
SUBSTITUTE SENATE BILL 5980

State of Washington

68th Legislature

2024 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Keiser, Conway, Liias, Van De Wege, Hasegawa, Nobles, Salomon, and Valdez)

READ FIRST TIME 01/30/24.

1 AN ACT Relating to the timeline for issuing a citation for a
2 violation of the Washington industrial safety and health act; and
3 amending RCW 49.17.120.

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

5 **Sec. 1.** RCW 49.17.120 and 1999 c 93 s 1 are each amended to read
6 as follows:

7 (1) If upon inspection or investigation the director or (~~his or~~
8 ~~her~~) the director's authorized representative believes that an
9 employer has violated a requirement of RCW 49.17.060, or any safety
10 or health standard promulgated by rule adopted by the director, or
11 the conditions of any order granting a variance pursuant to this
12 chapter, the director shall with reasonable promptness issue a
13 citation to the employer. Each citation shall be in writing and shall
14 describe with particularity the nature of the violation, including a
15 reference to the provisions of the statute, standard, rule,
16 regulation, or order alleged to have been violated. In addition, the
17 citation shall fix a reasonable time for the abatement of the
18 violation.

19 (2) The director may prescribe procedures for the issuance of a
20 notice in lieu of a citation with respect to de minimis violations
21 which have no direct or immediate relationship to safety or health.

1 (3) Each citation, or a copy or copies thereof, issued under the
2 authority of this section and RCW 49.17.130 shall be prominently
3 posted, at or near each place a violation referred to in the citation
4 occurred or as may otherwise be prescribed in regulations issued by
5 the director. The director shall provide by rule for procedures to be
6 followed by an employee representative upon written application to
7 receive copies of citations and notices issued to any employer having
8 employees who are represented by such employee representative. Such
9 rule may prescribe the form of such application, the time for renewal
10 of applications, and the eligibility of the applicant to receive
11 copies of citations and notices.

12 (4) No citation may be issued under this section or RCW 49.17.130
13 after the expiration of six months following a compliance inspection,
14 investigation, or survey revealing any such violation.

15 (5) (a) No citation may be issued under this section if there is
16 unpreventable employee misconduct that led to the violation, but the
17 employer must show the existence of:

18 (i) A thorough safety program, including work rules, training,
19 and equipment designed to prevent the violation;

20 (ii) Adequate communication of these rules to employees;

21 (iii) Steps to discover and correct violations of its safety
22 rules; and

23 (iv) Effective enforcement of its safety program as written in
24 practice and not just in theory.

25 (b) This subsection (5) does not eliminate or modify any other
26 defenses that may exist to a citation.

27 (6) (a) When conducting inspections of employer worksites where
28 workers are engaged in activities as defined by North American
29 industry classification system 2361, residential building
30 construction, the department shall make a good faith effort to notify
31 the employer or owner within 10 working days where a hazard that
32 could cause injury to a worker was immediately identified during an
33 inspection. Such notice does not eliminate or modify any other right,
34 responsibility, or authority provided in this chapter.

35 (b) The notice requirement in (a) of this subsection applies only
36 until June 30, 2026.

37 (c) By December 1, 2026, the department shall report to the
38 appropriate committees of the legislature the number and percent of
39 inspections in (a) of this subsection when timely notice was not

1 given to the owner or employer and the reasons why the department did
2 not or could not comply.

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