

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5192**

68th Legislature  
2023 Regular Session

Passed by the Senate February 15,  
2023

Yeas 47 Nays 0

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**President of the Senate**

Passed by the House March 24, 2023

Yeas 96 Nays 0

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5192** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 5192**

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Passed Legislature - 2023 Regular Session

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Shewmake, Hunt, Nguyen, and Wellman; by request of Environmental and Land Use Hearings Office

Prefiled 01/06/23. Read first time 01/09/23. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to authorizing administrative law judges to  
2 substitute for pollution control hearings board members in deciding  
3 derelict vessel appeals; and amending RCW 79.100.120.

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

5 **Sec. 1.** RCW 79.100.120 and 2014 c 195 s 602 are each amended to  
6 read as follows:

7 (1)(a) An owner or lienholder seeking to contest an authorized  
8 public entity's decision to take temporary possession or custody of a  
9 vessel under this chapter, or to contest the amount of reimbursement  
10 owed to an authorized public entity under this chapter, may request a  
11 hearing in accordance with this section.

12 (b) A transferor or other entity with secondary liability under  
13 this chapter or RCW 88.26.030 may commence a lawsuit in the superior  
14 court for the county in which custody of the vessel was taken to  
15 contest the transferor's or other entity's liability or the amount of  
16 reimbursement owed the authorized public entity under this chapter.

17 (2)(a) If the contested decision or action was undertaken by a  
18 state agency, a written request for a hearing related to the decision  
19 or action must be filed with the pollution control hearings board and  
20 served on the state agency in accordance with RCW 43.21B.230 (2) and  
21 (3) within (~~thirty~~) 30 days of the date the authorized public

1 entity acquires custody of the vessel under RCW 79.100.040, or if the  
2 vessel is redeemed before the authorized public entity acquires  
3 custody, the date of redemption, or the right to a hearing is deemed  
4 waived and the vessel's owner is liable for any costs owed the  
5 authorized public entity. In the event of litigation, the prevailing  
6 party is entitled to reasonable attorneys' fees and costs.

7 (b) Upon receipt of a timely hearing request, the pollution  
8 control hearings board shall proceed to hear and determine the  
9 validity of the decision to take the vessel into temporary possession  
10 or custody and the reasonableness of any towing, storage, or other  
11 charges permitted under this chapter. Within five business days after  
12 the request for a hearing is filed, the pollution control hearings  
13 board shall notify the vessel owner requesting the hearing and the  
14 authorized public entity of the date, time, and location for the  
15 hearing. Unless the vessel is redeemed before the request for hearing  
16 is filed, the pollution control hearings board shall set the hearing  
17 on a date that is within (~~ten~~) 10 business days of the filing of  
18 the request for hearing. If the vessel is redeemed before the request  
19 for a hearing is filed, the pollution control hearings board shall  
20 set the hearing on a date that is within (~~sixty~~) 60 days of the  
21 filing of the request for hearing.

22 (c) Consistent with RCW 43.21B.305, a proceeding brought under  
23 this subsection may be heard by one member of the pollution control  
24 hearings board, whose decision is the final decision of the board. An  
25 administrative law judge employed by the pollution control hearings  
26 board may be substituted for a board member under this section.

27 (3) (a) If the contested decision or action was undertaken by a  
28 metropolitan park district, port district, city, town, or county,  
29 which has adopted rules or procedures for contesting decisions or  
30 actions pertaining to derelict or abandoned vessels, those rules or  
31 procedures must be followed in order to contest a decision to take  
32 temporary possession or custody of a vessel, or to contest the amount  
33 of reimbursement owed.

34 (b) If the metropolitan park district, port district, city, town,  
35 or county has not adopted rules or procedures for contesting  
36 decisions or actions pertaining to derelict or abandoned vessels,  
37 then an owner or lienholder requesting a hearing under this section

1 must follow the procedure established in subsection (2) of this  
2 section.

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