

2 **2SHB 2510 - H AMD 1080 LOST 02/15/94**
3 By Representatives Reams and Dyer

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5 On page 10, beginning on line 9, strike all of section 15 and
6 insert the following:

7 "NEW SECTION. **Sec. 15.** A new section is added to chapter 34.05
8 RCW to read as follows:

9 (1) An agency may immediately impose a penalty otherwise provided
10 for by law for a violation of an administrative rule only if the entity
11 on which the penalty will be imposed has: (a) Previously violated the
12 same rule; or (b) willfully violated the rule. If a penalty is
13 otherwise provided, but may not be imposed under this subsection, the
14 agency shall issue a statement of deficiency.

15 (2) A statement of deficiency shall specify: (a) The particular
16 rule violated; (b) the steps the entity must take to comply with the
17 rule; (c) agency personnel designated by the agency to provide
18 technical assistance regarding compliance with the rule; and (d) a date
19 by which the entity is required to comply with the rule. The date
20 specified shall provide a reasonable period of time for the entity to
21 comply with the rule, considering the size of the entity, its available
22 resources, and the threat posed by the violation. If the entity fails
23 to comply with the rule by the date specified, it shall be subject to
24 the penalty otherwise provided in law.

25 (3) Subsection (1) of this section shall not apply to any violation
26 that places a person in danger of death or substantial bodily harm, is
27 causing or is likely to cause significant environmental harm, or has
28 caused or is likely to cause physical damage to the property of others
29 in an amount exceeding one thousand dollars.

30 (4) The state, the agency, and officers or employees of the state
31 shall not be liable for damages to any person to the extent that
32 liability is asserted to arise from the technical assistance provided
33 under this section, or if liability is asserted to arise from the
34 failure of the agency to supply technical assistance.

35 (5) If a state agency has been delegated authority to enforce
36 federal rules, the agency shall submit a written petition to the

1 appropriate federal agency for authorization to comply with this
2 section for all inspections while retaining the state's federal
3 delegation. If the federal agency fails to provide the authorization,
4 the agency shall comply with this section in all inspections except the
5 minimum number of inspections required by the federal government for
6 the program delegated to the state of Washington for enforcement."

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