

RCW 77.135.140 Person aggrieved or adversely affected by department's action—Hearing. (1) A person aggrieved or adversely affected by a quarantine declaration under RCW 77.135.050, a rapid response management action under RCW 77.135.060, an infested site management action under RCW 77.135.070, or a decontamination order under RCW 77.135.130 may contest the validity of the department's actions by requesting a hearing in writing within twenty days of the department's actions.

(2) Hearings must be conducted pursuant to chapter 34.05 RCW and the burden of demonstrating the invalidity of agency action is on the party asserting invalidity. The hearing may be conducted by the director or the director's designee and may occur telephonically.

(3) A hearing on a decontamination order is limited to the issues of whether decontamination was necessary and the reasonableness of costs assessed for any seizure, transportation, and decontamination. If the person in possession of the aquatic conveyance that was decontaminated prevails at the hearing, the person is entitled to reimbursement by the department for any costs assessed by the department or decontamination station operator for the seizure, transportation, and decontamination. If the department prevails at the hearing, the department is not responsible for and may not reimburse any costs. [2014 c 202 s 116.]

Findings—2014 c 202: See note following RCW 77.135.010.