

**WAC 296-104-701 What are the civil penalties?** (1) An installer, owner, user, operator, or repair organization of a boiler or pressure vessel that violates a provision of chapter 70.79 RCW, or of the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Operating under pressure a boiler or pressure vessel which the department has condemned, has issued a red tag or has suspended the inspection certificate:

First offense.....	\$150.00
Second offense.....	\$300.00
Each additional offense.....	\$500.00

Each day of such unlawful operation shall be deemed a separate offense.

Operating under pressure a boiler or pressure vessel without a valid inspection certificate:

First offense.....	\$50.00
Second offense.....	\$100.00
Each additional offense.....	\$200.00

Each day of such unlawful operation shall be deemed a separate offense.

Installation of a boiler or pressure vessel without meeting prior filing requirements of WAC 296-104-020:

First offense.....	\$100.00
Second offense.....	\$200.00
Each additional offense.....	\$500.00

Performing a welded repair or alteration to a boiler or unfired pressure vessel, without meeting the filing and procedural requirements of WAC 296-104-503:

First offense.....	\$150.00
Second offense.....	\$300.00
Each additional offense.....	\$500.00

A violation will be a second or additional offense only if it occurs within one calendar year from the first violation.

Performing resetting, repair or restamping of safety valves, safety relief valves, or rupture discs, without meeting requirements of WAC 296-104-520:

First offense.....	\$150.00
Second offense.....	\$300.00
Each additional offense.....	\$500.00

Failure of owner to notify chief inspector in case of accident which serves to render a boiler or unfired pressure vessel inoperative, as required by WAC 296-104-025:

Each offense.....	\$100.00
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Failure to comply with a noncompliance report requirement:

Within 90 days.....	\$100.00
Within 91-180 days.....	\$250.00

Within 181-270 days..... \$400.00  
Within 271-360 days..... \$500.00

(2) The inspection agency responsible for the in-service inspector of a boiler or unfired pressure vessel that violates a provision of chapter 296-104 WAC, or the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Failure to file a report of inspection per WAC 296-104-040:

Each offense..... \$50.00

Failure to apply a state serial number per WAC 296-104-140:

Each offense..... \$50.00

Failure to attach a "Red TAG" per WAC 296-104-110:

Each offense..... \$50.00

Each object (boiler or unfired pressure vessel) is considered a separate offense.

(3) The department shall by certified mail notify a person of its determination that the person has violated this section.

(4) Any person aggrieved by an order or act under the boiler and unfired pressure vessels law or under the rules and regulations may appeal to the board of boiler rules. This appeal shall be filed within twenty days after service of the notice of the penalty to the assessed party by filing a written notice of appeal with the chief boiler inspector per RCW 70.79.361.

(5) Each day that a violation occurs will be a separate offense. A violation will be a second or additional offense only if it occurs within one year from the first violation.

[Statutory Authority: Chapter 70.79 RCW. WSR 21-03-067, § 296-104-701, filed 1/19/21, effective 2/19/21; WSR 18-01-113, § 296-104-701, filed 12/19/17, effective 1/31/18. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. WSR 05-22-092, § 296-104-701, filed 11/1/05, effective 1/1/06. Statutory Authority: Chapter 70.79 RCW. WSR 04-21-069, § 296-104-701, filed 10/19/04, effective 1/1/05. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. WSR 00-21-024, § 296-104-701, filed 10/10/00, effective 11/13/00. Statutory Authority: Chapter 70.79 RCW. WSR 87-12-003 (Order 87-10), § 296-104-701, filed 5/21/87.]