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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)

READ FIRST TIME 02/19/15.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.52  
6 RCW to read as follows:

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

18 Any amount owed to an employer by the department under this  
19 section shall be paid one-half out of the medical aid fund and one-  
20 half out of the accident fund if the employer is insured through the

1 state fund, or out of the supplemental pension fund if the employer  
2 is self-insured.

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