



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Attorney General's Office

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>06/02/2009</u> ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) The Attorney General proposed amending the following sections of chapter 44-10 WAC: 44-10-010 Definitions; 44-10-020 Designation of manufacturer contract; 44-10-031 Effect of request for arbitration filing; 44-10-040 Attorney General screening of arbitration requests; 44-10-050 Assignment to board; 44-10-060 Powers and duties of arbitration special master; 44-10-070 Manufacturer's statement; 44-10-080 Manufacturer's option to request a viewing of motor vehicle; 44-10-090 Arbitration fee; 44-10-100 Subpoenas; 44-10-110 Scheduling of arbitration hearings; 44-10-120 Withdrawal; 44-10-150 Settlement of dispute; 44-10-170 Powers and duties of arbitrators; 44-10-180 The arbitration hearing; 44-10-200 The arbitration decision; 44-10-221 Resale documents -- Attorney general procedures; 44-10-222 Manufacturer duties upon receipt of a returned vehicle; 44-10-300 Imposition of fine for manufacturer noncompliance with an arbitration decision; 44-10-310 Request for review of imposition of fine.

<p>Hearing location(s):</p> <p>Office of the Attorney General 800 Fifth Ave Ste. 2000 Seattle, Washington 98104</p> <p>Attendance through webinar connection by request to: lemon@atg.wa.gov Subject: Rulemaking Webinar Request</p> <p>Date: <u>November 6, 2009</u> Time: <u>10:00 AM</u></p> <p>Date of intended adoption: <u>December 11, 2009</u> (Note: This is NOT the effective date)</p>	<p>Submit written comments to:</p> <p>Name: Paul N. Corning, Lemon Law Administrator Address: Office of the Attorney General 800 Fifth Ave Ste. 2000 Seattle, Washington 98104 E-mail lemon@atg.wa.gov Subject: "Rule Making Comments" Fax (206)464-6451 ATTN: Paul N. Corning by (date) <u>5:00 PM November 2, 2009</u></p> <p>Assistance for persons with disabilities: Contact <u>Paul N. Corning by November 2, 2009</u> TTY (800) 833-6384 WA Relay Service or (206) 464-6372</p>
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Purpose of the proposal and its anticipated effects, including any changes in existing rules:
44-10-010 Adding definition of "manufacturer dispute program" for clarification of existing rules; 44-10-020 Adding 'email' to designated contact information provided by a manufacturer; 44-10-031 Updating a citation and clarify effect of filing a claim; 44-10-040 Updating to reflect new statutory procedures regarding review and acceptance or rejection of consumer requests for arbitration; 44-10-050 Updating to reflect new statutory procedures regarding assignment of requests for arbitration to the New Motor Vehicle Arbitration Board; 44-10-060(1)-(3) Updating and adding clarifications to reflect new statutory procedures regarding requests for special master arbitrator hearings; 44-10-070 Editorial clarification without change to effect; 44-10-080 Editorial clarification without change to effect; 44-10-090 Updating to reflect statutory change ending fee collection from out of state consumers; 44-10-100(1) and (3) Updating to reflect statutory changes regarding board duties, allowing use of email; 44-10-110 Updating to reflect statutory change allowing use of email; 44-10-120 Editorial clarification without change to effect; 44-10-150 Update reflecting statutory change regarding board duties; 44-10-170 Editorial clarification without change to effect; 44-10-180 Clarification without change to effect; 44-10-200(1),(1)(a)(iii) and (d), (2), (3)(a), (3)(a)(ii), (c), (e), (f), (g), and (6) Editorial clarifications without change to effect, updating to reflect new statutory procedures regarding issuance of arbitration decisions, allowing use of email, motor home manufacturer distribution of liability, and manufacturer liability; 44-10-221 Editorial clarification without change to effect regarding resale documents for vehicles reacquired under RCW 19.118 through manufacturer dispute programs; 44-10-222 Clarification without change to effect, establishing directions relating to a new statutory requirement for manufacturers to obtain title to certain manufacturer reacquired new motor vehicles, and alternative placement location of a disclosure windshield display; 44-10-300 Update reflecting statutory change allowing use of email; 44-10-310 Updating reflecting statutory change allowing use of email.

Statutory authority for adoption: RCW 19.118.080(2); RCW 19.118.061.	Statute being implemented: Chapter 19.118 RCW
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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:

DATE
August 27, 2009

NAME (type or print)
Rob McKenna

SIGNATURE *Rob McKenna*

TITLE
Attorney General

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 21, 2009
TIME: 1:17 PM

WSR 09-19-106

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Attorney General Rob McKenna

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Paul N. Corning	Seattle, WA	(206) 464-3672
Implementation....Paul N. Corning	Seattle, WA	(206) 464-6372
Enforcement..... Doug Walsh, Sr. AAG	Seattle, WA	(206) 464-6388

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency expects these rule modifications to have no negative small business impact. The proposed modifications to existing rules do not impose any new or additional costs on any business or industry beyond those associated with minimum compliance with statutory obligations pursuant to chapter 19.118 RCW.

For a copy of the complete economic compliance analysis, please contact: Paul N. Corning, Lemon Law Administrator, 800 Fifth Avenue, Suite 2000, Seattle, WA 98104 Call: 206.464.6372 Email: lemon@atg.wa.gov Subject Line: "Rule Making – CR 102 SBEI".

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 () _____

e-mail _____

No: Please explain:

Pursuant to RCW 34.05.328(5)(a)(1), this agency is not an agency mandated to comply with RCW 34.05.328.

Pursuant to RCW 34.05.328(5)(b)(ii), these proposed rule changes in whole or part relate only to internal governmental operation: 44-10-040 44-10-050; 44-10-060; 44-10-100(1); 44-10-170; 44-10-200(1),(1)(a)(iii), (2), (e), and (f); 44-10-221.

Pursuant to RCW 34.05.328(5)(b)(iv), these proposed rule changes in whole or part clarify language of a rule without changing its effect: 44-10-010; 44-10-031; 44-10-070; 44-10-080; 44-10-120; 44-10-170; 44-10-180; 44-10-200(1)(a)(iii), (3)(a), (3)(a)(ii), (c), (e), (f), and (g); 44-10-221; 44-10-222.

Pursuant to RCW 34.05.328(5)(b)(iii) and (v), these proposed rule changes in whole or part adopt without material change Washington state statutes and/or have content that is explicitly and specifically dictated by statute: 44-10-020 44-10-031; 44-10-040; 44-10-050; 44-10-070; 44-10-080; 44-10-090; 44-10-100(1) and (3); 44-10-110; 44-10-200(1),(1)(a)(iii)and (d), (2), (3)(a), (3)(a)(ii), (c), (e), (g), and (6); 44-10-222; 44-10-300; 44-10-310.