

FINAL BILL REPORT

SHB 2049

C 190 L 01

Synopsis as Enacted

Brief Description: Establishing technical assistance programs.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Pearson, Crouse, Cox, Schindler, DeBolt, Mitchell, Ericksen, Cairnes, Clements and Talcott).

House Committee on State Government
Senate Committee on State & Local Government

Background:

All regulatory agencies must develop technical assistance programs to encourage voluntary compliance with statutory requirements. The programs must include printed information, information and assistance by telephone, training meetings, technical assistance visits, and other methods to provide technical assistance.

An owner or operator may request a technical assistance visit, and in all cases, technical assistance visits must be voluntary. During a technical assistance visit, a regulatory agency must inform the owner or operator of:

- any violations of law or agency rules the agency observes;
- what is required to achieve compliance;
- the date by which the agency requires compliance to be achieved, along with information on how to extend this date; and
- information on how to contact technical assistance providers.

An agency may not impose a civil penalty during a technical assistance program unless:

- the owner or operator has been subject to an enforcement action for, or has been given previous notice of, the same or similar violations in the past;
- the violation involves the remittance of sales tax due to the state; or
- the violation has the probability of causing harm to people, the environment, or property.

After a technical assistance visit where violations have been identified, the regulatory agency must give the owner or operator a reasonable amount of time to correct the violations. A regulatory agency may conduct a follow-up visit after this amount of time has expired and issue civil penalties for uncorrected violations.

Summary:

During a follow-up visit to a technical assistance visit, a regulatory agency may not issue a civil penalty for violations not previously identified in a technical assistance visit unless:

- the individual or business has been previously cited for, or has been given previous notification of, the same violation;
- the violation involves delinquent sales taxes due to the state;
- the violation has a probability of causing death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding \$1,000; or
- The penalties are for violations of certain workplace safety regulations.

Votes on Final Passage:

House 95 0

Senate 46 0 (Senate amended)

House 94 0 (House concurred)

Effective: July 22, 2001