WAC 446-105-040 Brief adjudicative proceedings. (1) Adoption of brief adjudicative proceedings. Under RCW 34.05.410 (1)(a), and except as provided in subsection (2) of this section, the patrol hereby adopts the use of brief adjudicative proceedings for the following matters:

(a) Mitigation hearings in which the petitioner has admitted to the violation, under WAC 446-105-130;

(b) Payment plan hearings in which the petitioner has admitted to the violation, under WAC 446-105-140; and

(c) Contested hearings in which the only issue being raised is a denial of responsibility under RCW 46.63.075.

(2) Infractions sent to businesses, including rental car companies, shall not be considered matters appropriate for brief adjudicative proceedings.

(3) Conversion to a formal adjudicative proceeding. The administrative law judge may, in their sole discretion, convert a brief adjudicative proceeding to a formal adjudicative proceeding whenever it appears that a brief adjudicative proceeding is insufficient to resolve the case.

(a) When a brief adjudicative proceeding is converted to a formal adjudicative proceeding, the OAH shall issue a new notice of hearing for a date not less than 15 calendar days from the date of the notice; and

(b) The OAH shall serve the petitioner and the patrol with the new notice of hearing.

(4) Procedure for brief adjudicative proceedings. The following procedure applies to brief adjudicative proceedings:

(a) An administrative law judge with the OAH will conduct the brief adjudicative proceeding.

(b) Not less than 14 calendar days before the date of the hearing, the OAH shall serve notice on the petitioner that a brief adjudicative proceeding will occur. The notice of hearing will contain the following:

(i) The date of the brief adjudicative proceeding;

(ii) Notice that the petitioner may submit additional relevant documentary evidence and sworn statements, if desired, along with a date by which these submissions must be made and instructions for doing so;

(iii) Notice that the administrative law judge's decision will be based on the written materials unless, within 10 calendar days of receiving the notice of hearing, the petitioner requests in writing to appear telephonically to submit sworn oral testimony.

(c) The administrative law judge, in their sole discretion, may send a written request for additional evidence to the petitioner or the patrol. The request will contain instructions for how to submit the additional evidence and the date by which additional evidence must be submitted.

(d) The administrative law judge's review will be limited to the record identified in subsection (5) of this section.

(e) If the petitioner has submitted a written request to appear telephonically, the administrative law judge will entertain oral testimony from the petitioner at a time and place designated by the administrative law judge.

(f) No witnesses, other than the petitioner, may offer oral testimony.

(g) Formal discovery, including depositions and interrogatories, is not allowed.

(h) The administrative law judge will issue an initial order within 15 calendar days of the date for final submission of written materials or oral testimony, if any.

(5) Record for brief adjudicative proceedings. The record for brief adjudicative proceedings will consist of the following:

(a) The hearing packet;

(b) Any additional records, sworn declarations, or oral testimony submitted by the petitioner; and

(c) Any additional evidence submitted by the parties at the written request of the administrative law judge.

(6) Effectiveness of orders on brief adjudicative proceedings. Initial orders on brief adjudicative proceedings shall become final 21 calendar days after mailing of the initial order unless the petitioner or the patrol files a written petition for review.

(a) A petition for review of the initial order must have resulted in a decision against the petitioning party.

(b) The petition must:

(i) Be filed with the OAH in accordance with WAC 10-08-110 within 21 calendar days of mailing of the initial order; and

(ii) Contain a concise statement of the issue(s) to be reviewed.

(c) The reviewing officer will be an administrative law judge with the OAH.

(d) Review is limited to the evidence and arguments included in the hearing record, as well as any arguments in the petition. Additional evidence will not be considered unless the administrative law judge expressly reopens the record after notifying the parties of the intention to do so.

(e) The reviewing officer will issue a written final order which must include a brief statement of the reason(s) for the decision, and must be entered within 20 calendar days after the petition for review is filed with the OAH.

[Statutory Authority: RCW 46.63.200. WSR 26-16-005, s 446-105-040, filed 7/23/26, effective 8/23/26; WSR 25-03-026, s 446-105-040, filed 1/7/25, effective 2/7/25.]