
SENATE BILL 5717

State of Washington

68th Legislature

2023 Regular Session

By Senator Stanford

1 AN ACT Relating to a voluntary compliance program for industrial
2 insurance; adding a new section to chapter 51.16 RCW; and providing
3 an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.16
6 RCW to read as follows:

7 (1) The department may grant an employer's application for advice
8 and consultation and visit the employer's workplace in order to
9 provide such advice and consultation. Advice and consultation
10 services are limited to the matters specified in the request
11 affecting the interpretation and applicability of Title 51 RCW to the
12 employer. The department may provide for an alternative means of
13 affording consultation and advice other than on-site consultation.

14 (2)(a) The department must make a decision regarding whether the
15 employer is accurately:

- 16 (i) Classifying individuals as workers under Title 51 RCW; and
17 (ii) Calculating and paying the employer's industrial insurance
18 premiums.

19 (b) Except as provided in (c) of this subsection, the employer
20 may rely on the department's decision for future payments unless and
21 until the department provides written notice that the employer is not

1 accurately classifying individuals as workers or calculating or
2 paying its premiums.

3 (c) The employer may not rely on the department's decision for
4 the classification of individuals if the employer misrepresented or
5 withheld facts or circumstances related to classification and proper
6 calculation of paying workers' compensation premiums. Should the
7 facts or circumstances change, the employer may not rely on the
8 department's decision.

9 (3) No visit to an employer's workplace or alternative means
10 shall be regarded as an inspection, investigation, or audit under the
11 authority of this title, and no notices or citations shall be issued.
12 Nor shall any civil penalties be assessed upon such visit or
13 alternative means for the consultation. Nor shall any authorized
14 representative of the director designated to render advice and
15 consult with employers under the voluntary compliance program have
16 any enforcement authority.

17 (4) This section does not provide immunity to an employer who has
18 applied for consultative services from inspections, investigations,
19 or audits conducted under this title before, during, or after the
20 provision of consultative services.

21 (5) In the event of a subsequent inspection, the department may
22 take into consideration any information obtained during the
23 consultation visit in determining the nature of an alleged violation
24 and the dollar amount of penalties to be assessed, if any.

25 (6) All employers requesting consultative services must be
26 advised of the provisions of this section and the rules adopted by
27 the department relating to the voluntary compliance program.
28 Information obtained by the department as a result of employer-
29 requested consultation and training services are deemed confidential
30 and shall not be open to public inspection.

31 (7) The department has authority to adopt rules as needed to
32 implement the provisions of this section.

33 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2024.

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