
SUBSTITUTE SENATE BILL 5869

State of Washington

69th Legislature

2026 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Saldaña, King, Nobles, Orwall, and Valdez)

READ FIRST TIME 01/26/26.

1 AN ACT Relating to notice requirements of identified hazards at
2 construction worksites; and amending RCW 49.17.120.

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

4 **Sec. 1.** RCW 49.17.120 and 2024 c 40 s 1 are each amended to read
5 as follows:

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

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

20 (3) Each citation, or a copy or copies thereof, issued under the
21 authority of this section and RCW 49.17.130 shall be prominently

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

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

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

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

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

19 (iii) Steps to discover and correct violations of its safety
20 rules; and

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

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

25 (6) ~~((a))~~ When conducting inspections of employer worksites
26 ~~((where workers are engaged in activities))~~ as defined by North
27 American industry classification system ~~((2361, residential~~
28 ~~building))~~ 236, construction of buildings, the department shall make
29 a good faith effort to notify the employer or owner within 10 working
30 days where a hazard that could cause injury to a worker was
31 immediately identified during an on-site inspection. Such notice does
32 not eliminate or modify any other right, responsibility, or authority
33 provided in this chapter.

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

36 ~~(c) By December 1, 2026, the department shall report to the~~
37 ~~appropriate committees of the legislature the number and percent of~~
38 ~~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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