
HOUSE BILL 2386

State of Washington

54th Legislature

1996 Regular Session

By Representatives D. Schmidt, Dyer, Thompson, Radcliff, Hargrove, Sheahan, Chappell, Cairnes, Cooke, Crouse, Scheuerman, Campbell, Honeyford, Buck, Huff, Elliot, Clements, Foreman, Quall, Backlund, Hymes, Costa, Mulliken and McMahan

Read first time 01/10/96. Referred to Committee on Government Operations.

1 AN ACT Relating to providing the text of laws and rules as a part
2 of state agency technical assistance programs; amending RCW 43.05.030,
3 43.05.060, 43.05.090, and 43.05.100; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that many individuals
6 and small businesses who are required to comply with laws and agency
7 rules often do not have access to the Revised Code of Washington, the
8 Washington Administrative Code, the United States Code, or the Code of
9 Federal Regulations. In this case, those informed of violations do not
10 know whether, or to what extent, the cited law or agency rule actually
11 applies to their situation. In order to facilitate greater
12 understanding of the law and agency rules, the legislature finds that
13 those who make the effort to obtain technical assistance from a
14 regulatory agency, and those who are issued a notice of correction,
15 should be given the text of the law or agency rule they are alleged to
16 have violated.

17 **Sec. 2.** RCW 43.05.030 and 1995 c 403 s 604 are each amended to
18 read as follows:

1 (1) For the purposes of this chapter, a technical assistance visit
2 is a visit by a regulatory agency to a facility, business, or other
3 location that:

4 (a) Has been requested or is voluntarily accepted; and

5 (b) Is declared by the regulatory agency at the beginning of the
6 visit to be a technical assistance visit.

7 (2) A technical assistance visit also includes a consultative visit
8 pursuant to RCW 49.17.250.

9 (3) During a technical assistance visit, or within a reasonable
10 time thereafter, a regulatory agency shall inform the owner or operator
11 of the facility of any violations of law or agency rules identified by
12 the agency as follows:

13 (a) A description of the condition that is not in compliance and
14 (~~(a specific citation to)~~) the text of the applicable state or federal
15 law or rule;

16 (b) A statement of what is required to achieve compliance;

17 (c) The date by which the agency requires compliance to be
18 achieved;

19 (d) Notice of the means to contact any technical assistance
20 services provided by the agency or others; and

21 (e) Notice of when, where, and to whom a request to extend the time
22 to achieve compliance for good cause may be filed with the agency.

23 **Sec. 3.** RCW 43.05.060 and 1995 c 403 s 607 are each amended to
24 read as follows:

25 (1) If in the course of any site inspection or visit that is not a
26 technical assistance visit, the department of ecology becomes aware of
27 conditions that are not in compliance with applicable laws and rules
28 enforced by the department and are not subject to civil penalties as
29 provided for in RCW 43.05.070, the department may issue a notice of
30 correction to the responsible party that shall include:

31 (a) A description of the condition that is not in compliance and
32 (~~(a specific citation to)~~) the text of the applicable state or federal
33 law or rule;

34 (b) A statement of what is required to achieve compliance;

35 (c) The date by which the department requires compliance to be
36 achieved;

37 (d) Notice of the means to contact any technical assistance
38 services provided by the department or others; and

1 (e) Notice of when, where, and to whom a request to extend the time
2 to achieve compliance for good cause may be filed with the department.

3 (2) A notice of correction is not a formal enforcement action, is
4 not subject to appeal, and is a public record.

5 (3) If the department issues a notice of correction, it shall not
6 issue a civil penalty for the violations identified in the notice of
7 correction unless the responsible party fails to comply with the
8 notice.

9 **Sec. 4.** RCW 43.05.090 and 1995 c 403 s 610 are each amended to
10 read as follows:

11 (1) Following a consultative visit pursuant to RCW 49.17.250, the
12 department of labor and industries shall issue a report to the employer
13 that the employer shall make available to its employees. The report
14 shall contain:

15 (a) A description of the condition that is not in compliance and
16 (~~a specific citation to~~) the text of the applicable state or federal
17 law or rule;

18 (b) A statement of what is required to achieve compliance;

19 (c) The date by which the department requires compliance to be
20 achieved;

21 (d) Notice of means to contact technical assistance services
22 provided by the department; and

23 (e) Notice of when, where, and to whom a request to extend the time
24 to achieve compliance for good cause may be filed with the department.

25 (2) Following a compliance inspection pursuant to RCW 49.17.120,
26 the department of labor and industries shall issue a citation for
27 violations of industrial safety and health standards. The citation
28 shall not assess a penalty if the violations:

29 (a) Are determined not to be of a serious nature;

30 (b) Have not been previously cited;

31 (c) Are not willful; and

32 (d) Do not have a mandatory penalty under chapter 49.17 RCW.

33 **Sec. 5.** RCW 43.05.100 and 1995 c 403 s 611 are each amended to
34 read as follows:

35 (1) If in the course of any inspection or visit that is not a
36 technical assistance visit, the department of agriculture, fish and
37 wildlife, health, licensing, or natural resources becomes aware of

1 conditions that are not in compliance with applicable laws and rules
2 enforced by the department and are not subject to civil penalties as
3 provided for in RCW 43.05.110, the department may issue a notice of
4 correction to the responsible party that shall include:

5 (a) A description of the condition that is not in compliance and
6 (~~a specific citation to~~) the text of the applicable state or federal
7 law or rule;

8 (b) A statement of what is required to achieve compliance;

9 (c) The date by which the department requires compliance to be
10 achieved;

11 (d) Notice of the means to contact any technical assistance
12 services provided by the department or others; and

13 (e) Notice of when, where, and to whom a request to extend the time
14 to achieve compliance for good cause may be filed with the department.

15 (2) A notice of correction is not a formal enforcement action, is
16 not subject to appeal, and is a public record.

17 (3) If the department issues a notice of correction, it shall not
18 issue a civil penalty for the violations identified in the notice of
19 correction unless the responsible party fails to comply with the
20 notice.

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