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HOUSE BILL 1290

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Prentice, Phillips and Wang; by request of Department of Labor & Industries.

Read first time January 25, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the imposition of civil penalties for violation  
2 of the industrial welfare statutes; adding new sections to chapter  
3 49.12 RCW; repealing RCW 49.12.161 and 49.12.170; and prescribing  
4 penalties.

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

6 NEW SECTION. **Sec. 1.** (1) If, after an inspection under RCW  
7 49.12.041, the director, or the director's authorized representative,  
8 finds that an employer has violated a rule or order adopted under this  
9 chapter, a citation stating the violations shall immediately be issued  
10 to the employer. The citation shall be in writing, describing the  
11 nature of the violation including reference to the standards, rules, or  
12 orders alleged to have been violated, and shall fix a specific time for  
13 abatement of the violation. The citation, notice, and proposed penalty  
14 assessment shall be given to the highest management official available  
15 at the workplace or be mailed to the employer. Citations issued under

1 this section shall be posted at or near the place where the violation  
2 occurred, and shall contain an abatement date by which the employer  
3 must correct the violation.

4 (2) The director shall give the employer the opportunity to resolve  
5 the citation. If, after the date stated in the citation for abatement  
6 of the violation, the employer has not corrected the violation, he or  
7 she shall be assessed a civil penalty of not more than five hundred  
8 dollars. An employer who receives a citation under this section shall  
9 pay the amount assessed within thirty days of receipt of the assessment  
10 or notify the director of his or her intent to appeal the citation or  
11 assessment penalty as provided in section 2 of this act.

12 (3) An employer who repeatedly violates the same provision of the  
13 requirements of this chapter, a rule adopted under this chapter, or an  
14 order granting a variance under this chapter, may be assessed a civil  
15 penalty of not more than one thousand dollars for each day the  
16 violation continues.

17 (4) An employer who violates any of the posting requirements of  
18 this chapter or rules adopted under this chapter shall be assessed a  
19 civil penalty of not more than one hundred dollars for each violation.

20 (5) A person who gives advance notice of an inspection to be  
21 conducted under this chapter without the authority of the director  
22 shall be assessed a civil penalty of not more than one thousand  
23 dollars.

24 (6) Penalties assessed under this section shall be paid to the  
25 director and deposited into the general fund.

26 (7) This section shall not apply to violations of RCW 49.12.270  
27 through 49.12.295.

28 NEW SECTION. **Sec. 2.** A person, firm, or corporation aggrieved by  
29 an action taken or decision made by the department under section 1 of

1 this act may appeal the action or decision to the director by filing  
2 notice of the appeal with the director within thirty days of the  
3 department's action or decision. Upon receipt of an appeal, a hearing  
4 shall be held in accordance with chapter 34.05 RCW. The director shall  
5 issue all final orders after the hearing. The final orders are subject  
6 to appeal in accordance with chapter 34.05 RCW. Orders not appealed  
7 within the time period specified in chapter 34.05 RCW are final and  
8 binding.

9 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act are each added  
10 to chapter 49.12 RCW.

11 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each  
12 repealed:

13 (1) RCW 49.12.161 and 1973 2nd ex.s. c 16 s 9; and

14 (2) RCW 49.12.170 and 1973 2nd ex.s. c 16 s 16 & 1913 c 174 s 17.

15 NEW SECTION. **Sec. 5.** If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.