S-0590.2

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5717**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2023 Regular Session**

**By** Senator Stanford

AN ACT Relating to a voluntary compliance program for industrial insurance; adding a new section to chapter 51.16 RCW; and providing an effective date.

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

NEW SECTION. **Sec.**  A new section is added to chapter 51.16 RCW to read as follows:

(1) The department may grant an employer's application for advice and consultation and visit the employer's workplace in order to provide such advice and consultation. Advice and consultation services are limited to the matters specified in the request affecting the interpretation and applicability of Title 51 RCW to the employer. The department may provide for an alternative means of affording consultation and advice other than on-site consultation.

(2)(a) The department must make a decision regarding whether the employer is accurately:

(i) Classifying individuals as workers under Title 51 RCW; and

(ii) Calculating and paying the employer's industrial insurance premiums.

(b) Except as provided in (c) of this subsection, the employer may rely on the department's decision for future payments unless and until the department provides written notice that the employer is not accurately classifying individuals as workers or calculating or paying its premiums.

(c) The employer may not rely on the department's decision for the classification of individuals if the employer misrepresented or withheld facts or circumstances related to classification and proper calculation of paying workers' compensation premiums. Should the facts or circumstances change, the employer may not rely on the department's decision.

(3) No visit to an employer's workplace or alternative means shall be regarded as an inspection, investigation, or audit under the authority of this title, and no notices or citations shall be issued. Nor shall any civil penalties be assessed upon such visit or alternative means for the consultation. Nor shall any authorized representative of the director designated to render advice and consult with employers under the voluntary compliance program have any enforcement authority.

(4) This section does not provide immunity to an employer who has applied for consultative services from inspections, investigations, or audits conducted under this title before, during, or after the provision of consultative services.

(5) In the event of a subsequent inspection, the department may take into consideration any information obtained during the consultation visit in determining the nature of an alleged violation and the dollar amount of penalties to be assessed, if any.

(6) All employers requesting consultative services must be advised of the provisions of this section and the rules adopted by the department relating to the voluntary compliance program. Information obtained by the department as a result of employer-requested consultation and training services are deemed confidential and shall not be open to public inspection.

(7) The department has authority to adopt rules as needed to implement the provisions of this section.

NEW SECTION. **Sec.**  This act takes effect July 1, 2024.

**--- END ---**