

NEW SECTION

**WAC 308-102-085 Agreements for payment of damages—Effect on administrative proceedings.** An individual that submits a written payment agreement to the department in accordance with RCW 46.29.140, waives any further review to the validity of the department's action. Any pending document review, administrative interview, or formal hearing shall be canceled upon receipt of the written payment agreement.

AMENDATORY SECTION (Amending WSR 92-08-045, filed 3/25/92, effective 4/25/92)

**WAC 308-102-100 Request for informal settlement—Effect, timeliness.** Pursuant to WAC 10-08-230, regarding informal settlements, any person notified of the requirement of depositing security and suspension for failure to deposit security under the Financial Responsibility Act, chapter 46.29 RCW, may within fifteen days of the date of the notice of intent to suspend his or her driver's license or nonresident privilege to drive request (~~((either))~~) an interview (~~((or document review))~~) before a presiding officer. The request may be oral or written, but if made orally, such request must be confirmed by the person in writing within five days following such request.

Upon receipt of a timely request for interview (~~((or document review))~~), the suspension shall be stayed pending the outcome of the document review or interview.

If the person does not request (~~((a document review or))~~) an interview within the time specified above, or fails to attend an interview scheduled at the person's request, said person shall have waived his or her right to any further administrative remedies, including the formal hearing, and the suspension of the person's driver's license or driving privilege shall become effective.

AMENDATORY SECTION (Amending WSR 92-08-045, filed 3/25/92, effective 4/25/92)

**WAC 308-102-190 Informal settlement—~~((Document review or))~~ Interview—Decision.** Upon conclusion of (~~((a document review or))~~) an interview the presiding officer shall make findings on the matter under consideration and shall sustain, modify, or reverse the department's notice of intention to suspend and/or the amount of security required. The department shall notify the person of the presiding officer's decision and said person's right to request a formal administrative hearing in writing by first class mail sent to the last address of record. A copy of the presiding officer's findings shall be sent to the person with the notice of the decision and right to a formal hearing. Upon receipt of a timely request for formal hearing the order for the deposit of security and suspension for failure to deposit security shall be stayed pending the results of the hearing.

AMENDATORY SECTION (Amending WSR 92-08-045, filed 3/25/92, effective 4/25/92)

**WAC 308-102-200 Request for adjudicative proceeding—Formal hearing.** Any person who is aggrieved by the interview (~~or document review decision~~) of the department may request a formal hearing on the matter. The request for formal hearing must be in writing and must be addressed to the department of licensing and postmarked within fifteen days following the mailing of the decision of the department to the person. Failure to make timely request for a formal hearing to the department shall be considered a withdrawal of the person's request for adjudicative proceedings and shall result in a waiver of the person's right to such hearing and the decision of the department shall become final.

If a timely request for a formal hearing is made, the department shall notify the person of the time (~~and place~~) of such hearing in writing, and mail such notice to the person's last address of record, at least twenty days in advance of the hearing date. In accordance with RCW 34.05.449(3), the hearing shall be by telephone or other electronic means. If in the discretion of the presiding officer an in-person hearing is necessary, the hearing shall be held within a reasonable distance of the county wherein the person resides, or, if the person is a nonresident of Washington, in the county where the accident occurred. The notice shall include the information required by RCW 34.05.434(2).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-102-130 Informal settlement—Document review.