S-1563.2

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**SUBSTITUTE SENATE BILL 5507**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Commerce & Labor (originally sponsored by Senators Braun, Rivers, Sheldon, Angel, and Schoesler)

AN ACT Relating to appeals by employers of department of labor and industries' fines or civil penalties; and adding a new section to chapter 51.52 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 51.52 RCW to read as follows:

If an employer appeals a department order or decision imposing any fine or civil penalty on the employer for failing to secure payment of compensation under this title, failing to report the payroll or employee hours related to employment, failing to keep and preserve records required by this title, or misrepresenting the amount of payroll or employee hours upon which premium is based, and the employer prevails upon appeal before the board, or in a court action, the department shall pay to the employer a penalty in an amount equal to the amount of any fine and penalty determined to not be due by a final order of the board or a court, along with reasonable attorneys' fees and costs.

Any amount owed to an employer by the department under this section shall be paid one-half out of the medical aid fund and one-half out of the accident fund if the employer is insured through the state fund, or out of the supplemental pension fund if the employer is self-insured.

**--- END ---**