

FINAL BILL REPORT

HB 1150

C 18 L 11
Synopsis as Enacted

Brief Description: Extending the time in which a small business may correct a violation without a penalty.

Sponsors: Representatives Smith, Probst, Schmick, Warnick, Dahlquist, Hunt, Ross, Pearson, Dammeier, Kenney, Rodne, Kagi, Hargrove, Harris, Nealey, Short, Liias, Orcutt, Finn, Kelley, Takko, Taylor, Maxwell, Bailey, Reykdal, Upthegrove, Billig, Kristiansen, Frockt, Carlyle, Blake, Springer, Angel, Hurst, McCune, Rolfes, Condotta and Klippert.

House Committee on State Government & Tribal Affairs

House Committee on Ways & Means

Senate Committee on Government Operations, Tribal Relations & Elections

Background:

Under legislation enacted in 2010, before an agency may impose a fine, civil penalty, or administrative sanction on a small business for a violation of a law or rule, the agency must provide the small business with a copy of the law or rule being violated. The agency must also allow the small business at least two business days to correct the violation. If no correction is possible or the agency is acting in response to a complaint made by a third party who would be disadvantaged by an opportunity to correct, the opportunity to correct does not apply.

Exceptions to the opportunity to correct may be made if:

- an agency head determines that the effect of the violation presents a direct danger to the public health, results in a loss of income or benefits to an employee, poses a potentially significant threat to human health or the environment, or causes serious harm to the public interest;
- the violation involves a knowing or willful violation;
- the violation relates to taxes, a regulated entity's financial filings, or an insurance rate or form filing;
- the opportunity for correction conflicts with federal law or program requirements, conditions for receipt of federal funds, or requirements for eligibility of employers for federal unemployment tax credits; or

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- the small business previously violated a substantially similar requirement or the owner or operator of the small business previously violated a substantially similar requirement as owner or operator of a different small business.

A "small business" is a business with 250 or fewer employees or an annual gross revenue of less than \$7 million.

Summary:

The two business days that an agency must provide to a small business to correct a violation before imposing a fine, civil penalty, or administrative sanction is extended to seven calendar days.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: July 22, 2011