
SUBSTITUTE HOUSE BILL 1644

State of Washington

69th Legislature

2025 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Fosse, Ortiz-Self, Parshley, Stonier, Taylor, Shavers, Davis, Obras, Macri, Berg, Hill, Street, Berry, Reed, Cortes, Ramel, Thomas, Goodman, Ormsby, Salahuddin, Scott, Gregerson, Thai, and Simmons)

READ FIRST TIME 02/18/25.

1 AN ACT Relating to the safety and health of working minors;
2 amending RCW 39.04.350, 49.12.390, 49.12.410, and 49.30.040; adding a
3 new section to chapter 49.12 RCW; adding a new section to chapter
4 49.30 RCW; prescribing penalties; and providing an effective date.

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

6 **Sec. 1.** RCW 39.04.350 and 2023 c 88 s 1 are each amended to read
7 as follows:

8 (1) Before award of a public works contract, a bidder must meet
9 the following responsibility criteria to be considered a responsible
10 bidder and qualified to be awarded a public works project. The bidder
11 must:

12 (a) At the time of bid submittal, have a certificate of
13 registration in compliance with chapter 18.27 RCW, a plumbing
14 contractor license in compliance with chapter 18.106 RCW, an elevator
15 contractor license in compliance with chapter 70.87 RCW, or an
16 electrical contractor license in compliance with chapter 19.28 RCW,
17 as required under the provisions of those chapters;

18 (b) Have a current state unified business identifier number;

19 (c) If applicable, have industrial insurance coverage for the
20 bidder's employees working in Washington as required in Title 51 RCW;
21 an employment security department number as required in Title 50 RCW;

1 and a state excise tax registration number as required in Title 82
2 RCW;

3 (d) Not be disqualified from bidding on any public works contract
4 under RCW 39.06.010 or 39.12.065(3);

5 (e) If bidding on a public works project subject to the
6 apprenticeship utilization requirements in RCW 39.04.320, not have
7 been found out of compliance by the Washington state apprenticeship
8 and training council for working apprentices out of ratio, without
9 appropriate supervision, or outside their approved work processes as
10 outlined in their standards of apprenticeship under chapter 49.04 RCW
11 for the one-year period immediately preceding the date of the bid
12 solicitation;

13 (f) Have received training on the requirements related to public
14 works and prevailing wage under this chapter and chapter 39.12 RCW.
15 The bidder must designate a person or persons to be trained on these
16 requirements. The training must be provided by the department of
17 labor and industries or by a training provider whose curriculum is
18 approved by the department. The department, in consultation with the
19 prevailing wage advisory committee, must determine the length of the
20 training. Bidders that have completed three or more public works
21 projects and have had a valid business license in Washington for
22 three or more years are exempt from this subsection. The department
23 of labor and industries must keep records of entities that have
24 satisfied the training requirement or are exempt and make the records
25 available on its website. Responsible parties may rely on the records
26 made available by the department regarding satisfaction of the
27 training requirement or exemption; ((and))

28 (g) Within the three-year period immediately preceding the date
29 of the bid solicitation, not have been determined by a final and
30 binding citation and notice of assessment issued by the department of
31 labor and industries or through a civil judgment entered by a court
32 of limited or general jurisdiction to have willfully violated, as
33 defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or
34 49.52 RCW; and

35 (h) At the time of bid submittal, not be subject to a revocation
36 of a minor work permit under RCW 49.12.390(4).

37 (2) Before award of a public works contract, a bidder shall
38 submit to the contracting agency a signed statement in accordance
39 with chapter 5.50 RCW verifying under penalty of perjury that the
40 bidder is in compliance with the responsible bidder criteria

1 requirement of subsection (1)(g) and (h) of this section. A
2 contracting agency may award a contract in reasonable reliance upon
3 such a sworn statement.

4 (3) In addition to the bidder responsibility criteria in
5 subsection (1) of this section, the state or municipality may adopt
6 relevant supplemental criteria for determining bidder responsibility
7 applicable to a particular project which the bidder must meet.

8 (a) Supplemental criteria for determining bidder responsibility,
9 including the basis for evaluation and the deadline for appealing a
10 determination that a bidder is not responsible, must be provided in
11 the invitation to bid or bidding documents.

12 (b) In a timely manner before the bid submittal deadline, a
13 potential bidder may request that the state or municipality modify
14 the supplemental criteria. The state or municipality must evaluate
15 the information submitted by the potential bidder and respond before
16 the bid submittal deadline. If the evaluation results in a change of
17 the criteria, the state or municipality must issue an addendum to the
18 bidding documents identifying the new criteria.

19 (c) If the bidder fails to supply information requested
20 concerning responsibility within the time and manner specified in the
21 bid documents, the state or municipality may base its determination
22 of responsibility upon any available information related to the
23 supplemental criteria or may find the bidder not responsible.

24 (d) If the state or municipality determines a bidder to be not
25 responsible, the state or municipality must provide, in writing, the
26 reasons for the determination. The bidder may appeal the
27 determination within the time period specified in the bidding
28 documents by presenting additional information to the state or
29 municipality. The state or municipality must consider the additional
30 information before issuing its final determination. If the final
31 determination affirms that the bidder is not responsible, the state
32 or municipality may not execute a contract with any other bidder
33 until two business days after the bidder determined to be not
34 responsible has received the final determination.

35 (e) If the bidder has a history of receiving monetary penalties
36 for not achieving the apprentice utilization requirements pursuant to
37 RCW 39.04.320, or is habitual in utilizing the good faith effort
38 exception process, the bidder must submit an apprenticeship
39 utilization plan within ten business days immediately following the
40 notice to proceed date.

1 (4) The capital projects advisory review board created in RCW
2 39.10.220 shall develop suggested guidelines to assist the state and
3 municipalities in developing supplemental bidder responsibility
4 criteria. The guidelines must be posted on the board's website.

5 **Sec. 2.** RCW 49.12.390 and 1991 c 303 s 3 are each amended to
6 read as follows:

7 (1) (a) (~~Except as otherwise provided in subsection (2) of this~~
8 ~~section, if~~) If the director, or the director's designee, finds that
9 an employer has violated any of the requirements of RCW 49.12.121 or
10 49.12.123, or a rule or order adopted or variance granted under RCW
11 49.12.121 or 49.12.123, a citation and notice of assessment stating
12 the violations shall be issued to the employer. The citation and
13 notice of assessment shall be in writing, describing the nature of
14 the violation including reference to the standards, rules, or orders
15 alleged to have been violated. ((An initial)) The citation and
16 penalty assessment must be given to the highest management official
17 available at the workplace or be mailed to the employer at the
18 workplace. In addition, the department shall mail a copy of the
19 citation and penalty assessment to the central personnel office of
20 the employer. Citations issued under this section must be posted at
21 or near the place where the violation occurred.

22 (b) A first-time citation for failure to ((comply with RCW
23 49.12.123 or rules requiring a minor work permit and maintenance of
24 records shall)) obtain a minor work permit or parental or school
25 authorization, for failure to maintain records, or for a violation
26 deemed nonserious by the department must state a specific and
27 reasonable time for abatement of the violation to allow the employer
28 to correct the violation ((without penalty. The director or the
29 director's designee may establish a specific time for abatement of
30 other nonserious violations in lieu of a penalty for first time
31 violations. The citation and a proposed penalty assessment shall be
32 given to the highest management official available at the workplace
33 or be mailed to the employer at the workplace. In addition, the
34 department shall mail a copy of the citation and proposed penalty
35 assessment to the central personnel office of the employer. Citations
36 issued under this section shall be posted at or near the place where
37 the violation occurred.

38 (b) ~~Except when an employer corrects a violation as provided in~~
39 ~~(a) of this subsection, he or she shall be assessed a civil penalty~~

1 ~~of not more than one thousand dollars depending on the size of the~~
2 ~~business and the gravity of the violation. The employer shall pay the~~
3 ~~amount assessed within thirty days of receipt of the assessment or~~
4 ~~notify the director of his or her intent to appeal the citation or~~
5 ~~the assessment penalty as provided in RCW 49.12.400)). The department~~
6 ~~may waive or reduce a civil penalty assessed for a first-time~~
7 ~~violation under this subsection if the director determines that the~~
8 ~~employer has taken corrective action to resolve the violation.~~

9 (c) The employer must be assessed a civil penalty as follows:

10 (i) No less than \$100 for each violation involving failure to
11 obtain a minor work permit or parental or school authorization, for
12 failure to maintain records, or for each other nonserious violation;

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

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

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

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

26 ~~((+2))~~ (d) If the director, or the director's designee, finds
27 that an employer has committed a serious or repeated violation of the
28 requirements of RCW 49.12.121 or 49.12.123, or any rule or order
29 adopted or variance granted under RCW 49.12.121 or 49.12.123, the
30 employer is subject to ((a)) an additional civil penalty assessment
31 of ((not more than one thousand dollars)) a maximum of \$10,000 for
32 each subsequent day the violation continues. For the purposes of this
33 subsection (1)(d), a serious violation shall be deemed to exist if
34 death or serious physical harm has resulted or is imminent from a
35 condition that exists, or from one or more practices, means, methods,
36 operations, or processes that have been adopted or are in use by the
37 employer, unless the employer did not, and could not with the
38 exercise of reasonable diligence, know of the presence of the
39 violation.

1 (e) The department shall consider the following factors when
2 determining the amount of any penalty assessment under this section:
3 (i) Whether the violation was committed willfully or the violation is
4 a repeat violation; (ii) the size of the employer; (iii) the age of
5 the minor; (iv) the gravity of the violation; (v) the hazards created
6 by the violation; (vi) the penalties for comparable violations under
7 federal law; (vii) the penalty amount necessary to deter future
8 noncompliance; (viii) ensuring the penalty amount is consistent with
9 the purposes of this chapter; and (ix) any other factor warranting an
10 adjustment in the penalty as deemed appropriate by the department.

11 (f) Beginning July 1, 2027, and every two years thereafter, the
12 department shall adjust by rule the amounts in (c) and (d) of this
13 subsection for inflation by calculating to the nearest cent using the
14 consumer price index for urban wage earners and clerical workers,
15 CPI-W, or a successor index.

16 (2) The employer shall pay the amount assessed under this section
17 within 30 days of receipt of the penalty assessment or notify the
18 director of the employer's intent to appeal the citation or the
19 penalty assessment as provided in RCW 49.12.400. If an employer fails
20 to pay an assessment under this section after it has become a final
21 and unappealable order, or after the court has entered final judgment
22 in favor of the department, the director may initiate collection
23 procedures in accordance with RCW 49.48.086.

24 (3) In addition to any other authority provided in this section,
25 if, upon inspection or investigation, the director, or director's
26 designee, believes that an employer has violated RCW 49.12.121 or
27 49.12.123, or a rule or order adopted or variance granted under RCW
28 49.12.121 or 49.12.123, and that the violation creates a danger from
29 which there is a substantial probability that death or serious
30 physical harm could result to a minor employee, the director, or
31 director's designee, may issue an order immediately restraining the
32 condition, practice, method, process, or means creating the danger in
33 the workplace. An order issued under this subsection may require the
34 employer to take steps necessary to avoid, correct, or remove the
35 danger and ~~((to))~~ may prohibit the ~~((employment or))~~ presence of a
36 minor in locations or under conditions where the danger exists.

37 ~~((An employer who violates any of the posting requirements of~~
38 ~~RCW 49.12.121 or rules adopted implementing RCW 49.12.121 shall be~~
39 ~~assessed a civil penalty of not more than one hundred dollars for~~
40 ~~each violation.)) (a) The director or the director's designee shall~~

1 revoke an employer's minor work permit and prohibit the employer from
2 obtaining a minor work permit for no less than 12 months if:

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

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

7 (B) Any citation and notice of assessment containing one or more
8 violations of RCW 49.12.121 or 49.12.123 or of any applicable rule or
9 order;

10 (ii) The employer has been issued a safety and health citation
11 under RCW 49.17.120 containing one or more violations under RCW
12 49.17.180 (1), (2), (4), or (5) or any citation and notice of
13 assessment containing one or more violations of RCW 49.12.121 or
14 49.12.123 or any applicable rule or order, and one or more of the
15 violations caused serious physical harm or death to a minor; or

16 (iii) An order has been issued immediately restraining an
17 employer's condition, practice, method, process, or means in the
18 workplace pursuant to subsection (3) of this section or RCW 49.17.130
19 or 49.17.170.

20 (b) Following a revocation under this subsection, a minor work
21 permit may not be reissued to an employer unless the employer has not
22 been issued a citation for any violations of the provisions
23 identified in (a)(i) of this subsection for at least 12 months.

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

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

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

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

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

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

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

4 **Sec. 3.** RCW 49.12.410 and 2003 c 53 s 273 are each amended to
5 read as follows:

6 (1) An employer who knowingly or recklessly violates the
7 requirements of RCW 49.12.121 ~~((\oplus))~~, 49.12.123, or section 6 of this
8 act, or a rule or order adopted under RCW 49.12.121 ~~((\oplus))~~,
9 49.12.123, or section 6 of this act, is guilty of a gross
10 misdemeanor.

11 (2) An employer whose practices in violation of the requirements
12 of RCW 49.12.121 ~~((\oplus))~~, 49.12.123, or section 6 of this act, or a
13 rule or order adopted under RCW 49.12.121 ~~((\oplus))~~, 49.12.123, or
14 section 6 of this act, result in the death or permanent disability of
15 a minor employee is guilty of a class C felony punishable according
16 to chapter 9A.20 RCW.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.12
18 RCW to read as follows:

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

- 26 (1) Conduct a safety and health consultation at the worksite; and
27 (2) Consult with the employer on the types of tools, equipment,
28 and practices permitted under the variance.

29 **Sec. 5.** RCW 49.30.040 and 1989 c 380 s 86 are each amended to
30 read as follows:

31 ~~((Any))~~ Except as provided in section 6 of this act, any
32 violation of the provisions of this chapter or rules adopted
33 hereunder shall be a class 1 civil infraction. The director shall
34 have the authority to issue and enforce civil infractions according
35 to chapter 7.80 RCW.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 49.30
2 RCW to read as follows:

3 (1) In accordance with the rule-making authority granted to the
4 department under this chapter to protect employees in agriculture,
5 the department's rules must provide for the protection of the safety,
6 health, and welfare of minor employees, provided that such rules
7 grant appropriate exceptions for emancipated minors. The department's
8 rules must prohibit an employer from employing a minor unless the
9 employer has a valid minor work permit with the consent of the
10 minor's parent, guardian, or legal custodian and the approval of the
11 minor's school, provided that such rules grant appropriate exceptions
12 for employers who are the minor's parent, guardian, or legal
13 custodian and for emancipated minors.

14 (2) (a) If the director, or the director's designee, finds that an
15 employer has violated any of the requirements of this section or any
16 applicable rule or a variance from those requirements issued under
17 this chapter and applicable rules, a citation and notice of
18 assessment stating the violations must be issued to the employer. The
19 citation and notice of assessment must be in writing, describing the
20 nature of the violation including reference to the standards, rules,
21 or orders alleged to have been violated. The citation and penalty
22 assessment must be given to the highest management official available
23 at the workplace or be mailed to the employer at the workplace. In
24 addition, the department shall mail a copy of the citation and
25 penalty assessment to the central personnel office of the employer.
26 Citations issued under this section must be posted at or near the
27 place where the violation occurred.

28 (b) A first-time citation for failure to obtain a minor work
29 permit or parental or school authorization, for failure to maintain
30 records, or for a violation deemed nonserious by the department must
31 state a specific and reasonable time for abatement of the violation
32 to allow the employer to correct the violation. The department may
33 waive or reduce a civil penalty assessed for a first-time violation
34 under this subsection if the director determines that the employer
35 has taken corrective action to resolve the violation.

36 (c) The employer must be assessed a civil penalty as follows:

37 (i) No less than \$100 for each violation involving failure to
38 obtain a minor work permit or parental or school authorization, for
39 failure to maintain records, or for each other nonserious violation;

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

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

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

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

14 (d) If the director, or the director's designee, finds that an
15 employer has committed a serious or repeated violation of any of the
16 requirements of this section or any applicable rule or order, the
17 employer is subject to an additional civil penalty assessment of a
18 maximum of \$10,000 for each subsequent day the violation continues.
19 For the purposes of this subsection (2)(d), a serious violation
20 exists if death or serious physical harm has resulted or is imminent
21 from a condition that exists, or from one or more practices, means,
22 methods, operations, or processes that have been adopted or are in
23 use by the employer, unless the employer did not, and could not with
24 the exercise of reasonable diligence, know of the presence of the
25 violation.

26 (e) The department shall consider the following factors when
27 determining the amount of any penalty assessment under this section:

28 (i) Whether the violation was committed willfully or the violation is
29 a repeat violation; (ii) the size of the employer; (iii) the age of
30 the minor; (iv) the gravity of the violation; (v) the hazards created
31 by the violation; (vi) the penalties for comparable violations under
32 federal law; (vii) the penalty amount necessary to deter future
33 noncompliance; (viii) ensuring the penalty amount is consistent with
34 the purposes of this chapter; and (ix) any other factor warranting an
35 adjustment in the penalty as deemed appropriate by the department.

36 (f) Beginning July 1, 2027, and every two years thereafter, the
37 department shall adjust by rule the amounts in (c) and (d) of this
38 subsection for inflation by calculating to the nearest cent using the
39 consumer price index for urban wage earners and clerical workers,
40 CPI-W, or a successor index.

1 (3) In addition to any other authority provided in this section,
2 if, upon inspection or investigation, the director, or the director's
3 designee, believes that an employer has violated any of the
4 requirements of this section or any applicable rule or order
5 governing the employment of minors, and that the violation creates a
6 danger from which there is a substantial probability that death or
7 serious physical harm could result to a minor employee, the director,
8 or the director's designee, may issue an order immediately
9 restraining the condition, practice, method, process, or means
10 creating the danger in the workplace. An order issued under this
11 subsection may require the employer to take steps necessary to avoid,
12 correct, or remove the danger and may prohibit the presence of a
13 minor in locations or under conditions where the danger exists.

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

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

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

21 (B) Any citation and notice of assessment containing one or more
22 violations of any of the requirements of this section or any
23 applicable rule or applicable order;

24 (ii) The employer has been issued a safety and health citation
25 under RCW 49.17.120 containing one or more violations under RCW
26 49.17.180 (1), (2), (4), or (5) or any citation and notice of
27 assessment containing one or more violations of any of the
28 requirements of this section, any applicable rules, or applicable
29 orders; or

30 (iii) An order has been issued immediately restraining an
31 employer's condition, practice, method, process, or means in the
32 workplace pursuant to subsection (3) of this section or RCW 49.17.130
33 or 49.17.170.

34 (b) Following a revocation under this subsection (4), a minor
35 work permit may not be reissued to an employer unless the employer
36 has not been issued a citation for any violations of the provisions
37 identified in (a) (i) of this subsection (4) for at least 12 months.

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

1 (5) Any person aggrieved by an action taken or decision made by
2 the department under this section may appeal the action or decision
3 to the director by filing notice of the appeal with the director
4 within 30 days of the department's action or decision. A notice of
5 appeal filed under this section stays the effectiveness of a citation
6 or notice of the assessment of a penalty pending review of the appeal
7 by the director, but such appeal does not stay the effectiveness of
8 an order of immediate restraint issued under this section. Upon
9 receipt of an appeal, a hearing must be held in accordance with
10 chapter 34.05 RCW. The director shall issue all final orders after
11 the hearing. The final orders are subject to appeal in accordance
12 with chapter 34.05 RCW. Orders not appealed within the time period
13 specified in chapter 34.05 RCW are final and binding.

14 (6) The employer shall pay the amount assessed under this section
15 within 30 days of receipt of the penalty assessment or notify the
16 director of the employer's intent to appeal the citation or the
17 penalty assessment under subsection (5) of this section. If an
18 employer fails to pay an assessment under this section after it has
19 become a final and unappealable order, or after the court has entered
20 final judgment in favor of the department, the director may initiate
21 collection procedures in accordance with RCW 49.48.086.

22 (7) A person who gives advance notice, without the authority of
23 the director, of an inspection to be conducted under this chapter
24 must be assessed a civil penalty of not more than \$1,000.

25 (8) Penalties assessed under this section must be paid to the
26 director and deposited into the general fund.

27 (9) The department may adopt rules for purposes of implementing
28 and enforcing this section.

29 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2026.

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