

1 2510-S2 AMH .... H4251.1

2 2SHB 2510 - H AMD 1099 WITHDRAWN 2-15-94

3 By Representative Wood

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5 On page 9, after line 26, insert the following:

6 "NEW SECTION. **Sec. 13.** A new section is added to chapter 34.05  
7 RCW to read as follows:

8 (1) This section applies only to the department of revenue, the  
9 employment security department, the department of ecology, the  
10 department of labor and industries, the department of health, the  
11 department of licensing, and the department of fish and wildlife.

12 (2) An agency listed in subsection (1) of this section may  
13 immediately impose a penalty otherwise provided for by law for a  
14 violation of a statute or administrative rule by a business entity only  
15 if the entity on which the penalty will be imposed has: (a) Previously  
16 violated the same statute or rule; or (b) willfully violated the  
17 statute or rule. Where a penalty is otherwise provided, but may not be  
18 imposed under this subsection, the agency shall issue a statement of  
19 deficiency.

20 (3) A statement of deficiency shall specify: (a) The particular  
21 rule violated; (b) the steps the entity must take to comply with the  
22 rule; (c) agency personnel designated by the agency to provide  
23 technical assistance regarding compliance with the rule; and (d) a date  
24 by which the entity is required to comply with the rule. The date  
25 specified shall provide a reasonable period of time for the entity to  
26 comply with the rule, considering the size of the entity, its available  
27 resources, and the threat posed by the violation. If the entity fails  
28 to comply with the rule by the date specified, it shall be subject to  
29 the penalty otherwise provided in law.

30 (4) Subsection (2) of this section shall not apply to any violation  
31 that places a person in danger of death or substantial bodily harm, is  
32 causing or is likely to cause significant environmental harm, or has  
33 caused or is likely to cause physical damage to the property of others  
34 in an amount exceeding one thousand dollars. With regard to a statute  
35 or rule requiring the payment of a tax, subsection (1) of this section

1 shall not apply when a business entity has paid less than eighty-five  
2 percent of the tax actually owed.

3 (5) The state, the agency, and officers or employees of the state  
4 shall not be liable for damages to any person to the extent that  
5 liability is asserted to arise from the technical assistance provided  
6 under this section, or if liability is asserted to arise from the  
7 failure of the agency to supply technical assistance.

8 (6) Where a state agency has been delegated authority to enforce  
9 federal rules, the agency shall submit a written petition to the  
10 appropriate federal agency for authorization to comply with this  
11 section for all inspections while retaining the state's federal  
12 delegation. In such cases, this section applies only to the extent  
13 authorized by the appropriate federal agency."

14 Renumber the remaining sections consecutively and correct any  
15 internal references accordingly.

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