
SENATE BILL 6876

State of Washington

61st Legislature

2010 Regular Session

By Senator Prentice

Read first time 02/24/10. Referred to Committee on Ways & Means.

1 AN ACT Relating to regulation of water recreation facilities;
2 amending RCW 70.90.140, 70.90.150, 70.90.160, 70.90.170, 70.90.190,
3 70.90.200, and 70.90.210; repealing RCW 70.90.125; and providing an
4 effective date.

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

6 **Sec. 1.** RCW 70.90.140 and 1986 c 236 s 5 are each amended to read
7 as follows:

8 The ((secretary)) local health jurisdiction shall enforce the rules
9 adopted under this chapter. The ((secretary)) local health
10 jurisdiction may develop joint plans of responsibility with any other
11 local health jurisdiction to administer this chapter.

12 **Sec. 2.** RCW 70.90.150 and 1986 c 236 s 6 are each amended to read
13 as follows:

14 ((+1)) Local health officers may establish and collect fees
15 sufficient to cover their costs incurred in carrying out their duties
16 under this chapter and the rules adopted under this chapter.

17 ((-2) ~~The department may establish and collect fees sufficient to~~

1 ~~cover its costs incurred in carrying out its duties under this chapter.~~
2 ~~The fees shall be deposited in the state general fund.~~

3 ~~(3) A person shall not be required to submit fees at both the state~~
4 ~~and local levels.))~~

5 **Sec. 3.** RCW 70.90.160 and 1987 c 222 s 7 are each amended to read
6 as follows:

7 A permit is required for any modification to or construction of any
8 recreational water contact facility after June 11, 1986, and for any
9 other water recreation facility after July 26, 1987. Water recreation
10 facilities existing on July 26, 1987, which do not comply with the
11 design and construction requirements established by the state board of
12 health under this chapter may continue to operate without modification
13 to or replacement of the existing physical plant, provided the water
14 quality, sanitation, and life saving equipment are in compliance with
15 the requirements established under this chapter. However, if any
16 modifications are made to the physical plant of an existing water
17 recreation facility the modifications shall comply with the
18 requirements established under this chapter. The plans and
19 specifications for the modification or construction shall be submitted
20 to the applicable local authority (~~or the department as applicable,~~
21 ~~but a person shall not be required to submit plans at both the state~~
22 ~~and local levels or apply for both a state and local permit)). The
23 plans shall be reviewed and may be approved or rejected or
24 modifications or conditions imposed consistent with this chapter as the
25 public health or safety may require, and a permit shall be issued or
26 denied within thirty days of submittal.~~

27 **Sec. 4.** RCW 70.90.170 and 1987 c 222 s 8 are each amended to read
28 as follows:

29 An operating permit from the (~~department or~~) local health
30 officer(~~, as applicable,~~) is required for each water recreation
31 facility operated in this state. The permit shall be renewed annually.
32 The permit shall be conspicuously displayed at the water recreation
33 facility.

34 **Sec. 5.** RCW 70.90.190 and 1987 c 222 s 10 are each amended to read
35 as follows:

1 Any person operating a water recreation facility shall report to
2 the local health officer (~~or the department~~) any serious injury,
3 communicable disease, or death occurring at or caused by the water
4 recreation facility.

5 **Sec. 6.** RCW 70.90.200 and 1986 c 236 s 11 are each amended to read
6 as follows:

7 County, city, or town legislative authorities (~~and the~~
8 ~~secretary~~)), as applicable, may establish civil penalties for a
9 violation of this chapter or the rules adopted under this chapter not
10 to exceed five hundred dollars. Each day upon which a violation occurs
11 constitutes a separate violation. A person violating this chapter may
12 be enjoined from continuing the violation.

13 **Sec. 7.** RCW 70.90.210 and 1991 c 3 s 354 are each amended to read
14 as follows:

15 ~~((1) Any person aggrieved by an order of the department or by the~~
16 ~~imposition of a civil fine by the department has the right to an~~
17 ~~adjudicative proceeding. RCW 43.70.095 governs department notice of a~~
18 ~~civil fine and a person's right to an adjudicative proceeding.~~

19 ~~(2))~~ Any person aggrieved by an order of a local health officer or
20 by the imposition of a civil fine by the officer has the right to
21 appeal. The hearing is governed by the local health jurisdiction's
22 administrative appeals process. Notice shall be provided by the local
23 health jurisdiction consistent with its due process requirements.

24 NEW SECTION. **Sec. 8.** RCW 70.90.125 (Regulation by local boards of
25 health) and 1987 c 222 s 6 are each repealed.

26 NEW SECTION. **Sec. 9.** This act takes effect July 1, 2010.

--- END ---