
SENATE BILL 5741

State of Washington

52nd Legislature

1991 Regular Session

By Senator McDonald.

Read first time February 19, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to asbestos projects; and amending RCW 49.26.016.

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

3 **Sec. 1.** RCW 49.26.016 and 1989 c 154 s 3 are each amended to read
4 as follows:

5 (1) Any owner or owner's agent who allows the start of any
6 construction, renovation, remodeling, maintenance, repair, or
7 demolition without first (a) conducting the inspection and preparing
8 and maintaining the report of the inspection, or preparing and
9 maintaining a statement of assumption of the presence or reasonable
10 certainty of the absence of asbestos, as required under RCW 49.26.013;
11 and (b) preparing and maintaining the additional written description of
12 the project as required under RCW 49.26.120 shall be subject to a
13 (~~mandatory~~) fine of not less than two hundred fifty dollars for each
14 violation. Each day the violation continues shall be considered a
15 separate violation. In addition, any construction, renovation,

1 remodeling, maintenance, repair, or demolition which was started
2 without meeting the requirements of RCW 49.26.013 and RCW 49.26.120
3 shall be halted immediately and cannot be resumed before meeting such
4 requirements.

5 The department may waive the fine imposed by this subsection upon
6 a determination by the department that the failure to comply was
7 unintentional.

8 (2) It is the responsibility of any contractor registered under
9 chapter 18.27 RCW to request a copy of the written report or statement
10 required under RCW 49.26.013 from the owner or the owner's agent. No
11 contractor may commence any construction, renovation, remodeling,
12 maintenance, repair or demolition project without receiving the copy of
13 the written report or statement from the owner or the owner's agent.
14 Any contractor who begins any project without the copy of the written
15 report or statement shall be subject to a mandatory fine of not less
16 than two hundred and fifty dollars per day. Each day the violation
17 continues shall be considered a separate violation.

18 (3) Any partnership, firm, corporation or sole proprietorship that
19 begins any construction, renovation, remodeling, maintenance, repair,
20 or demolition without meeting the requirements of RCW 49.26.013 and the
21 notification requirement under RCW 49.26.120 shall lose the exemptions
22 provided in RCW 49.26.110 and 49.26.120 for a period of not less than
23 six months.

24 (4) The certificate of any asbestos contractor who knowingly
25 violates any provision of this chapter or any rule adopted under this
26 chapter shall be revoked for a period of not less than six months.

27 (5) The penalties imposed in this section are in addition to any
28 penalties under RCW 49.26.140.