
SENATE BILL 5081

State of Washington

67th Legislature

2021 Regular Session

By Senators Wagoner and Holy

Prefiled 01/06/21. Read first time 01/11/21. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to the burden of proof in disputes involving
2 enforcement actions by certain regulatory agencies; adding a new
3 section to chapter 43.21A RCW; adding a new section to chapter 43.23
4 RCW; adding a new section to chapter 43.30 RCW; adding a new section
5 to chapter 43.70 RCW; and adding a new section to chapter 43.300 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21A
8 RCW to read as follows:

9 Unless otherwise provided by law, the burden of proof is on the
10 department in any dispute involving an enforcement action undertaken
11 by the department. For the purposes of this section, "enforcement
12 action" means an action by the department to enforce the law against
13 another party including, but not limited to, the issuance or
14 imposition of a notice, determination, citation, order, fine,
15 penalty, or other similar enforcement instrument.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.23
17 RCW to read as follows:

18 Unless otherwise provided by law, the burden of proof is on the
19 department in any dispute involving an enforcement action undertaken
20 by the department. For the purposes of this section, "enforcement

1 action" means an action by the department to enforce the law against
2 another party including, but not limited to, the issuance or
3 imposition of a notice, determination, citation, order, fine,
4 penalty, or other similar enforcement instrument.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.30
6 RCW to read as follows:

7 Unless otherwise provided by law, the burden of proof is on the
8 department in any dispute involving an enforcement action undertaken
9 by the department. For the purposes of this section, "enforcement
10 action" means an action by the department to enforce the law against
11 another party including, but not limited to, the issuance or
12 imposition of a notice, determination, citation, order, fine,
13 penalty, or other similar enforcement instrument.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70
15 RCW to read as follows:

16 Unless otherwise provided by law, the burden of proof is on the
17 department in any dispute involving an enforcement action undertaken
18 by the department. For the purposes of this section, "enforcement
19 action" means an action by the department to enforce the law against
20 another party including, but not limited to, the issuance or
21 imposition of a notice, determination, citation, order, fine,
22 penalty, or other similar enforcement instrument.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.300
24 RCW to read as follows:

25 Unless otherwise provided by law, the burden of proof is on the
26 department in any dispute involving an enforcement action undertaken
27 by the department. For the purposes of this section, "enforcement
28 action" means an action by the department to enforce the law against
29 another party including, but not limited to, the issuance or
30 imposition of a notice, determination, citation, order, fine,
31 penalty, or other similar enforcement instrument.

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