
HOUSE BILL 2160

State of Washington 59th Legislature 2005 Regular Session

By Representatives Condotta and Kristiansen

Read first time 02/21/2005. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to awarding costs to an employer who prevails in an
2 administrative appeal; and adding a new section to chapter 49.17 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW
5 to read as follows:

6 (1) An administrative law judge or a court shall award an employer
7 that prevails in an administrative appeal or judicial review of a
8 citation or a notice of assessment under this chapter fees and other
9 expenses, including reasonable attorneys' fees, incurred by that
10 employer, unless the court finds that the citation or the notice of
11 assessment was substantially justified or that circumstances make an
12 award unjust. The administrative law judge or the court shall
13 determine whether the citation or the notice of assessment was
14 substantially justified based on the administrative record on appeal.

15 (2) An employer seeking an award of fees and other expenses,
16 including reasonable attorneys' fees shall, within thirty days of a
17 final disposition in the appeal proceeding, submit to the
18 administrative law judge or the court an application for fees and other
19 expenses that:

1 (a) Alleges that the citation or the notice of assessment was not
2 substantially justified;

3 (b) Shows that the employer prevailed in the administrative or
4 judicial review of the citation or the notice of assessment; and

5 (c) Sets forth the amount sought, including an itemized statement
6 from any attorney, agent, or expert witness representing or appearing
7 on behalf of the employer stating the actual time expended and the rate
8 at which fees and other expenses were computed.

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