



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 10, 2017

TIME: 9:29 AM

WSR 17-21-026

Agency: Department of Licensing

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: These rule amendments reflect changes in the distracted driving laws. Specifically, 'use of a personal electronic device while driving' and 'dangerously distracted driving' will be included in the model traffic ordinance and the moving and nonmoving violations rules. The driver training school WAC is updated to reflect the accurate RCW reference for 'use of a personal electronic device while driving'. This rulemaking is necessary to meet the requirements of SSB 5289 (2017) – Modifying the infraction of and penalties for distracted driving.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 308-104-160, 308-108-165, 308-330-464

Suspended:

Statutory authority for adoption: RCWs 46.01.110, 46.20.2891, 46.82.290, and 46.90.010

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 17-18-086 on 09/05/2017 (date).

Describe any changes other than editing from proposed to adopted version: The adopted language puts references to the repealed statutes (RCWs 46.61.667(1)(b) and 46.61.668(1)(b)) back into WAC 308-104-160 – Moving and nonmoving violations defined. This is because commercial driver's license holders can still be cited for these infractions in other states and the department needs the ability to add these references to the driver's record.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>3</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>3</u>	Repealed	___
-----	-----	---------	----------	----------	-----

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>3</u>	Repealed	___

Date adopted: October 10, 2017

Name: Damon Monroe

Title: Rules Coordinator

Signature:

