
SENATE BILL 6312

State of Washington

53rd Legislature

1994 Regular Session

By Senators Fraser and Moore; by request of Department of Labor & Industries

Read first time 01/19/94. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to conforming burden of proof for criminal
2 sanctions provisions in the Washington industrial safety and health
3 act; and amending RCW 49.17.190(3).

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

5 **Sec. 1.** RCW 49.17.190 and 1986 c 20 s 3 are each amended to read
6 as follows:

7 (1) Any person who gives advance notice of any inspection to be
8 conducted under the authority of this chapter, without the consent of
9 the director or his authorized representative, shall, upon conviction
10 be guilty of a gross misdemeanor and be punished by a fine of not more
11 than one thousand dollars or by imprisonment for not more than six
12 months, or by both.

13 (2) Whoever knowingly makes any false statement, representation, or
14 certification in any application, record, report, plan, or other
15 document filed or required to be maintained pursuant to this chapter
16 shall, upon conviction be guilty of a gross misdemeanor and be punished
17 by a fine of not more than ten thousand dollars, or by imprisonment for
18 not more than six months or by both.

1 (3) Any employer who willfully (~~and knowingly~~) violates the
2 requirements of RCW 49.17.060, any safety or health standard
3 promulgated under this chapter, any existing rule or regulation
4 governing the safety or health conditions of employment and adopted by
5 the director, or any order issued granting a variance under RCW
6 49.17.080 or 49.17.090 and that violation caused death to any employee
7 shall, upon conviction be guilty of a gross misdemeanor and be punished
8 by a fine of not more than one hundred thousand dollars or by
9 imprisonment for not more than six months or by both; except, that if
10 the conviction is for a violation committed after a first conviction of
11 such person, punishment shall be a fine of not more than two hundred
12 thousand dollars or by imprisonment for not more than one year, or by
13 both.

14 (4) Any employer who has been issued an order immediately
15 restraining a condition, practice, method, process, or means in the
16 work place, pursuant to RCW 49.17.130 or 49.17.170, and who
17 nevertheless continues such condition, practice, method, process, or
18 means, or who continues to use a machine or equipment or part thereof
19 to which a notice prohibiting such use has been attached, shall be
20 guilty of a gross misdemeanor, and upon conviction shall be punished by
21 a fine of not more than ten thousand dollars or by imprisonment for not
22 more than six months, or by both.

23 (5) Any employer who shall knowingly remove, displace, damage, or
24 destroy, or cause to be removed, displaced, damaged, or destroyed any
25 safety device or safeguard required to be present and maintained by any
26 safety or health standard, rule, or order promulgated pursuant to this
27 chapter, or pursuant to the authority vested in the director under RCW
28 43.22.050 shall, upon conviction, be guilty of a misdemeanor and be
29 punished by a fine of not more than one thousand dollars or by
30 imprisonment for not more than ninety days, or by both.

31 (6) Whenever the director has reasonable cause to believe that any
32 provision of this section defining a crime has been violated by an
33 employer, the director shall cause a record of such alleged violation
34 to be prepared, a copy of which shall be referred to the prosecuting
35 attorney of the county wherein such alleged violation occurred, and the
36 prosecuting attorney of such county shall in writing advise the
37 director of the disposition he shall make of the alleged violation.

--- END ---