



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: October 18, 2023
TIME: 8:16 AM

WSR 23-21-097

Agency: Department of Licensing

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR 23-11-147 ; 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 308-109 WAC Motorcycle Permit and Endorsement Requirements

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 27, 2023	2:00 pm	<p>Join Zoom Meeting https://dol-wa.zoom.us/j/86155634629?pwd=cYRmbGNG4kWjOanJqalUxNYNGAeVrp.1</p> <p>Meeting ID: 861 5563 4629 Passcode: 235384</p> <p>---</p> <p>One tap mobile +12532158782,,86155634629#,,, *,235384# US (Tacoma) +12532050468,,86155634629#,,, *,235384# US</p> <p>---</p> <p>Dial by your location</p> <ul style="list-style-type: none"> • +1 253 215 8782 US (Tacoma) • +1 253 205 0468 US • +1 408 638 0968 US (San Jose) • +1 669 444 9171 US • +1 669 900 6833 US (San Jose) • +1 719 359 4580 US • +1 346 248 7799 US (Houston) • +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 	<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>

	<ul style="list-style-type: none"> +1 301 715 8592 US (Washington DC) +1 305 224 1968 US <p>Meeting ID: 861 5563 4629 Passcode: 235384</p> <p>Find your local number: https://dol-wa.zoom.us/j/kdV7bBgfK8</p>
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Date of intended adoption: November 28, 2023 (Note: This is **NOT** the effective date)

<p>Submit written comments to:</p> <p>Name: Kelsey Stone Address: 1125 Washington St SE Olympia, WA 98504 Email: rulescoordinator@dol.wa.gov Fax: Other: By (date) <u>November 20, 2023</u></p>	<p>Assistance for persons with disabilities:</p> <p>Contact <u>Kelsey Stone</u> Phone: 360-902-0131 Fax: TTY: Email: rulescoordinator@dol.wa.gov Other: By (date) <u>November 17, 2023</u></p>
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Purpose of the proposal and its anticipated effects, including any changes in existing rules: Creating new chapters in WAC to address criteria for issuance of motorcycle instructional permits and endorsements, for both 2-wheel and 3-wheel motorcycles. These new chapters will address the length of validity for motorcycle permit and endorsement tests.

Reasons supporting proposal: Currently issuance criteria are only written in DOL internal policy and are not customer facing in state law or rules. This rulemaking will codify the requirements for issuance of a 2-wheel or 3-wheel motorcycle permit or endorsement. It will also set the length of validity for each criteria.

Statutory authority for adoption: RCW 46.20.510 Instruction permit – Fee – Examinations – Director may adopt and enforce rules

Statute being implemented: WAC 308-109-010 Definitions; WAC 308-109-040 Outlining requirements for 2-wheel motorcycle instruction permit and endorsement; WAC 308-109-050 Outlining requirements for 3-wheel motorcycle instruction permit and endorsement; and WAC 308-109-060 Reinstatement of surrendered endorsements and reciprocity

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:	Colton Myers	1125 Washington St SE Olympia, WA 98504	360-634-5094
Implementation:	Robert Willis	1125 Washington St SE Olympia, WA 98504	360-688-3753
Enforcement:	Bryan Jackson	1125 Washington St SE Olympia, WA 98504	360-902-3854

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: This rulemaking codifies criteria for issuance of motorcycle instructional permits and endorsements and does not have any associated fiscal impacts.

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:

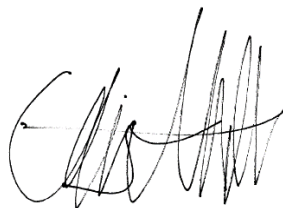
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Signature:

Date: October 18, 2023

Name: Ellis Starrett

Title: Rules and Policy Manager

A handwritten signature in black ink, appearing to read "Ellis Starrett", is written over a faint dotted line. The signature is cursive and somewhat stylized.