CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1644

Chapter 173, Laws of 2025

69th Legislature
2025 Regular Session

WORKING MINORS—SAFETY AND HEALTH—VARIOUS PROVISIONS

EFFECTIVE DATE: July 1, 2026

Passed by the House March 10, 2025
Yeas 60 Nays 35

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate April 9, 2025
Yeas 37 Nays 12

DENNY HECK

President of the Senate

Approved April 28, 2025 1:13 PM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1644** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 28, 2025

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1644

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Fosse, Ortiz-Self, Parshley, Stonier, Taylor, Shavers, Davis, Obras, Macri, Berg, Hill, Street, Berry, Reed, Cortes, Ramel, Thomas, Goodman, Ormsby, Salahuddin, Scott, Gregerson, Thai, and Simmons)

READ FIRST TIME 02/18/25.

AN ACT Relating to the safety and health of working minors; amending RCW 39.04.350, 49.12.390, 49.12.410, and 49.30.040; adding a new section to chapter 49.12 RCW; adding a new section to chapter 49.17 RCW; adding new sections to chapter 49.30 RCW; prescribing penalties; and providing an effective date.

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

Sec. 1. RCW 39.04.350 and 2023 c 88 s 1 are each amended to read as follows:

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW, a plumbing contractor license in compliance with chapter 18.106 RCW, an elevator contractor license in compliance with chapter 70.87 RCW, or an electrical contractor license in compliance with chapter 19.28 RCW, as required under the provisions of those chapters;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW;

an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;

(d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);

(e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation;

(f) Have received training on the requirements related to public works and prevailing wage under this chapter and chapter 39.12 RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its website. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption; ((~~and~~))

(g) Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW; and

(h) At the time of bid submittal, not be subject to a revocation of a minor work permit under RCW 49.12.390(4).

(2) Before award of a public works contract, a bidder shall submit to the contracting agency a signed statement in accordance with chapter 5.50 RCW verifying under penalty of perjury that the

bidder is in compliance with the responsible bidder criteria requirement of subsection (1)(g) and (h) of this section. A contracting agency may award a contract in reasonable reliance upon such a sworn statement.

(3) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

(e) If the bidder has a history of receiving monetary penalties for not achieving the apprentice utilization requirements pursuant to RCW 39.04.320, or is habitual in utilizing the good faith effort exception process, the bidder must submit an apprenticeship

utilization plan within ten business days immediately following the notice to proceed date.

(4) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's website.

Sec. 2. RCW 49.12.390 and 1991 c 303 s 3 are each amended to read as follows:

(1)(a) ((~~Except as otherwise provided in subsection (2) of this section, if~~)) If the director, or the director's designee, finds that an employer has violated any of the requirements of RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, a citation and notice of assessment stating the violations shall be issued to the employer. The citation and notice of assessment shall be in writing, describing the nature of the violation including reference to the standards, rules, or orders alleged to have been violated. ((~~An initial~~)) The citation and penalty assessment must be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department shall mail a copy of the citation and penalty assessment to the central personnel office of the employer. Citations issued under this section must be posted at or near the place where the violation occurred.

(b) A first-time citation for failure to ((~~comply with RCW 49.12.123 or rules requiring a minor work permit and maintenance of records shall~~)) obtain a minor work permit or parental or school authorization, for failure to maintain records, or for a violation deemed nonserious by the department must state a specific and reasonable time for abatement of the violation to allow the employer to correct the violation ((~~without penalty. The director or the director's designee may establish a specific time for abatement of other nonserious violations in lieu of a penalty for first time violations. The citation and a proposed penalty assessment shall be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department shall mail a copy of the citation and proposed penalty assessment to the central personnel office of the employer. Citations issued under this section shall be posted at or near the place where the violation occurred.~~

~~(b) Except when an employer corrects a violation as provided in (a) of this subsection, he or she shall be assessed a civil penalty of not more than one thousand dollars depending on the size of the business and the gravity of the violation. The employer shall pay the amount assessed within thirty days of receipt of the assessment or notify the director of his or her intent to appeal the citation or the assessment penalty as provided in RCW 49.12.400~~)). The department may waive or reduce a civil penalty assessed for a first-time violation under this subsection if the director determines that the employer has taken corrective action to resolve the violation.

(c) The employer must be assessed a civil penalty as follows:

(i) No less than $100 and no more than $1,000 for each violation involving failure to obtain a minor work permit or parental or school authorization, for failure to maintain records, or for each other nonserious violation;

(ii) No less than $150 and no more than $1,000 for each violation involving failure to comply with hours of work requirements;

(iii) No less than $300 and no more than $1,000 for each violation involving failure to comply with meal break or rest break requirements;

(iv) No less than $1,000 for each violation involving failure to comply with prohibited duty requirements, variance conditions, or minimum wage requirements for minors, or for each other serious violation, except the civil penalty may be no less than $2,000 for each violation in a second or subsequent citation for any of these violations identified in this subsection (1)(c)(iv);

(v) No less than $15,000 for any violation resulting in the serious physical harm of a minor, which may be doubled where the violation is a willful violation or a repeated violation; and

(vi) No less than $71,000 for any violation resulting in the death of a minor, which may be doubled where the violation is a willful violation or a repeated violation.

((~~(2)~~)) (d) If the director, or the director's designee, finds that an employer has committed a serious or repeated violation of the requirements of RCW 49.12.121 or 49.12.123, or any rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, the employer is subject to ((~~a~~)) an additional civil penalty assessment of ((~~not more than one thousand dollars~~)) a maximum of $5,000 for each subsequent day the violation continues. For the purposes of this subsection (1)(d), a serious violation shall be deemed to exist if

death or serious physical harm has resulted or is imminent from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use by the employer, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(e) The department shall consider the following factors when determining the amount of any penalty assessment under this section: (i) Whether the violation was committed willfully or the violation is a repeat violation; (ii) the size of the employer; (iii) the age of the minor; (iv) the gravity of the violation; (v) the hazards created by the violation; (vi) the penalties for comparable violations under federal law; (vii) the penalty amount necessary to deter future noncompliance; (viii) ensuring the penalty amount is consistent with the purposes of this chapter; and (ix) any other factor warranting an adjustment in the penalty as deemed appropriate by the department.

(f) Beginning July 1, 2027, and every two years thereafter, the department shall adjust by rule the amounts in (c) and (d) of this subsection for inflation by calculating to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index.

(2) The employer shall pay the amount assessed under this section within 30 days of receipt of the penalty assessment or notify the director of the employer's intent to appeal the citation or the penalty assessment as provided in RCW 49.12.400. If an employer fails to pay an assessment under this section after it has become a final and unappealable order, or after the court has entered final judgment in favor of the department, the director may initiate collection procedures in accordance with RCW 49.48.086.

(3) In addition to any other authority provided in this section, if, upon inspection or investigation, the director, or director's designee, believes that an employer has violated RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, and that the violation creates a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, the director, or director's designee, may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the workplace. An order issued under this subsection may require the employer to take steps necessary to avoid, correct, or remove the

danger and ((~~to~~)) may prohibit the ((~~employment or~~)) presence of a minor in locations or under conditions where the danger exists.

(4) ((~~An employer who violates any of the posting requirements of RCW 49.12.121 or rules adopted implementing RCW 49.12.121 shall be assessed a civil penalty of not more than one hundred dollars for each violation.~~)) (a) The director or the director's designee shall revoke an employer's minor work permit and prohibit the employer from obtaining a minor work permit for no less than 12 months if:

(i) The employer has been issued a safety and health citation under RCW 49.17.120 containing one or more violations under RCW 49.17.180 (1), (2), (4), or (5) or any citation and notice of assessment containing one or more violations of RCW 49.12.121 or 49.12.123 or any applicable rule or order, where one or more of the violations caused serious physical harm or death to a minor; or

(ii) An order has been issued immediately restraining an employer's condition, practice, method, process, or means in the workplace pursuant to subsection (3) of this section or RCW 49.17.130 or 49.17.170.

(b) Following a revocation under this subsection, a minor work permit may not be reissued to an employer unless the employer has not been issued a citation for any violations of the provisions identified in (a)(i) of this subsection for at least 12 months.

(c) This subsection does not prohibit the department from revoking, suspending, or modifying a minor work permit for any reason or cause provided for under state law or department rule or policy.

(5) A person who gives advance notice, without the authority of the director, of an inspection to be conducted under this chapter shall be assessed a civil penalty of not more than one thousand dollars.

(6) Penalties assessed under this section shall be paid to the director and deposited into the general fund.

(7) The department shall include in its annual report submitted under RCW 49.12.180 the following information:

(a) The number and type of citations and penalties issued and imposed under this section;

(b) The number of and reasons for revocations of minor work permits; and

(c) The number and nature of workplace injuries involving minors reviewed by the department, including whether those injuries resulted in citations or permit revocations under this section.

Sec. 3. RCW 49.12.410 and 2003 c 53 s 273 are each amended to read as follows:

(1) An employer who knowingly or recklessly violates the requirements of RCW 49.12.121 ((~~or~~)), 49.12.123, or section 8 of this act, or a rule or order adopted under RCW 49.12.121 ((~~or~~)), 49.12.123, or section 8 of this act, is guilty of a gross misdemeanor.

(2) An employer whose practices in violation of the requirements of RCW 49.12.121 ((~~or~~)), 49.12.123, or section 8 of this act, or a rule or order adopted under RCW 49.12.121 ((~~or~~)), 49.12.123, or section 8 of this act, result in the death or permanent disability of a minor employee is guilty of a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 49.12 RCW to read as follows:

Before granting a variance from RCW 49.12.121 or an applicable rule in order to allow a minor participating in a bona fide cooperative vocational education program, diversified career experience program, work experience program certified and monitored by the office of the superintendent of public instruction or the minor employee's school district, or a registered apprenticeship program to perform a work duty typically prohibited based on the minor's age, the department shall:

(1) Conduct a safety and health consultation at the worksite; and

(2) Consult with the employer on the types of tools, equipment, and practices permitted under the variance.

NEW SECTION. **Sec. 5.** A new section is added to chapter 49.17 RCW to read as follows:

The department shall make a good faith effort to notify an employer within 10 calendar days when the department immediately identifies a hazard that could cause injury to a minor worker during an inspection conducted under this chapter. Such notice does not eliminate or modify any other right, responsibility, or authority provided in this chapter.

Sec. 6. RCW 49.30.040 and 1989 c 380 s 86 are each amended to read as follows:

((~~Any~~)) Except as provided in section 8 of this act, any violation of the provisions of this chapter or rules adopted hereunder shall be a class 1 civil infraction. The director shall have the authority to issue and enforce civil infractions according to chapter 7.80 RCW.

NEW SECTION. **Sec. 7.** A new section is added to chapter 49.30 RCW to read as follows:

Before granting a variance from this chapter or an applicable rule in order to allow a minor participating in a bona fide cooperative vocational education program, diversified career experience program, work experience program certified and monitored by the office of the superintendent of public instruction or the minor employee's school district, or a registered apprenticeship program to perform a work duty typically prohibited based on the minor's age, the department shall:

(1) Conduct a safety and health consultation at the worksite; and

(2) Consult with the employer on the types of tools, equipment, and practices permitted under the variance.

NEW SECTION. **Sec. 8.** A new section is added to chapter 49.30 RCW to read as follows:

(1) In accordance with the rule-making authority granted to the department under this chapter to protect employees in agriculture, the department's rules must provide for the protection of the safety, health, and welfare of minor employees, provided that such rules grant appropriate exceptions for emancipated minors. The department's rules must prohibit an employer from employing a minor unless the employer has a valid minor work permit with the consent of the minor's parent, guardian, or legal custodian and the approval of the minor's school, provided that such rules grant appropriate exceptions for employers who are the minor's parent, guardian, or legal custodian and for emancipated minors.

(2)(a) If the director, or the director's designee, finds that an employer has violated any of the requirements of this section or any applicable rule or a variance from those requirements issued under this chapter and applicable rules, a citation and notice of assessment stating the violations must be issued to the employer. The citation and notice of assessment must be in writing, describing the nature of the violation including reference to the standards, rules,

or orders alleged to have been violated. The citation and penalty assessment must be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department shall mail a copy of the citation and penalty assessment to the central personnel office of the employer. Citations issued under this section must be posted at or near the place where the violation occurred.

(b) A first-time citation for failure to obtain a minor work permit or parental or school authorization, for failure to maintain records, or for a violation deemed nonserious by the department must state a specific and reasonable time for abatement of the violation to allow the employer to correct the violation. The department may waive or reduce a civil penalty assessed for a first-time violation under this subsection if the director determines that the employer has taken corrective action to resolve the violation.

(c) The employer must be assessed a civil penalty as follows:

(i) No less than $100 and no more than $1,000 for each violation involving failure to obtain a minor work permit or parental or school authorization, for failure to maintain records, or for each other nonserious violation;

(ii) No less than $150 and no more than $1,000 for each violation involving failure to comply with hours of work requirements;

(iii) No less than $300 and no more than $1,000 for each violation involving failure to comply with meal break or rest break requirements;

(iv) No less than $1,000 for each violation involving failure to comply with prohibited duty requirements, variance conditions, or minimum wage requirements for minors, or for each other serious violation, except the civil penalty may be no less than $2,000 for each violation in a second or subsequent citation for any of these violations identified in this subsection (2)(c)(iv);

(v) No less than $15,000 for any violation resulting in the serious physical harm of a minor, which may be doubled where the violation is a willful violation or a repeated violation; and

(vi) No less than $71,000 for any violation resulting in the death of a minor, which may be doubled where the violation is a willful violation or a repeated violation.

(d) If the director, or the director's designee, finds that an employer has committed a serious or repeated violation of any of the requirements of this section or any applicable rule or order, the

employer is subject to an additional civil penalty assessment of a maximum of $5,000 for each subsequent day the violation continues. For the purposes of this subsection (2)(d), a serious violation exists if death or serious physical harm has resulted or is imminent from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use by the employer, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(e) The department shall consider the following factors when determining the amount of any penalty assessment under this section: (i) Whether the violation was committed willfully or the violation is a repeat violation; (ii) the size of the employer; (iii) the age of the minor; (iv) the gravity of the violation; (v) the hazards created by the violation; (vi) the penalties for comparable violations under federal law; (vii) the penalty amount necessary to deter future noncompliance; (viii) ensuring the penalty amount is consistent with the purposes of this chapter; and (ix) any other factor warranting an adjustment in the penalty as deemed appropriate by the department.

(f) Beginning July 1, 2027, and every two years thereafter, the department shall adjust by rule the amounts in (c) and (d) of this subsection for inflation by calculating to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index.

(3) In addition to any other authority provided in this section, if, upon inspection or investigation, the director, or the director's designee, believes that an employer has violated any of the requirements of this section or any applicable rule or order governing the employment of minors, and that the violation creates a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, the director, or the director's designee, may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the workplace. An order issued under this subsection may require the employer to take steps necessary to avoid, correct, or remove the danger and may prohibit the presence of a minor in locations or under conditions where the danger exists.

(4)(a) The director or the director's designee shall revoke an employer's minor work permit and prohibit the employer from obtaining a minor work permit for no less than 12 months if:

(i) The employer has been issued a safety and health citation under RCW 49.17.120 containing one or more violations under RCW 49.17.180 (1), (2), (4), or (5) or any citation and notice of assessment containing one or more violations of any of the requirements of this section, any applicable rules, or applicable orders, where one or more of the violations caused serious physical harm or death to a minor; or

(ii) An order has been issued immediately restraining an employer's condition, practice, method, process, or means in the workplace pursuant to subsection (3) of this section or RCW 49.17.130 or 49.17.170.

(b) Following a revocation under this subsection (4), a minor work permit may not be reissued to an employer unless the employer has not been issued a citation for any violations of the provisions identified in (a)(i) of this subsection (4) for at least 12 months.

(c) This subsection does not prohibit the department from revoking, suspending, or modifying a minor work permit for any reason or cause provided for under state law or department rule or policy.

(5) Any person aggrieved by an action taken or decision made by the department under this section may appeal the action or decision to the director by filing notice of the appeal with the director within 30 days of the department's action or decision. A notice of appeal filed under this section stays the effectiveness of a citation or notice of the assessment of a penalty pending review of the appeal by the director, but such appeal does not stay the effectiveness of an order of immediate restraint issued under this section. Upon receipt of an appeal, a hearing must be held in accordance with chapter 34.05 RCW. The director shall issue all final orders after the hearing. The final orders are subject to appeal in accordance with chapter 34.05 RCW. Orders not appealed within the time period specified in chapter 34.05 RCW are final and binding.

(6) The employer shall pay the amount assessed under this section within 30 days of receipt of the penalty assessment or notify the director of the employer's intent to appeal the citation or the penalty assessment under subsection (5) of this section. If an employer fails to pay an assessment under this section after it has become a final and unappealable order, or after the court has entered final judgment in favor of the department, the director may initiate collection procedures in accordance with RCW 49.48.086.

(7) A person who gives advance notice, without the authority of the director, of an inspection to be conducted under this chapter must be assessed a civil penalty of not more than $1,000.

(8) Penalties assessed under this section must be paid to the director and deposited into the general fund.

(9) The department may adopt rules for purposes of implementing and enforcing this section.

NEW SECTION. **Sec. 9.** This act takes effect July 1, 2026.

Passed by the House March 10, 2025.
Passed by the Senate April 9, 2025.
Approved by the Governor April 28, 2025.
Filed in Office of Secretary of State April 28, 2025.

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