RCW 29B.60.060 Citizen's action. (1) A person who has reason to believe that a provision of this title is being or has been violated may bring a citizen's action in the name of the state, in accordance with the procedures of this section.

(2) A citizen's action may be brought and prosecuted only if the person first has filed a complaint with the commission and:

(a) The commission has not taken action authorized under RCW 29B.60.020(1) within 90 days of the complaint being filed with the commission, and the person who initially filed the complaint with the commission provided written notice to the attorney general in accordance with RCW 29B.60.020(5) and the attorney general has not commenced an action, or published a decision whether to commence action pursuant to RCW 29B.60.040(1)(b), within 45 days of receiving the notice;

(b) For matters referred to the attorney general within 90 days of the commission receiving the complaint, the attorney general has not commenced an action, or published a decision whether to commence an action pursuant to RCW 29B.60.040(1)(b), within 45 days of receiving referral from the commission; and

(c) The person who initially filed the complaint with the commission has provided notice of a citizen's action in accordance with subsection (3) of this section and the commission or the attorney general has not commenced action within the 10 days provided under subsection (3) of this section.

(3) To initiate the citizen's action, after meeting the requirements under subsection (2) (a) and (b) of this section, a person must notify the attorney general and the commission that the person will commence a citizen's action within 10 days if the commission does not take action authorized under RCW 29B.60.020(1), or the attorney general does not commence an action or publish a decision whether to commence an action pursuant to RCW 29B.60.040(1)(b). The attorney general and the commission must notify the other of its decision whether to commence an action.

(4) The citizen's action must be commenced within two years after the date when the alleged violation occurred and may not be commenced against a committee or incidental committee before the end of such period if the committee or incidental committee has received an acknowledgment of dissolution.

(5) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state for reasonable costs and reasonable attorneys' fees the person incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all trial costs and reasonable attorneys' fees incurred by the defendant. [2024 c 164 s 495; 2019 c 428 s 40; 2018 c 304 s 16. Formerly RCW 42.17A.775.]

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Finding—Effective date—2019 c 428: See notes following RCW 29B.20.110.

Finding—Intent—2018 c 304: See note following RCW 29B.25.090.