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**SENATE BILL 5756**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Stanford, Saldaña, Conway, Dhingra, Valdez, and C. Wilson

AN ACT Relating to the safety and health of working minors; amending RCW 49.12.390; adding a new section to chapter 49.12 RCW; and prescribing penalties.

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

**Sec.**  RCW 49.12.390 and 1991 c 303 s 3 are each amended to read as follows:

(1)(a) Except as otherwise provided in (e) of this subsection ((~~(2) of this section~~)), if the director, or the director's designee, finds that an employer has violated any of the requirements of RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, a citation stating the violations shall be issued to the employer. The citation shall be in writing, describing the nature of the violation including reference to the standards, rules, or orders alleged to have been violated. ((~~An initial~~)) A first citation for failure to comply with RCW 49.12.123 or rules requiring a minor work permit and maintenance of records, or for other nonserious violations shall state a specific and reasonable time for abatement of the violation to allow the employer to correct the violation without a civil penalty. ((~~The director or the director's designee may establish a specific time for abatement of other nonserious violations in lieu of a penalty for first time violations.~~)) The citation and a ((~~proposed~~)) penalty assessment shall be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department shall mail a copy of the citation and ((~~proposed~~)) penalty assessment to the central personnel office of the employer. Citations issued under this section shall be posted at or near the place where the violation occurred.

(b) Except when an employer corrects a violation as provided in (a) of this subsection, ((~~he or she~~)) the employer shall be assessed a civil penalty ((~~of not more than one thousand dollars depending on the size of the business and the gravity of the violation~~)) as follows:

(i) No less than $100 for each violation involving the failure to comply with RCW 49.12.123 or rules requiring a minor work permit, maintenance record requirements, or failure to complete school authorization procedures, or for each other nonserious violation;

(ii) No less than $150 for each violation involving failure to comply with hours of work requirements;

(iii) No less than $300 for each violation involving failure to comply with meal break or rest break requirements;

(iv) No less than $1,000 for each violation involving failure to comply with prohibited duty requirements, variance conditions, or minimum wage requirements for minors, or for each other serious violation, except the civil penalty may be no less than $2,000 for each violation in a second or subsequent citation for any of these violations identified in this subsection (1)(b)(iv); and

(v) No less than $71,000 for any violation resulting in the serious physical harm or death of a minor, which may be doubled where the violation is a willful violation or a repeated violation.

(c) The department shall increase penalty assessments above the minimum amounts prescribed in this subsection based on a consideration of the following factors: Whether the violation was committed willfully or the violation is a repeat violation; the size of the employer; the age of the minor; the gravity of the violation; the hazards created by the violation; the penalties for comparable violations under federal law; the penalty amount necessary to deter future noncompliance; ensuring the penalty amount is consistent with the purposes of this chapter; and any other factor warranting an increase in the penalty as deemed appropriate by the department.

(d) The employer shall pay the amount assessed within ((~~thirty~~)) 30 days of receipt of the assessment or notify the director of ((~~his or her~~)) the employer's intent to appeal the citation or the assessment penalty as provided in RCW 49.12.400.

((~~(2)~~)) (e) If the director, or the director's designee, finds that an employer has committed a serious or repeated violation of the requirements of RCW 49.12.121 or 49.12.123, or any rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, the employer is subject to ((~~a~~)) an additional civil penalty of ((~~not more than one thousand dollars~~)) a minimum of $1,000 for each subsequent day the violation continues. For the purposes of this subsection (1)(e), a serious violation shall be deemed to exist if death or serious physical harm has resulted or is imminent from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use by the employer, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(f) Beginning July 1, 2027, and every two years thereafter, the department shall adjust by rule the amounts in this subsection (1) for inflation based on the consumer price index.

((~~(3)~~)) (2)(a) In addition to any other authority provided in this section, if, upon inspection or investigation, the director, or director's designee, believes that an employer has violated RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, and that the violation creates a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, the director, or director's designee, may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the workplace.

(b) An order issued under this subsection may require the employer to take steps necessary to avoid, correct, or remove the danger and ((~~to~~)) may prohibit the ((~~employment or~~)) presence of a minor in locations or under conditions where the danger exists.

(3)(a) The director or the director's designee shall revoke an employer's minor work permit and prohibit the employer from obtaining a minor work permit for no less than 12 months if:

(i) The employer has been issued any combination of three or more of the following within any 24-month time period:

(A) A safety and health citation under RCW 49.17.120 containing one or more violations under RCW 49.17.180 (1), (2), (4), or (5); or

(B) Any citation and notice of assessment containing one or more violations of RCW 49.12.121 or 49.12.123 or the applicable rules;

(ii) The employer has been issued a safety and health citation under RCW 49.17.120 containing one or more violations under RCW 49.17.180 (1), (2), (4), or (5) or any citation and notice of assessment containing one or more violations of RCW 49.12.121 or 49.12.123 or the applicable rules, and one or more of the violations caused serious physical harm or death to a minor; or

(iii) An order has been issued immediately restraining an employer's condition, practice, method, process, or means in the workplace pursuant to subsection (2) of this section or RCW 49.17.130 or 49.17.170.

(b) A minor work permit may not be issued to an employer who has previously been subject to a revocation under (a) of this subsection (3) unless the employer has not been issued a citation for any violations of the provisions identified in (a)(i) of this subsection (3) for at least 12 months.

(c) This subsection does not prohibit the department from revoking, suspending, or modifying a minor work permit for any reason or cause provided for under state law or department rule or policy.

(4) ((~~An employer who violates any of the posting requirements of RCW 49.12.121 or rules adopted implementing RCW 49.12.121 shall be assessed a civil penalty of not more than one hundred dollars for each violation.~~

~~(5)~~)) A person who gives advance notice, without the authority of the director, of an inspection to be conducted under this chapter shall be assessed a civil penalty of not more than one thousand dollars.

((~~(6)~~)) (5) Penalties assessed under this section shall be paid to the director and deposited into the general fund.

(6) The department shall include in its annual report submitted under RCW 49.12.180 the following information:

(a) The number and type of citations and penalties issued and imposed under this section;

(b) The number of and reasons for revocations of minor work permits; and

(c) The number and nature of workplace injuries involving minors reviewed by the department, including whether those injuries resulted in citations or permit revocations under this section.

NEW SECTION. **Sec.**  A new section is added to chapter 49.12 RCW to read as follows:

Before granting a variance from RCW 49.12.121 in order to allow a minor participating in a bona fide cooperative vocational education program, diversified career experience program, work experience program certified and monitored by the office of the superintendent of public instruction or the minor employee's school district, or a registered apprenticeship program to perform a work duty typically prohibited based on the minor's age, the department shall:

(1) Conduct a safety and health consultation at the worksite; and

(2) Consult with the employer on the types of tools, equipment, and practices permitted under the variance.

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