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HOUSE BILL 2840

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Clements, McMorris, Schoesler, Honeyford, Boldt,  
D. Schmidt and Mielke

Read first time 01/21/98. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to citations under the Washington industrial safety  
2 and health act; and amending RCW 49.17.120.

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

4 **Sec. 1.** RCW 49.17.120 and 1973 c 80 s 12 are each amended to read  
5 as follows:

6 (1) If upon inspection or investigation the director or his or her  
7 authorized representative believes that an employer has violated a  
8 requirement of RCW 49.17.060, or any safety or health standard  
9 promulgated by rule adopted by the director, or the conditions of any  
10 order granting a variance pursuant to this chapter, ((he)) the director  
11 shall with reasonable promptness issue a citation to the employer.  
12 Each citation shall be in writing and shall describe with particularity  
13 the nature of the violation, including a reference to the provisions of  
14 the statute, standard, rule, regulation, or order alleged to have been  
15 violated. In addition, the citation shall fix a reasonable time for  
16 the abatement of the violation.

17 (2) The director may prescribe procedures for the issuance of a  
18 notice in lieu of a citation with respect to de minimis violations  
19 which have no direct or immediate relationship to safety or health.

1       (3) Each citation, or a copy or copies thereof, issued under the  
2 authority of this section and RCW 49.17.130 shall be prominently  
3 posted, at or near each place a violation referred to in the citation  
4 occurred or as may otherwise be prescribed in regulations issued by the  
5 director. The director shall provide by rule for procedures to be  
6 followed by an employee representative upon written application to  
7 receive copies of citations and notices issued to any employer having  
8 employees who are represented by such employee representative. Such  
9 rule may prescribe the form of such application, the time for renewal  
10 of applications, and the eligibility of the applicant to receive copies  
11 of citations and notices.

12       (4) No citation may be issued under this section or RCW 49.17.130  
13 after the expiration of six months following a compliance inspection,  
14 investigation, or survey revealing any such violation.

15       (5)(a) No citation may be issued under this section if an employee  
16 neglects to observe the employer's safety and health rules and this  
17 neglect led to the violation, provided that:

18       (i) The employer maintains compliance with standards adopted under  
19 this chapter and safety rules that are designed to prevent such  
20 violations;

21       (ii) The program and rules were adequately communicated to  
22 employees, including conducting safety meetings as required by  
23 standards adopted under this chapter;

24       (iii) The employer takes reasonable measures to discover violations  
25 of the safety rules and takes reasonable corrective action when  
26 violations are discovered; and

27       (iv) The employees of the employer were provided with training and  
28 equipment in compliance with standards adopted under this chapter.

29       (b) This subsection (5) does not eliminate or modify any other  
30 defenses that may exist to a citation.

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