
SUBSTITUTE HOUSE BILL 2484

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Government Administration (originally sponsored by Representatives Lisk, Appelwick, Pennington, Dunshee, Kessler, Linville and D. Schmidt)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to determining if violations of chapter 42.17 RCW
2 have occurred; and amending RCW 42.17.395.

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

4 **Sec. 1.** RCW 42.17.395 and 1989 c 175 s 91 are each amended to read
5 as follows:

6 (1) The commission may (a) determine whether an actual violation of
7 this chapter has occurred; and (b) issue and enforce an appropriate
8 order following such determination.

9 (2) The commission, in cases where it chooses to determine whether
10 an actual violation of this chapter has occurred, shall hold a hearing
11 pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to
12 make such determination. Any order that the commission issues under
13 this section shall be pursuant to (~~such~~) this hearing.

14 Notice of the hearing before the commission that is provided to the
15 respondent must indicate that one or more working days before this
16 hearing the respondent may file a written petition with the commission
17 removing its jurisdiction over making such a determination. If the
18 petition is timely filed by the respondent, the commission may not make
19 the determination with regard to that respondent and may either refer

1 the matter to the office of administrative hearings for determination
2 by an administrative law judge or refer the matter to the attorney
3 general, or other enforcement agency, as provided under subsection (3)
4 of this section. A determination by an administrative law judge is
5 final and is not subject to review under RCW 34.05.464. If a hearing
6 examiner determines that an actual violation of this chapter has
7 occurred, the commission may issue and enforce an appropriate order
8 following that determination.

9 (3) In lieu of holding a hearing or issuing an order under this
10 section, the commission may refer the matter to the attorney general or
11 other enforcement agency as provided in RCW 42.17.360.

12 (4) The person against whom an order is directed under this section
13 shall be designated as the respondent. The order may require the
14 respondent to cease and desist from the activity that constitutes a
15 violation and in addition, or alternatively, may impose one or more of
16 the remedies provided in RCW 42.17.390(~~((1) (b), (c), (d), or (e):~~
17 ~~PROVIDED, That no)) (2), (3), (4), or (5). However, an individual~~
18 penalty assessed by the commission may exceed one thousand dollars, and
19 in any case where multiple violations are involved in a single
20 complaint or hearing, the maximum aggregate penalty may not exceed two
21 thousand five hundred dollars.

22 (5) An order issued by the commission under this section shall be
23 subject to judicial review under the Administrative Procedure Act,
24 chapter 34.05 RCW. If the commission's order is not satisfied and no
25 petition for review is filed within thirty days as provided in RCW
26 34.05.542, the commission may petition a court of competent
27 jurisdiction of any county in which a petition for review could be
28 filed under that section, for an order of enforcement. Proceedings in
29 connection with the commission's petition shall be in accordance with
30 RCW 42.17.397.

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