



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 06, 2022

TIME: 10:18 AM

WSR 22-14-107

Agency: Department of Licensing

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-10-092 ; 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 308-94A WAC: Off-road and nonhighway vehicles.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
Sept. 9, 2022	2:00PM	<p>Topic: Public Hearing - Chapter 308-94A WAC: Off-road and nonhighway vehicles. Time: Aug 9, 2022 02:00 PM Pacific Time (US and Canada)</p> <p>Join Zoom Meeting: https://dol-wa.zoom.us/j/81274933015?pwd=̂Y3hmNIB2WnZEUHpk1pweDV4VzlnZ09</p> <p>Meeting ID: 812 7493 3015 Passcode: 597575 One tap mobile +12532158782,,81274933015#,,, *597575# US (Tacoma) +14086380968,,81274933015#,,, *597575# US (San Jose)</p> <p>Meeting ID: 812 7493 3015 Passcode: 597575 Find your local number: https://dol-wa.zoom.us/u/kbgWdglfow</p>	<p>In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Department of Licensing will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington State. A telephonic public hearing, without a physical space, will be held instead. Presenters and staff will participate remotely.</p> <p>The public may call into the hearing using the information provided for the telephonic hearing.</p>

Date of intended adoption: 8/10/2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Ellis Starrett

Address: Department of Licensing

PO Box 9030

Olympia, WA 98507-9030

Email: rulescoordinator@dol.wa.gov

Fax: (360) 570-7827

Other:

By (date) _____

Assistance for persons with disabilities:

Contact [Ellis Starrett](#)

Phone: 360-902-3846

Fax:

TTY:

Email: estarrett@dol.wa.gov

Other:

By (date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The amendment updates agency rules so that wheeled all-terrain vehicles no longer need to be retitled after being modified for on-road use, with the effect of easing compliance and reducing administrative burden. The proposal also enacts technical clean-ups in the affected section.

Reasons supporting proposal: This rule change is necessary to streamline and clarify the registration and titling process for wheel all-terrain vehicles, in accordance with stakeholder input and internal process reviews. Removing the retitling requirement aids owners of wheeled all-terrain vehicles by reducing the number of transactions required to stay in compliance.

Statutory authority for adoption: RCW 46.01.110

Statute being implemented: N/A

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

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

Private

Public

Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Ellis Starrett	1125 Washington Street SE, Olympia, WA 98504	(360) 902-3846
Implementation:	George Price	1125 Washington Street SE, Olympia, WA 98504	(360) 902-0120

Enforcement:

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: Ellis Starrett
Address: Department of Licensing
PO Box 9030
Olympia, WA 98507-9030
Phone: 360-902-3846
Fax:
TTY:
Email:
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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 _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If 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 analysis showing how costs were calculated. Vehicle licensing subagents may experience a negligible decrease in business because a small number of transactions that would otherwise be required by rule will no longer be required. DOL data shows that approximately 1,3000 of these transactions occurred in 2021, spread across approximately 180 subagent offices. The fee for a WATV title transaction of this nature is \$15. The aggregate reduction in collected fees for licensing subagents is estimated at \$19,500, or \$108.33 per office. This amount exceeds the threshold "minor cost" of \$100 but does not exceed either 0.3% of annual revenue or income, or 1 percent of annual payroll, for an average office.

For context, in 2021 statewide across all licensing partners, there were 758,088 original title transactions, 1,178,718 title transfers, and 585,739, with each being subject to the same \$15 fee. Additional registration work also provides further revenues to subagents or other licensing partners.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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: July 6, 2022

Name: Ellis Starrett

Title: Rules and Policy Manager

