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HOUSE BILL 2234

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State of Washington                      52nd Legislature    1991 1st Special Session

By Representatives Bowman, Lisk, R. Johnson, Chandler, Vance, Casada, Wynne, Sheldon, Ludwig, Mielke, Kremen and Paris.

Read first time June 21, 1991.    Referred to Committee on State Government.

1            AN ACT Relating to enforcement of state laws and rules; adding a  
2 new section to chapter 43.01 RCW; and adding a new section to chapter  
3 34.05 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 43.01 RCW  
6 to read as follows:

7            (1) For the purposes of this section:    (a) "Agency" means every  
8 department, agency, commission, board, and office of the executive  
9 branch of state government, (b) "penalty" means a monetary fine or  
10 required closure of a business, and (c) "person" means any individual,  
11 sole proprietorship, partnership, association, cooperative,  
12 corporation, nonprofit organization, state or local government agency,  
13 and any other organization required to register with the state to do  
14 business in the state and to obtain one or more licenses from the state  
15 or any of its agencies.

1 (2) An agency that finds a person in violation of any law, rule, or  
2 order which the agency is required to enforce and for which the agency  
3 has the authority to administer a penalty for violation of the law,  
4 rule, or order, shall give the person reasonable opportunity to correct  
5 the violation in lieu of any penalty. The agency shall issue a  
6 citation in writing describing (a) the nature of the violation  
7 including reference to the standards, rules, or orders alleged to have  
8 been violated and (b) a specific time for abatement of the violation.

9 If a person receiving a citation under this section fails to  
10 correct the violation in the time specified in the citation, then the  
11 agency shall administer the appropriate penalty provided by law.

12 (3) This section shall not apply (a) in any situation in which  
13 implementation of this section or the rules adopted under this section  
14 will place an agency or the state in violation of any federal law,  
15 rule, or requirement; (b) in any situation in which immediate abatement  
16 of the violation is necessary to protect the public safety; or (c) in  
17 any situation in which the agency has reason to believe that the person  
18 has intentionally violated the law, rule, or order.

19 (4) The office of financial management shall adopt rules necessary  
20 to implement this section and section 2 of this act for all agencies  
21 under the jurisdiction of the governor. All other separately elected,  
22 state-wide officials shall adopt rules necessary to implement this  
23 section for those agencies under their respective jurisdictions.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 34.05 RCW  
25 to read as follows:

26 (1) For the purposes of this section: (a) "Agency" means every  
27 department, agency, commission, board, and office of the executive  
28 branch of state government, (b) "penalty" means a monetary fine or  
29 required closure of a business, and (c) "person" means any individual,

1 sole proprietorship, partnership, association, cooperative,  
2 corporation, nonprofit organization, state or local government agency,  
3 and any other organization required to register with the state to do  
4 business in the state and to obtain one or more licenses from the state  
5 or any of its agencies.

6 (2) An agency that finds a person in violation of any law, rule, or  
7 order which the agency is required to enforce and for which the agency  
8 has the authority to administer a penalty for violation of the law,  
9 rule, or order, shall give the person reasonable opportunity to correct  
10 the violation in lieu of any penalty. The agency shall issue a  
11 citation in writing describing (a) the nature of the violation  
12 including reference to the standards, rules, or orders alleged to have  
13 been violated and (b) a specific time for abatement of the violation.

14 If a person receiving a citation under this section fails to  
15 correct the violation in the time specified in the citation, then the  
16 agency shall administer the appropriate penalty provided by law.

17 (3) This section shall not apply (a) in any situation in which  
18 implementation of this section or the rules adopted under this section  
19 will place an agency or the state in violation of any federal law,  
20 rule, or requirement; (b) in any situation in which immediate abatement  
21 of the violation is necessary to protect the public safety; or (c) in  
22 any situation in which the agency has reason to believe that the person  
23 has intentionally violated the law, rule, or order.