

SENATE BILL REPORT

SB 6395

As Reported By Senate Committee On:
Commerce & Labor, February 6, 1998

Title: An act relating to civil penalties for accident prevention program violations.

Brief Description: Penalizing accident prevention program violations.

Sponsors: Senators Horn, Schow and Anderson.

Brief History:

Committee Activity: Commerce & Labor: 1/29/98, 2/6/98 [DP, DNP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

Minority Report: Do not pass.

Signed by Senators Franklin, Fraser and Heavey.

Staff: Jack Brummel (786-7428)

Background: Under Washington's Industrial Safety and Health Act, employers may be assessed civil penalties for violations of safety and health rules, regulations, and orders. They may also be assessed a civil penalty for unsafe or unhealthful conditions where no applicable rule or regulation has been adopted.

Summary of Bill: Employers cannot be assessed a civil penalty for failure to address a hazard unless there is a specific standard addressing the hazard or there is a finding that the employer violated the act's general safety standard.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will address instances where L&I attempts to cite employers where there are no standards. This will limit the penalty that can be imposed for repeat paperwork violations. Worker safety is not jeopardized by this bill. This will increase L&I accountability.

Testimony Against: This will prohibit the department from effectively dealing with repeat violations. The current practice is more flexible than the bill would allow and the

department will be left with applying a more punitive standard. The bill may not meet federal requirements.

Testified: Michael Killeen, Davis, Wright, Tremaine (pro); Amber Balch, AWB (pro); Robby Stern, Washington State Labor Council (con); Michael Woods, Michael Silverstein, L&I (con).