

SENATE BILL REPORT

SB 5410

AS OF FEBRUARY 11, 1991

Brief Description: Changing the standards and procedures for prosecuting and enforcing certain civil infractions.

SPONSORS: Senators Hansen, Newhouse, Barr and Bailey.

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Staff: John Stuhlmiller (786-7446)

Hearing Dates: February 14, 1991

BACKGROUND:

Concern has been expressed that the increased use of civil penalties by agencies has given an unfair advantage to the agencies. Currently, upon appeal of a civil penalty the case goes to an administrative law judge who decides the case based upon a preponderance of the evidence. The administrative law judge may be employed by the agency who issued the penalty, thus giving the appearance of unfairness to appellants. In the Washington Industrial Safety and Health Act and the industrial insurance programs, the burden of proof is on the person assessed the civil penalty.

SUMMARY:

In the case of civil penalties levied under the pesticide statutes administered by the Department of Agriculture, and the Washington Industrial Safety and Health Act, agricultural labor, and the industrial insurance program administered by the Department of Labor and Industries, the process outlined in the civil infraction statute (Chapter 7.80 RCW) must be followed. In conducting appeals, the burden of proof is on the agency to show by clear and convincing evidence that the infraction was committed.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: The bill contains an emergency clause and takes effect immediately.