
SENATE BILL 5795

State of Washington

53rd Legislature

1993 Regular Session

By Senators Moore, Amondson and Jesernig

Read first time 02/15/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to regulatory reform; adding a new section to
2 chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
5 to read as follows:

6 In addition to other requirements imposed by law, no city or town
7 may adopt an ordinance or resolution, the violation of which subjects
8 a business to a penalty or sanction, or that establishes, alters, or
9 revokes a qualification or standard for the issuance, suspension, or
10 revocation of a license to pursue a commercial activity, trade, or
11 profession, unless:

12 (1) There exists a written record providing clear and convincing
13 evidence that: (a) The particular ordinance or resolution is needed;
14 (b) the benefits of the particular ordinance or resolution outweigh its
15 costs; (c) the city or town considered any other less intrusive or less
16 costly means to achieve the purpose of the rule that were proposed in
17 public hearing, but had reasonable justification for rejecting them in
18 favor of the adopted rule; and (d) a fee imposed by the ordinance or

1 resolution is reasonable and directly related to the cost of program
2 administration;

3 (2) To the extent practicable, the ordinance or resolution is
4 clearly and simply stated, so that it will be understood by a party
5 required to comply;

6 (3) The ordinance or resolution does not conflict with, or, without
7 reasonable justification, overlap or duplicate, any other provision of
8 local, state, or federal law; and

9 (4) The city or town has a written plan to inform and educate
10 affected parties about the rule, to promote voluntary compliance, and
11 to evaluate whether the ordinance or resolution achieves the purpose
12 for which it was adopted.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01 RCW
14 to read as follows:

15 In addition to other requirements imposed by law, no county may
16 adopt an ordinance or resolution, the violation of which subjects a
17 business to a penalty or sanction, or that establishes, alters, or
18 revokes a qualification or standard for the issuance, suspension, or
19 revocation of a license to pursue a commercial activity, trade, or
20 profession, unless:

21 (1) There exists a written record providing clear and convincing
22 evidence that: (a) The particular ordinance or resolution is needed;
23 (b) the benefits of the particular ordinance or resolution outweigh its
24 costs; (c) the county considered any other less intrusive or less
25 costly means to achieve the purpose of the rule that were proposed in
26 public hearing, but had reasonable justification for rejecting them in
27 favor of the adopted rule; and (d) a fee imposed by the ordinance or
28 resolution is reasonable and directly related to the cost of program
29 administration;

30 (2) To the extent practicable, the ordinance or resolution is
31 clearly and simply stated, so that it will be understood by a party
32 required to comply;

33 (3) The ordinance or resolution does not conflict with, or, without
34 reasonable justification, overlap or duplicate, any other provision of
35 local, state, or federal law; and

36 (4) The county has a written plan to inform and educate affected
37 parties about the rule, to promote voluntary compliance, and to

- 1 evaluate whether the ordinance or resolution achieves the purpose for
- 2 which it was adopted.

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