



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: November 20, 2024
TIME: 10:32 AM

WSR 24-23-103

Agency: Department of Licensing

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

- Preproposal Statement of Inquiry was filed as WSR 24-20-140 ; 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) Repealing WAC 308-101-230 (4) Final Orders

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
January 6, 2025	11:00 AM	Microsoft Teams Need help? Join the meeting now Meeting ID: 213 753 764 625 Passcode: CR466o	Please note that there is both an in-person and a virtual option. If you are not able to sign-in using Teams, your only option may be phone. Please plan on attending in-person if the call in option is not a preferred method of participating.
		Dial in by phone +1 564-999-2000,,768700343# United States, Olympia (833) 322-1218,,768700343# United States (Toll-free) Find a local number Phone conference ID: 768 700 343# For organizers: Meeting options Reset dial-in PIN	

Date of intended adoption: January 7, 2025 (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 _____ Beginning (date and time) _____ By (date and time) January 6, 2025	Assistance for persons with disabilities: Contact Ellis Starrett Phone 360-902-3846 Fax _____ TTY _____ Email rulescoordinator@dol.wa.gov Other _____ By (date) <u>December 30, 2024</u>
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Purpose of the proposal and its anticipated effects, including any changes in existing rules: After analysis of our commercial driver's license (CDL) disqualification procedures, DOL is proposing to repeal WAC 308-101-230 (4) to allow for these CDL disqualifications to be addressed within the personal driver's license hearing procedures pursuant to RCW 46.20.308 Implied consent – Test refusal - Procedures.

Reasons supporting proposal: Repeal of WAC 308-101-230 (4) will provide clarity and alignment with statute by allowing for these CDL disqualifications to be addressed within the personal driver's license hearing procedures pursuant to RCW 46.20.308 Implied consent – Test refusal – Procedures.

Statutory authority for adoption: RCW 46.01.110 Rule-making authority

Statute being implemented: RCW 46.20.308 Implied consent—Test refusal—Procedures

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:

Name of proponent: (person or organization) Department of Licensing

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Colton Myers	1125 Washington St SE, Olympia, WA 98504	564-464-5716
Implementation	Marta Reinhold	1125 Washington St SE, Olympia, WA 98504	360-664-1488
Enforcement	Marta Reinhold	1125 Washington St SE, Olympia, WA 98504	360-664-1488

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:

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 checked="" 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 checked="" 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. _____
- 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: November 20, 2024

Name: Ellis Starrett

Title: Rules and Policy Manager

Signature:

