



# PROPOSED RULE MAKING

## CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: September 20, 2023

TIME: 10:46 AM

WSR 23-19-099

Agency: Department of Licensing

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 23-14-114 ; 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) Chapter 308-101 WAC Hearing Procedural Rules

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 31, 2023	10:00 am	<p><b>Join Zoom Meeting</b>  <a href="https://dol-wa.zoom.us/j/81069585123?pwd=Zldxb25PcWF1TXJISGEzcUtPZmdMQT09">https://dol-wa.zoom.us/j/81069585123?pwd=Zldxb25PcWF1TXJISGEzcUtPZmdMQT09</a></p> <p><b>Meeting ID:</b> 810 6958 5123  <b>Passcode:</b> 470074</p> <p>---</p> <p>One tap mobile  +12532158782,,81069585123#,,,*470074# US (Tacoma)  +12532050468,,81069585123#,,,*470074# US</p> <p>---</p> <p>Dial by your location</p> <ul style="list-style-type: none"> <li>• +1 253 215 8782 US (Tacoma)</li> <li>• +1 253 205 0468 US</li> <li>• +1 669 444 9171 US</li> <li>• +1 669 900 6833 US (San Jose)</li> <li>• +1 719 359 4580 US</li> <li>• +1 346 248 7799 US (Houston)</li> <li>• +1 408 638 0968 US (San Jose)</li> <li>• +1 305 224 1968 US</li> <li>• +1 309 205 3325 US</li> <li>• +1 312 626 6799 US (Chicago)</li> <li>• +1 360 209 5623 US</li> <li>• +1 386 347 5053 US</li> <li>• +1 507 473 4847 US</li> <li>• +1 564 217 2000 US</li> <li>• +1 646 876 9923 US (New York)</li> <li>• +1 646 931 3860 US</li> <li>• +1 689 278 1000 US</li> </ul>	<p>If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at the highways and licensing building located at 1125 Washington St SE, Olympia, WA 98504.</p>

	<p>• +1 301 715 8592 US (Washington DC)</p> <p>Meeting ID: 810 6958 5123 Passcode: 470074</p> <p>Find your local number: <a href="https://dol-wa.zoom.us/j/81069585123">https://dol-wa.zoom.us/j/81069585123</a></p>
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**Date of intended adoption:** November 1, 2023 (Note: This is **NOT** the effective date)

<p><b>Submit written comments to:</b></p> <p>Name: Kelsey Stone Address: 1125 Washington St SE Olympia, WA 98504 Email: <a href="mailto:rulescoordinator@dol.wa.gov">rulescoordinator@dol.wa.gov</a> Fax: Other: By (date) <u>October 30, 2023</u></p>	<p><b>Assistance for persons with disabilities:</b></p> <p>Contact <u>Kelsey Stone</u> Phone: 360-902-0131 Fax: TTY: Email: <a href="mailto:rulescoordinator@dol.wa.gov">rulescoordinator@dol.wa.gov</a> Other: By (date) <u>October 21, 2023</u></p>
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**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Creating a new chapter under WAC 308-101 to define business rules, guidelines, and the process for conducting administrative reviews of the petitioner's CDL disqualifications based on an adverse decision on the Admin Per Se/ Implied Consent hearing, per RCW 46.20.308.

**Reasons supporting proposal:** These rule changes will provide due process to CDL endorsed petitioners based on the Admin Per Se/ Implied Consent administrative hearings decision impacting personal driving privileges, by confirming that sanctions against driving privileges don't exceed statutory guidelines. It also provides a separate opportunity for due process of the CDL disqualification under RCW 46.20.245 and 49 U.S.C. § 383.51, as recommended by the Assistant Attorney General's review of current processes

**Statutory authority for adoption:** RCW 34.05.220 Rules for agency procedure – Indexes of opinions and statements

**Statute being implemented:** Chapter 308-101 WAC Hearing Procedural Rules

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

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

**Type of proponent:**  Private  Public  Governmental

**Name of proponent:** (person or organization) N/A

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Kelsey Stone	1125 Washington St SE Olympia, WA 98504	360-902-0131
Implementation:	Marta Reinhold	1125 Washington St SE Olympia, WA 98504	360-664-1488
Enforcement:	Marguerite Friedlander	1125 Washington St SE Olympia, WA 98504	360-664-1523

**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:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: The proposed rulemaking cleans up language for administrative processes and does not impose any costs.

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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)(e)  
(Dictated by statute)

[RCW 34.05.310](#) (4)(c)  
(Incorporation by reference)

[RCW 34.05.310](#) (4)(f)  
(Set or adjust fees)

[RCW 34.05.310](#) (4)(d)  
(Correct or clarify language)

[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 19.85.025](#)(4) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Date:** September 20, 2023

**Name:** Ellis Starrett

**Title:** Rules and Policy Manager

**Signature:**

A handwritten signature in black ink, appearing to read 'Ellis Starrett', written in a cursive style.