
SENATE BILL 5228

State of Washington

58th Legislature

2003 Regular Session

By Senators Regala, Winsley, Rasmussen, Schmidt, Haugen, Kastama and Franklin

Read first time 01/20/2003. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to selling or leasing contaminated property;
2 amending RCW 64.44.010 and 64.44.050; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 64.44.010 and 1999 c 292 s 2 are each amended to read
5 as follows:

6 The words and phrases defined in this section shall have the
7 following meanings when used in this chapter unless the context clearly
8 indicates otherwise.

9 (1) "Authorized contractor" means a person who decontaminates,
10 demolishes, or disposes of contaminated property as required by this
11 chapter who is certified by the department as provided for in RCW
12 64.44.060.

13 (2) "Contaminated" or "contamination" means polluted by hazardous
14 chemicals so that the property is unfit for human habitation or use due
15 to immediate or long-term hazards. Property that at one time was
16 contaminated but has been satisfactorily decontaminated according to
17 procedures established by the state board of health is not
18 "contaminated."

1 (3) "Hazardous chemicals" means the following substances used in
2 the manufacture of illegal drugs: (a) Hazardous substances as defined
3 in RCW 70.105D.020, and (b) precursor substances as defined in RCW
4 69.43.010 which the state board of health, in consultation with the
5 state board of pharmacy, has determined present an immediate or long-
6 term health hazard to humans.

7 (4) "Officer" means a local health officer authorized under
8 chapters 70.05, 70.08, and 70.46 RCW.

9 (5) "Property" means any property, site, structure, or part of a
10 structure which is involved in the unauthorized manufacture or storage
11 of hazardous chemicals. This includes but is not limited to single-
12 family residences, units of multiplexes, condominiums, apartment
13 buildings, storage units, boats, motor vehicles including recreational
14 vehicles and motor homes, trailers, manufactured housing, or any shop,
15 booth, or garden.

16 **Sec. 2.** RCW 64.44.050 and 1999 c 292 s 6 are each amended to read
17 as follows:

18 An owner of contaminated property who desires to have the property
19 decontaminated shall use the services of an authorized contractor
20 unless otherwise authorized by the local health officer. The
21 contractor shall prepare and submit a written work plan for
22 decontamination to the local health officer. The local health officer
23 may charge a reasonable fee for review of the work plan. If the work
24 plan is approved and the decontamination is completed and the property
25 is retested according to the plan and properly documented, then the
26 health officer shall allow reuse of the property. A release for reuse
27 document shall be recorded in the real property records indicating the
28 property has been decontaminated in accordance with rules of the state
29 department of health. The seller or lessor of any decontaminated
30 property that is not real property shall give a copy of the release for
31 reuse document to the purchaser or lessee of the property. If a seller
32 or lessor fails to disclose the fact that a property was formerly
33 contaminated, the purchaser or lessee has the right of rescission and
34 may recover under chapter 19.86 RCW.

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