
HOUSE BILL 2916

State of Washington

65th Legislature

2018 Regular Session

By Representatives Dye, Blake, Dent, Chapman, Pettigrew, and Johnson

Read first time 01/24/18. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to limiting the application of certain civil
2 penalties to protect landowners from incurring penalties based on the
3 actions of the landowner's lessee; and amending RCW 90.03.600.

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

5 **Sec. 1.** RCW 90.03.600 and 2003 1st sp.s. c 15 s 3 are each
6 amended to read as follows:

7 (1) In determining the amount of a penalty to be levied, the
8 department shall consider the seriousness of the violation, whether
9 the violation is repeated or continuous after notice of the violation
10 is given, and whether any damage has occurred to the health or
11 property of other persons. Except as provided in RCW 43.05.060
12 through 43.05.080 and 43.05.150, the department (~~(of ecology)~~) may
13 levy civil penalties ranging from one hundred dollars to five
14 thousand dollars per day for violation of any of the provisions of
15 this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules,
16 permits, and similar documents and regulatory orders of the
17 department (~~(of ecology)~~) adopted or issued pursuant to such
18 chapters. The procedures of RCW 90.48.144 shall be applicable to all
19 phases of the levying of a penalty under RCW 90.48.144 as well as
20 review and appeal of the same.

1 (2) The department may not levy a civil penalty under this
2 section against a landowner if the actions of the landowner's lessee
3 are the basis for the violation. In such cases, the department may
4 levy the civil penalty against the lessee.

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