

**WAC 16-662-160 Definitions for civil penalties and enforcement—
Motor fuel quality.** The following definitions apply to WAC 16-662-165
and 16-662-170:

"Violation" means commission of an act or acts prohibited by chapter 19.112 RCW, Motor Fuel Quality Act, and this chapter or the failure to act in compliance with the requirements of chapter 19.112 RCW and this chapter. Violations include the following: Marketing motor fuels in any manner that may deceive or tend to deceive the purchaser as to the nature, price, quantity and quality of a motor fuel; hindering or obstructing the director or the director's authorized agent in the performance of their duties; marketing a motor fuel that is contrary to the provisions of chapter 19.112 RCW and the regulations adopted under the authority of the Motor Fuel Quality Act.

"First violation" means an act or omission unlawful under RCW 19.112.050 that has resulted in a notice of violation or a notice of correction.

"Second violation" means one same or similar violation as a first violation that occurs within two years of the first violation.

"Third violation" means one same or similar violation as a second violation that occurs within two years of the second violation.

"Fourth violation" means one same or similar violation as a third violation that occurs within two years of the third violation.

"Subsequent violation" means one same or similar violation as a fourth violation that occurs within two years of the fourth or any subsequent violation.

"Similar violation" means a violation of a comparable but not identical standard or requirement. For example: A violation of an ASTM fuel standard would be a violation similar to a violation of a different ASTM fuel standard. A violation of an ASTM fuel standard would not be similar to a violation of fuel pricing violation. When determining the level of violation, prior incidents will be based on the date that a final order or stipulated order resolved the prior violation and not from the date that the incident occurred.

"Notice of correction" means a document issued by the department in accordance with RCW 43.05.100. A notice of correction will identify any condition that is a violation. Any violation identified in a notice of correction is a violation even though that violation is not subject to a civil penalty when the notice of correction is issued.

"Notice of intent" means a document issued by the department in accordance with RCW 43.05.110. A notice of intent assesses a civil penalty under RCW 19.112.060 (1)(b) for violations of chapter 19.112 RCW as provided under WAC 16-662-165 and 16-662-170.

[Statutory Authority: RCW 19.94.190, 19.94.195, 19.112.020, 19.112.140, and chapter 34.05 RCW. WSR 16-19-093, § 16-662-160, filed 9/21/16, effective 10/22/16.]