, 2014 Time: 3:00 pm

Submit written comments to:

Name: Clark J. Holloway
Address: PO Box 9030
Olympia, WA 98507-9030
e-mail cholloway@dol.wa.gov
fax (360)570-7048 by (date) January 21, 2014

Assistance for persons with disabilities: Contact

Clark J. Holloway by January 21, 2014
TTY (360) 664-0116 or (360) 902-3846

Date of intended adoption: January 23, 2014
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Update WAC 308-104-160 to include texting while driving a commercial motor vehicle and using a hand-held mobile telephone while driving a commercial motor vehicle in the definition of "moving violations."

Reasons supporting proposal: The offenses of texting while driving a commercial motor vehicle and using a hand-held mobile telephone while driving a commercial motor vehicle were added to the list of "serious traffic violations" in RCW 46.25.010(18) by the legislature in chapter 224, section 2, Laws of 2013. In order to ensure that notices of failure to appear, respond, or comply in response to notices of infractions issued for these two offenses are reported to the Department under RCW 46.20.289, it is necessary to include them in the list of moving violations under WAC 308-104-160.

Statutory authority for adoption: RCW 46.01.110, 46.20.2891
46.20.291, and 46.65.020

Statute being implemented: RCW 46.20.2891

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE
December 18, 2013

NAME (type or print)
Damon Monroe

SIGNATURE
Damon Monroe

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 18, 2013
TIME: 10:09 AM

WSR 14-01-103

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Department of Licensing

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	
Drafting..... Clark J. Holloway	Highways-Licenses Building, Olympia, Washington	(360) 902-3846
Implementation.... Julie Knittle	Highways-Licenses Building, Olympia, Washington	(360) 902-3763
Enforcement..... Julie Knittle	Highways-Licenses Building, Olympia, Washington	(360) 902-3763

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

A small business economic impact statement is not required because the rule does not regulate or impact business activities.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328(5)(a)(i).