H-4125.1

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**HOUSE BILL 2916**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Dye, Blake, Dent, Chapman, Pettigrew, and Johnson

AN ACT Relating to limiting the application of certain civil penalties to protect landowners from incurring penalties based on the actions of the landowner's lessee; and amending RCW 90.03.600.

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

**Sec.**  RCW 90.03.600 and 2003 1st sp.s. c 15 s 3 are each amended to read as follows:

(1) In determining the amount of a penalty to be levied, the department shall consider the seriousness of the violation, whether the violation is repeated or continuous after notice of the violation is given, and whether any damage has occurred to the health or property of other persons. Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, the department ((~~of ecology~~)) may levy civil penalties ranging from one hundred dollars to five thousand dollars per day for violation of any of the provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department ((~~of ecology~~)) adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty under RCW 90.48.144 as well as review and appeal of the same.

(2) The department may not levy a civil penalty under this section against a landowner if the actions of the landowner's lessee are the basis for the violation. In such cases, the department may levy the civil penalty against the lessee.

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