PROPOSED RULE MAKING

CR-102 (July 2022)
(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 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: October 31, 2023 10:00 am
Location: (be specific)
Meeting ID: 810 6958 5123
Passcode: 470074

Join Zoom Meeting https://dol-wa.zoom.us/j/81069585123?pwd=Zldxb25PcWF1TXJISGEzcUtPZmdMQT09

Meeting ID: 810 6958 5123
Passcode: 470074

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.

Comment:
October 31, 2023 10:00 am
Join Zoom Meeting https://dol-wa.zoom.us/j/81069585123?pwd=Zldxb25PcWF1TXJISGEzcUtPZmdMQT09

Meeting ID: 810 6958 5123
Passcode: 470074

One tap mobile
+12532158782,,81069585123#,,,*470074# US (Tacoma)
+12532050468,,81069585123#,,,*470074# US

Dial by your location
• +1 253 215 8782 US (Tacoma)
• +1 253 205 0468 US
• +1 669 444 9171 US
• +1 669 900 6833 US (San Jose)
• +1 719 359 4580 US
• +1 346 248 7799 US (Houston)
• +1 408 638 0968 US (San Jose)
• +1 305 224 1968 US
• +1 309 205 3325 US
• +1 312 626 6799 US (Chicago)
• +1 360 209 5623 US
• +1 386 347 5053 US
• +1 507 473 4847 US
• +1 564 217 2000 US
• +1 646 876 9923 US (New York)
• +1 646 931 3860 US
• +1 689 278 1000 US
Date of intended adoption: November 1, 2023 (Note: This is NOT the effective date)

Submit written comments to:
Name: Kelsey Stone
Address: 1125 Washington St SE Olympia, WA 98504
Email: rulescoordinator@dol.wa.gov
Fax: 
Other: By (date) October 30, 2023

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 disqualification 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 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)](http://www.governor.wa.gov) 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](http://www.governor.wa.gov)). For additional information on exemptions, consult the [exemption guide published by ORIA](http://www.governor.wa.gov). 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 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 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](http://www.governor.wa.gov)):
- ☐ 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: