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**SENATE BILL 5081**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Wagoner and Holy

AN ACT Relating to the burden of proof in disputes involving enforcement actions by certain regulatory agencies; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.70 RCW; and adding a new section to chapter 43.300 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.21A RCW to read as follows:

Unless otherwise provided by law, the burden of proof is on the department in any dispute involving an enforcement action undertaken by the department. For the purposes of this section, "enforcement action" means an action by the department to enforce the law against another party including, but not limited to, the issuance or imposition of a notice, determination, citation, order, fine, penalty, or other similar enforcement instrument.

NEW SECTION. **Sec.**  A new section is added to chapter 43.23 RCW to read as follows:

Unless otherwise provided by law, the burden of proof is on the department in any dispute involving an enforcement action undertaken by the department. For the purposes of this section, "enforcement action" means an action by the department to enforce the law against another party including, but not limited to, the issuance or imposition of a notice, determination, citation, order, fine, penalty, or other similar enforcement instrument.

NEW SECTION. **Sec.**  A new section is added to chapter 43.30 RCW to read as follows:

Unless otherwise provided by law, the burden of proof is on the department in any dispute involving an enforcement action undertaken by the department. For the purposes of this section, "enforcement action" means an action by the department to enforce the law against another party including, but not limited to, the issuance or imposition of a notice, determination, citation, order, fine, penalty, or other similar enforcement instrument.

NEW SECTION. **Sec.**  A new section is added to chapter 43.70 RCW to read as follows:

Unless otherwise provided by law, the burden of proof is on the department in any dispute involving an enforcement action undertaken by the department. For the purposes of this section, "enforcement action" means an action by the department to enforce the law against another party including, but not limited to, the issuance or imposition of a notice, determination, citation, order, fine, penalty, or other similar enforcement instrument.

NEW SECTION. **Sec.**  A new section is added to chapter 43.300 RCW to read as follows:

Unless otherwise provided by law, the burden of proof is on the department in any dispute involving an enforcement action undertaken by the department. For the purposes of this section, "enforcement action" means an action by the department to enforce the law against another party including, but not limited to, the issuance or imposition of a notice, determination, citation, order, fine, penalty, or other similar enforcement instrument.

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