PROPOSED RULE MAKING

CR-102 (December 2017)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Department of Licensing

☑ Original Notice
☐ Supplemental Notice to WSR
☐ Continuance of WSR _____

☑ Preproposal Statement of Inquiry was filed as WSR 19-21-120 ; 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); or
☐ Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 308-109-010 Definitions, WAC 308-109-020 Motorcycle safety subsidy, and WAC 308-109-030 Improving access to motorcycle ridership and reducing fatalities and serious injuries related to incidents involving motorcycles.

Hearing location(s):

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location: (be specific)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 16, 2020</td>
<td>10:00AM</td>
<td>405 Black Lake BLVD SW, Olympia, WA 98502</td>
<td>Building 1</td>
</tr>
</tbody>
</table>

Date of intended adoption: March 20, 2020 (Note: This is NOT the effective date)

Submit written comments to:
Name: Ellis Starrett
Address: 1125 Washington St SE, Olympia, WA. 98501
Email: rulescoordinator@dol.wa.gov
Fax:
Other: https://www.dol.wa.gov/about/driversrules.html
By (date) March 16, 2020

Assistance for persons with disabilities:
Contact Ellis Starrett
Phone: 360-902-3846
Fax:
TTY:
Email: estarrett@dol.wa.gov
Other:
By (date) March 9, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: WAC 308-109-010 Definitions, WAC 308-109-020 Motorcycle safety subsidy, and WAC 308-109-030 Improving access to motorcycle ridership and reducing fatalities and serious injuries related to incidents involving motorcycles establishes new language related to motorcycle safety in WAC Chapter 308-109. These WACs provide definitions, determine how subsidy funds will be allocated, and further explain how the Department will fulfill its responsibilities to reducing fatalities and serious injuries related to incidents involving motorcycles, which was mandated in RCW 46.81A.020(5).
**Reasons supporting proposal:** This rule will help the Department comply with changes to RCW 46.81A.020, which were effective on January 1, 2020. Motorcycle safety education business owners were involved in the development of these rules and attended several rulemaking workshops before the industry was surveyed about the cost of implementing these rules. Business owners who responded stated that there would be negligible costs associated with implementation and compliance.

**Statutory authority for adoption:** RCW 46.81A.020, 46.01.110

**Statute being implemented:** RCW 46.81A.020

**Is rule necessary because of a:**

- Federal Law? [ ] Yes [ ] No
- Federal Court Decision? [ ] Yes [ ] No
- State Court Decision? [ ] Yes [ ] No

If yes, CITATION:

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

**Name of proponent:** (person or organization) [ ] Private [ ] Public [ ] Governmental

**Name of agency personnel responsible for:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting:</td>
<td>Bryan Jackson 1125 Washington ST SE, Olympia, WA 98501</td>
<td>360-902-3664</td>
</tr>
<tr>
<td>Implementation:</td>
<td>Bryan Jackson 1125 Washington ST SE, Olympia, WA 98501</td>
<td>360-902-3664</td>
</tr>
<tr>
<td>Enforcement:</td>
<td>Bryan Jackson 1125 Washington ST SE, Olympia, WA 98501</td>
<td>360-902-3664</td>
</tr>
</tbody>
</table>

**Is a school district fiscal impact statement required under RCW 28A.305.135?** [ ] Yes [ ] No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

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

- Name: Ellis Starrett
- Address: 1125 Washington ST SE, Olympia, WA 98501
- Phone: 360-902-3846
- Fax:
- TTY:
- Email: estarrett@dol.wa.gov
- Other:

☐ No: Please explain:
Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b) (Internal government operations)
☐ RCW 34.05.310 (4)(c) (Incorporation by reference)
☐ RCW 34.05.310 (4)(d) (Correct or clarify language)
☐ RCW 34.05.310 (4)(e) (Dictated by statute)
☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
☐ RCW 34.05.310 (4)(g) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

Complete this section only if no exemption applies

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☒ No  Briefly summarize the agency’s analysis showing how costs were calculated. ______

☐ Yes  Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:
During the rule writing workshops, motorcycle safety education business owners discussed the minimal impact that this model would impose on their businesses and that it would not impose any costs. An email was then sent out to all of the business impacted with the foreseen impacts outlined and the draft rule language. They were given over three weeks to respond. Responding businesses reported that the rules would not have an economic impact on their business. There were two responses that conveyed concerns about implementation and procedures. The DOL is committed to working collaboratively with the businesses to implement the rules and minimize the amount of labor, material, and resources required to request reimbursement as much as possible.

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Ellis Starrett
Address: 1125 Washington ST SE, Olympia, WA 98501
Phone: 360-902-3846
Fax: 
TTY: 
Email: estarrett@dol.wa.gov
Other:
<table>
<thead>
<tr>
<th>Date:</th>
<th>February 5, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Ellis Starrett</td>
</tr>
<tr>
<td>Title:</td>
<td>Rules and Policy Manager</td>
</tr>
<tr>
<td>Signature:</td>
<td>![Signature Image]</td>
</tr>
</tbody>
</table>