



PROPOSED RULE MAKING

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 22, 2024
TIME: 3:07 PM

WSR 24-21-149

Agency: Department of Licensing

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

- Preproposal Statement of Inquiry was filed as WSR 24-09-083 ; 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 308-66-110 Definitions.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 6, 2024	11:00 am	Join the Teams meeting here. Meeting ID: 215 301 082 920 Passcode: v5d4A4	If you are having trouble accessing the virtual meeting, please call 360-902-3486 at the time of the hearing to request assistance. Please email rulescoordinator@dol.wa.gov if you would like to request an interpreter, or other accommodations, at least one week in advance of the public hearing. PLEASE NOTE: Hearing participants are encouraged to attend in-person or be prepared to use the telephonic option (call-in) if they experience technical difficulties. In-person attendance will take place at the Highways and Licensing Building, 1125 Washington St. SE, Olympia, WA 98504.
		Dial in by phone +1 564-999-2000 , 462745124# United States, Olympia Find a local number Phone conference ID: 462 745 124#	

Date of intended adoption: December 7, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Ellis Starrett
 Address: 1125 Washington St. SE, Olympia, WA 98504
 Email: rulescoordinator@dol.wa.gov
 Fax:
 Other:
 By (date) December 6, 2024

Assistance for persons with disabilities:

Contact Ellis Starrett
 Phone: 360-902-3846
 Fax:
 TTY:
 Email: rulescoordinator@dol.wa.gov
 Other:
 By (date) November 26, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rule seeks to improve regulatory compliance for vehicle dealers and manufacturers by clarifying definitions related to certain vehicle dealer and manufacturer activities under Chapter 46.70 RCW Dealers and Manufacturers. The proposed amendment further defines the "soliciting" of a sale and creates a new definition for the act of "public education". Additionally, the proposed amendment adds examples of what constitutes "public education".

Reasons supporting proposal: Currently, there is ambiguity around what constitutes the "soliciting" of a sale and "public education". This has created difficulties for vehicle dealers and manufacturers operating within Washington State with respect to compliance. These amendments will clarify what qualifies as the "soliciting" of a sale and "public education".

Statutory authority for adoption: RCW 46.01.110 Rule-making authority; and RCW 46.70.160 Rules and regulations.

Statute being implemented: RCW 46.70.011 Definitions

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

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:	Ellis Starrett	1125 Washington St. SE, Olympia, WA 98504	360-902-3846
Implementation:	Bill Dutra	405 Black Lake Blvd SW, Olympia, WA 98502	(360) 664-6510
Enforcement:	Robert Jelvick	405 Black Lake Blvd SW, Olympia, WA 98502	(360) 664-1448

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: These rules do not grant or revoke a benefit for any individual that was not already established in law. These rules clarify existing requirements in law without imposing new fees or penalties.

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:
- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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. These rules do not grant or revoke a benefit for any individual that was not already established in law. These rules clarify existing requirements in law without imposing new fees or penalties.
- 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: October 23, 2024

Name: Ellis Starrett

Title: Rules and Policy Manager

Signature:

