

SB 6263 - DIGEST

(SEE ALSO PROPOSED 1ST SUB)

Declares an intent that inspections performed under the Washington industrial safety and health act ensure safe and healthful working conditions for every person working in the state of Washington. Inspections must follow the mandates of Article II, section 35 of the state Constitution, and equal or exceed the requirements prescribed by the occupational safety and health act of 1970 (Public Law 91-596, 84 Stat. 1590). The legislature also intends that the inspections comply with the fourth and fourteenth amendments to the United States Constitution and Article I, section 7 of the state Constitution.

Declares that, except as otherwise provided in this act, the director or his or her authorized representative shall obtain consent from the owner, manager, operator, or his or her on-site person in charge of the worksite when entering any worksite located on private property to carry out his or her duties under chapter 49.17 RCW. The director or his or her authorized representative shall enter a worksite at a reasonably recognizable entry point to request the consent described in this act.

Does not prohibit the director or his or her authorized representative from making observations of evidence in open view or from taking action consistent with a recognized exception to the warrant requirements of the federal and state Constitutions.

Does not require advance notice of an inspection.

Provides that, if the director or his or her authorized representative is denied or reasonably believes that he or she will be denied access to any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by an employee of an employer, to which such access was sought for the purposes set forth in this act, the director may apply to a court of competent jurisdiction for a search warrant authorizing access to the facility. The court may upon such application issue a search warrant for the purpose requested.