

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

WENDY PEDERSEN,)
)
 Petitioner,)
)
 v.)
)
 STATE OF WASHINGTON,)
 DEPARTMENT OF LICENSING,)
)
 Respondent.)

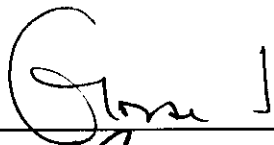
No. 68451-5-I
DIVISION ONE
UNPUBLISHED OPINION
FILED: DEC 30 2013

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COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2013 DEC 30 AM 10:41

PER CURIAM. Wendy Pedersen seeks review of the superior court’s dismissal of her appeal of her license revocation. She contends the court erred in dismissing her appeal under RCW 46.20.385(1)(b) (“A person receiving an ignition interlock driver’s license waives his or her right to a hearing or appeal”) because the statute violates principles of due process and equal protection. Following our recent decision in Nielsen v. Washington State Department of Licensing, __ Wn. App. __, 309 P.3d 1221 (2013) (majority holding that RCW 46.20.385(1)(b) violates substantive due process and is therefore unconstitutional), a commissioner of this court ruled that discretionary review is warranted in this case and asked the parties how they intended to proceed. The parties then filed an agreed motion to reverse and remand for further proceedings in light of Nielsen. The motion is granted.

Reversed and remanded for further proceedings.

For the court:



COX, J.

