WAC 308-105-030 Enhanced driver's license or identicard denial—Hearing. (1) Within 20 days of the date of notification by the department that an application for an enhanced driver's license or identicard has been denied under WAC 308-105-020(6), the aggrieved person may submit a written request for a formal hearing to contest the department's decision.

(2) Within 20 days of receipt of a request for a formal hearing, the department shall notify the requester in writing of the time and location of the hearing.

(3) The hearing shall be conducted by a hearing officer appointed by the director. The director may delegate the authority to render final decisions to the hearing officer.

(4) The scope of the hearing shall be limited to the following issues:

(a) Has the applicant provided the necessary documentation and information;

(b) Has the applicant established their identity;

(c) Has the applicant established that they are a United States citizen; and

(d) Has the applicant established that they maintain permanent residency in the state of Washington?

(5) The person shall have the burden of providing that they have established the requirements listed in subsection (4) of this section.

(6) Upon conclusion of the hearing, the hearing officer shall make written findings on the matter under consideration and shall sustain, modify, or reverse the department's denial of the application for an enhanced driver's license or identicard. The department shall notify the person of the hearing officer's decision and of the person's right to request an appeal in the superior court in the county of their residence in writing either by personal service or by first class mail set to the last address of record.

(7) A person denied an enhanced driver's license or identicard under subsection (6) of this section shall have the right within 30 days after receiving notice of the decision following a formal hearing to file a notice of appeal in the superior court in the county of their residence. The hearing on the appeal hereunder shall be de novo.

(8) If the person does not request a formal hearing within the time specified in subsection (1) of this section, or fails to appear for the hearing, said person shall have waived their right to any further administrative remedies, including the right to appeal, and the case shall be remanded to the department and the department's previous decision denying the enhanced driver's license or identicard shall be affirmed.

[Statutory Authority: RCW 46.01.110, 46.20.202, and 46.25.140. WSR 26-15-017, s 308-105-030, filed 7/7/26, effective 8/7/26. Statutory Authority: RCW 46.01.110 and 46.20.202. WSR 07-22-031, § 308-105-030, filed 10/29/07, effective 11/29/07.]