
SENATE BILL 5462

State of Washington

58th Legislature

2003 Regular Session

By Senators Mulliken, Honeyford, Hale, Hewitt, T. Sheldon, Swecker and McCaslin

Read first time 01/27/2003. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to the provision of greater predictability and
2 consistency in the state wage and hour laws; amending RCW 49.46.005;
3 and adding new sections to chapter 49.46 RCW.

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

5 **Sec. 1.** RCW 49.46.005 and 1961 ex.s. c 18 s 1 are each amended to
6 read as follows:

7 ((Whereas)) The establishment of a minimum wage for employees is a
8 subject of vital and imminent concern to the people of this state and
9 requires appropriate action by the legislature to establish minimum
10 standards of employment within the state of Washington((7)) consistent
11 with the standards established in the federal fair labor standards act
12 unless the legislature has expressly established a different standard.
13 Therefore the legislature ((declares that in its considered judgment
14 the health, safety and the general welfare of the citizens of this
15 state require the enactment of this measure, and exercising its police
16 power, the legislature endeavors by)), under this chapter ((to)),
17 establishes a minimum wage and other conditions of employment for
18 employees of this state, consistent with requirements of the federal
19 fair labor standards act unless the legislature has enacted an

1 expressly different requirement, to encourage employment opportunities
2 within the state. The provisions of this chapter are enacted in the
3 exercise of the police power of the state for the purpose of protecting
4 the immediate and future health, safety and welfare of the people of
5 this state.

6 NEW SECTION. Sec. 2. A new section is added to chapter 49.46 RCW
7 to read as follows:

8 All terms, provisions, rights, and obligations in this chapter
9 shall be given the same meaning as given to comparable terms,
10 provisions, rights, and obligations under federal law, 29 U.S.C. Secs.
11 202 through 262, and the regulations and statements of general policy
12 and interpretation applying and interpreting those terms issued by the
13 United States department of labor. In the absence of any term,
14 provision, right, or obligation in this chapter contained in federal
15 law, 29 U.S.C. Secs. 202 through 262, or in the regulations and
16 statements of general policy and interpretation applying and
17 interpreting those terms issued by the United States department of
18 labor, then such federal provisions shall control in any action arising
19 under this chapter. However, this section shall not apply to the
20 extent any term or provision of this chapter, or any formal rule
21 adopted by the department of labor and industries interpreting and
22 applying this chapter, is expressly contrary to the comparable
23 provision of federal law, 29 U.S.C. Secs. 202 through 262, or in the
24 regulations and statements of general policy and interpretation
25 applying and interpreting those terms issued by the United States
26 department of labor.

27 NEW SECTION. Sec. 3. A new section is added to chapter 49.46 RCW
28 to read as follows:

29 In any action or proceeding based on any act or omission on or
30 after the effective date of this section, no employer is subject to
31 liability or punishment for or on account of the failure of the
32 employer to pay minimum wages or overtime compensation under this title
33 if the employer pleads and proves that the act or omission complained
34 of was in good faith in conformity with and in reliance on any written
35 administrative rule, order, ruling, approval, or interpretation of the
36 department, or any administrative practice or enforcement policy of the

1 department with respect to the class of employers to which the employer
2 belonged. Such a defense, if established, is a bar to the action or
3 proceeding, notwithstanding that after the act or omission, the
4 administrative rule, order, ruling, approval, interpretation, practice,
5 or enforcement policy is modified or rescinded or is determined by
6 judicial authority to be invalid or of no legal effect.

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