

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6039

Chapter 77, Laws of 2026

69th Legislature
2026 Regular Session

DEPARTMENT OF LABOR AND INDUSTRIES—METHODS OF COMMUNICATION

EFFECTIVE DATE: June 11, 2026

Passed by the Senate February 5, 2026
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House March 3, 2026
Yeas 94 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 16, 2026 10:56 AM

BOB FERGUSON

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 **SUBSTITUTE SENATE BILL 6039** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 17, 2026

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6039

Passed Legislature - 2026 Regular Session

State of Washington

69th Legislature

2026 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators King, Conway, Llias, and Nobles; by request of Department of Labor & Industries)

READ FIRST TIME 01/26/26.

1 AN ACT Relating to modernizing methods of communications by the
2 department of labor and industries; amending RCW 18.27.010,
3 18.27.060, 18.27.230, 18.106.100, 18.106.180, 19.28.131, 19.28.271,
4 19.28.341, 19.28.490, 43.22.435, 43.22A.080, 43.22A.130, 49.12.145,
5 49.12.390, 49.17.040, 49.17.140, 49.17.160, 49.26.110, 49.40.060,
6 49.46.370, 49.48.083, 49.60.515, 49.84.045, 51.04.082, 51.12.120,
7 51.14.060, 51.24.060, 51.24.070, 51.24.080, 51.32.210, 51.48.180,
8 51.52.050, 70.79.320, 70.87.125, 70.87.185, and 70.87.205; and
9 reenacting and amending RCW 49.48.060.

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

11 **Sec. 1.** RCW 18.27.010 and 2023 c 213 s 1 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1)(a) "Contractor" includes any person, firm, corporation, or
16 other entity who or which, in the pursuit of an independent business
17 undertakes to, or offers to undertake, or submits a bid to,
18 construct, alter, repair, add to, subtract from, improve, develop,
19 move, wreck, or demolish any building, highway, road, railroad,
20 excavation or other structure, project, development, or improvement
21 attached to real estate or to do any part thereof including the

1 installation of carpeting or other floor covering, the erection of
2 scaffolding or other structures or works in connection therewith, the
3 installation or repair of roofing or siding, performing tree removal
4 services, or cabinet or similar installation; or, who, to do similar
5 work upon his or her own property, employs members of more than one
6 trade upon a single job or project or under a single building permit
7 except as otherwise provided in this chapter.

8 (b) "Contractor" also includes a consultant acting as a general
9 contractor.

10 (c) "Contractor" also includes any person, firm, corporation, or
11 other entity covered by this subsection (1), whether or not
12 registered as required under this chapter or who are otherwise
13 required to be registered or licensed by law, who offer to sell their
14 property without occupying or using the structures, projects,
15 developments, or improvements for more than one year from the date
16 the structure, project, development, or improvement was substantially
17 completed or abandoned. A person, firm, corporation, or other entity
18 is not a contractor under this subsection (1)(c) if the person, firm,
19 corporation, or other entity contracts with a registered general
20 contractor and does not superintend the work.

21 (2) "Department" means the department of labor and industries.

22 (3) "Director" means the director of the department of labor and
23 industries or designated representative employed by the department.

24 (4) "Filing" means delivery of a document that is required to be
25 filed with an agency to a place designated by the agency.

26 (5) "General contractor" means a contractor whose business
27 operations require the use of more than one building trade or craft
28 upon a single job or project or under a single building permit. A
29 general contractor also includes one who superintends, or consults
30 on, in whole or in part, work falling within the definition of a
31 contractor.

32 (6) "Notice of infraction" means a form used by the department to
33 notify contractors that an infraction under this chapter has been
34 filed against them.

35 (7) "Partnership" means a business formed under Title 25 RCW.

36 (8) "Registration cancellation" means a written notice from the
37 department that a contractor's action is in violation of this chapter
38 and that the contractor's registration has been revoked.

39 (9) "Registration suspension" means either an automatic
40 suspension as provided in this chapter, or a written notice from the

1 department that a contractor's action is a violation of this chapter
2 and that the contractor's registration has been suspended for a
3 specified time, or until the contractor shows evidence of compliance
4 with this chapter.

5 (10) "Residential homeowner" means an individual person or
6 persons owning or leasing real property:

7 (a) Upon which one single-family residence is to be built and in
8 which the owner or lessee intends to reside upon completion of any
9 construction; or

10 (b) Upon which there is a single-family residence to which
11 improvements are to be made and in which the owner or lessee intends
12 to reside upon completion of any construction.

13 (11) "Service," except as otherwise provided in RCW 18.27.225,
14 18.27.230, and 18.27.370, means posting in the United States mail,
15 properly addressed, postage prepaid, return receipt requested, or
16 personal service. Service by mail is complete upon deposit in the
17 United States mail to the last known address provided to the
18 department.

19 (12) "Specialty contractor" means a contractor whose operations
20 do not fall within the definition of "general contractor". A
21 specialty contractor may only subcontract work that is incidental to
22 the specialty contractor's work.

23 (13) "Substantial completion" means the same as "substantial
24 completion of construction" in RCW 4.16.310.

25 (14) "Successor" means an applicant operating with all or part of
26 the assets of another entity previously registered under this
27 chapter, where the applicant is under substantially common ownership,
28 management, or control of the other entity.

29 (15) "Unregistered contractor" means a person, firm, corporation,
30 or other entity doing work as a contractor without being registered
31 in compliance with this chapter. "Unregistered contractor" includes
32 contractors whose registration is expired, revoked, or suspended.
33 "Unregistered contractor" does not include a contractor who has
34 maintained a valid bond and the insurance or assigned account
35 required by RCW 18.27.050, and whose registration has lapsed for 30
36 or fewer days.

37 (16) "Unsatisfied final judgment" means a judgment or final tax
38 warrant that has not been satisfied either through payment, court
39 approved settlement, discharge in bankruptcy, or assignment under RCW
40 19.72.070.

1 (17) "Verification" means the receipt and duplication by the
2 city, town, or county of a contractor registration card that is
3 current on its face, checking the department's contractor
4 registration database, or calling the department to confirm that the
5 contractor is registered.

6 **Sec. 2.** RCW 18.27.060 and 2020 c 153 s 21 are each amended to
7 read as follows:

8 (1) A certificate of registration shall be valid for two years
9 and shall be renewed on or before the expiration date. The department
10 shall issue to the applicant a certificate of registration upon
11 compliance with the registration requirements of this chapter.

12 (2) If the department approves an application, it shall issue a
13 certificate of registration to the applicant.

14 (3) If a contractor's surety bond or other security has an
15 unsatisfied judgment against it or is canceled, or if the
16 contractor's insurance policy is canceled, the contractor's
17 registration shall be automatically suspended on the effective date
18 of the impairment or cancellation. The department shall ~~((mail notice
19 of the suspension to the contractor's address on the certificate of
20 registration within two days after suspension using a method by which
21 the mailing))~~ notify the contractor of the suspension within two days
22 after suspension using an electronic or nonelectronic method by which
23 the notice can be tracked or the delivery can be confirmed. Before
24 using an electronic method for the first time under this section, the
25 department must provide the contractor the option to receive
26 communication through a nonelectronic method.

27 (4) Renewal of registration is valid on the date the department
28 receives the required fee and proof of bond and liability insurance,
29 if sent by certified mail or other means requiring proof of delivery.
30 The receipt or proof of delivery shall serve as the contractor's
31 proof of renewed registration until he or she receives verification
32 from the department.

33 (5) The department shall immediately suspend the certificate of
34 registration of a contractor who has been certified by the department
35 of social and health services as a person who is not in compliance
36 with a support order or a visitation order as provided in RCW
37 74.20A.320. The certificate of registration shall not be reissued or
38 renewed unless the person provides to the department a release from
39 the department of social and health services stating that he or she

1 is in compliance with the order and the person has continued to meet
2 all other requirements for certification during the suspension.

3 **Sec. 3.** RCW 18.27.230 and 2011 c 301 s 2 are each amended to
4 read as follows:

5 The department may issue a notice of infraction if the department
6 reasonably believes that the contractor has committed an infraction
7 under this chapter. A notice of infraction issued under this section
8 shall be personally served on the contractor named in the notice by
9 the department's compliance inspectors or service can be made using
10 ((a)) an electronic or nonelectronic method by which the ((mailing))
11 notice can be tracked or the delivery can be confirmed directed to
12 the contractor named in the notice of infraction at the contractor's
13 last known address of record. Before using an electronic method for
14 the first time under this section, the department must provide the
15 contractor the option to receive communication through a
16 nonelectronic method. If the contractor named in the notice of
17 infraction is a firm or corporation, the notice may be personally
18 served on any employee of the firm or corporation. If a notice of
19 infraction is personally served upon an employee of a firm or
20 corporation, the department shall send a copy of the notice using
21 ((a)) an electronic or nonelectronic method by which the ((mailing))
22 notice can be tracked or the delivery can be confirmed to the
23 contractor if the department is able to obtain the contractor's
24 address.

25 **Sec. 4.** RCW 18.106.100 and 2020 c 153 s 11 are each amended to
26 read as follows:

27 (1) The department may revoke or suspend a certificate of
28 competency, license, or endorsement for any of the following reasons:

29 (a) The certificate, license, or endorsement was obtained through
30 error or fraud;

31 (b) The certificate, license, or endorsement holder is judged to
32 be incompetent to carry on the trade of plumbing as a journey level
33 plumber, specialty plumber, or residential service plumber;

34 (c) The certificate, license, or endorsement holder has violated
35 any provision of this chapter or any rule adopted under this chapter.

36 (2) Before a certificate of competency, license, or endorsement
37 is revoked or suspended, the department shall send ((written)) notice
38 using ((a)) an electronic or nonelectronic method by which the

1 (~~(mailing)~~) notice can be tracked or the delivery can be confirmed to
2 the certificate holder's last known address. Before using an
3 electronic method for the first time under this subsection, the
4 department must provide the certificate holder the option to receive
5 communication through a nonelectronic method. The notice must list
6 the allegations against the certificate holder and give him or her
7 the opportunity to request a hearing before the advisory board. At
8 the hearing, the department and the certificate holder have
9 opportunity to produce witnesses and give testimony. The hearing must
10 be conducted in accordance with chapter 34.05 RCW. The board shall
11 render its decision based upon the testimony and evidence presented
12 and shall notify the parties immediately upon reaching its decision.
13 A majority of the board is necessary to render a decision.

14 (3) The department may deny renewal of a certificate of
15 competency, license, or endorsement issued under this chapter if the
16 applicant owes outstanding penalties for a final judgment under this
17 chapter. The department shall notify the applicant of the denial
18 using (~~(a)~~) an electronic or nonelectronic method by which the
19 (~~(mailing)~~) notice can be tracked or the delivery can be confirmed to
20 the address on the application. Before using an electronic method for
21 the first time under this subsection, the department must provide the
22 applicant the option to receive communication through a nonelectronic
23 method. The applicant may appeal the denial within (~~(twenty)~~) 20 days
24 by filing a notice of appeal with the department accompanied by a
25 certified check for (~~(two hundred dollars)~~) \$200 which shall be
26 returned to the applicant if the decision of the department is not
27 upheld by the hearings officer. The office of administrative hearings
28 shall conduct the hearing under chapter 34.05 RCW. If the hearings
29 officer sustains the decision of the department, the (~~(two hundred~~
30 ~~dollars)~~) \$200 must be applied to the cost of the hearing.

31 **Sec. 5.** RCW 18.106.180 and 2020 c 153 s 15 are each amended to
32 read as follows:

33 (1) An authorized representative of the department may issue a
34 notice of infraction as specified in RCW 18.106.020 if:

35 (a) A person who is doing plumbing work or who is offering to do
36 plumbing work fails to produce evidence of:

37 (i) Having a certificate or permit issued by the department in
38 accordance with this chapter, or being supervised by a person who has
39 such a certificate or permit; and

1 (ii) Until January 1, 2021, being registered as a contractor as
2 required under chapter 18.27 RCW, or being employed by a person who
3 is registered as a contractor as required under chapter 18.27 RCW;

4 (b) Until January 1, 2021, a person who employs anyone, or offers
5 or advertises to employ anyone, to do plumbing work fails to produce
6 evidence of being registered as a contractor as required under
7 chapter 18.27 RCW;

8 (c) After January 1, 2021, a person who employs anyone, or offers
9 or advertises to employ anyone, to do plumbing work fails to produce
10 evidence of being licensed as a plumbing contractor as required under
11 this chapter; or

12 (d) A contractor violates RCW 18.106.320.

13 (2) A notice of infraction issued under this section shall be
14 personally served on the person or contractor named in the notice by
15 an authorized representative of the department or sent using ((a)) an
16 electronic or nonelectronic method by which the ((mailing)) notice
17 can be tracked or the delivery can be confirmed to the last known
18 address provided to the department of the person named in the notice.
19 Before using an electronic method for the first time under this
20 section, the department must provide the contractor the option to
21 receive communication through a nonelectronic method.

22 **Sec. 6.** RCW 19.28.131 and 2014 c 190 s 2 are each amended to
23 read as follows:

24 Until July 1, 2007, the department shall issue a written warning
25 to any specialty contractor, performing the scope of work defined by
26 rule for the pump and irrigation or domestic pump specialties, not
27 having a valid electrical contractor license. The warning will state
28 that the contractor must be qualified for and apply for a specialty
29 electrical contractor license under the requirements in RCW 19.28.041
30 within ((thirty)) 30 calendar days of the warning. Only one warning
31 will be issued to any contractor. If the contractor fails to comply
32 with this section, the department shall issue a penalty or penalties
33 as authorized in this section to the contractor. Any person, firm,
34 partnership, corporation, or other entity violating any of the
35 provisions of RCW 19.28.010 through 19.28.141 and 19.28.311 through
36 19.28.361 shall be assessed a penalty of not less than ((fifty
37 dollars)) \$50 or more than ((ten thousand dollars)) \$10,000. The
38 department shall set by rule a schedule of penalties for violating
39 RCW 19.28.010 through 19.28.141 and 19.28.311 through 19.28.361. The

1 department shall notify the person, firm, partnership, corporation,
2 or other entity violating any of the provisions of RCW 19.28.010
3 through 19.28.141 and 19.28.311 through 19.28.361 of the amount of
4 the penalty and of the specific violation using ((a)) an electronic
5 or nonelectronic method by which the ((mailing)) notice can be
6 tracked or the delivery can be confirmed sent to the last known
7 address of the assessed party. Before using an electronic method for
8 the first time under this section, the department must provide the
9 person, firm, partnership, corporation, or other entity the option to
10 receive communication through a nonelectronic method. Any penalty is
11 subject to review by an appeal to the board. The filing of an appeal
12 stays the effect of the penalty until the board makes its decision.
13 The appeal shall be filed within ((twenty)) 20 days after notice of
14 the penalty is given to the assessed party using ((a)) an electronic
15 or nonelectronic method by which the ((mailing)) notice can be
16 tracked or the delivery can be confirmed, sent to the last known
17 address of the assessed party and shall be made by filing a written
18 notice of appeal with the department. The notice shall be accompanied
19 by a certified check for ((two hundred dollars)) \$200 or ((ten)) 10
20 percent of the penalty amount, whichever is less, but in no event
21 less than ((one hundred dollars)) \$100, which shall be returned to
22 the assessed party if the decision of the department is not sustained
23 by the board. If the board sustains the decision of the department,
24 the amount of the check shall be applied by the department to the
25 payment of the per diem and expenses of the members of the board
26 incurred in the matter, and any balance remaining after payment of
27 per diem and expenses shall be paid into the electrical license fund.
28 The hearing and review procedures shall be conducted in accordance
29 with chapter 34.05 RCW. The board shall assign its hearings to an
30 administrative law judge to conduct the hearing and issue a proposed
31 decision and order. The board shall be allowed a minimum of
32 ((twenty)) 20 days to review a proposed decision and shall issue its
33 decision no later than the next regularly scheduled board meeting.

34 **Sec. 7.** RCW 19.28.271 and 2011 c 301 s 7 are each amended to
35 read as follows:

36 (1) It is unlawful for any person, firm, partnership,
37 corporation, or other entity to employ an individual for purposes of
38 RCW 19.28.161 through 19.28.271 who has not been issued a certificate
39 of competency, a temporary permit, or a training certificate. It is

1 unlawful for any individual to engage in the electrical construction
2 trade or to maintain or install any electrical equipment or
3 conductors without having in his or her possession a certificate of
4 competency, a temporary permit, or a training certificate under RCW
5 19.28.161 through 19.28.271, and photo identification. The department
6 may establish by rule a requirement that the individual also wear and
7 visibly display his or her certificate or permit.

8 (2) Any person, firm, partnership, corporation, or other entity
9 found in violation of RCW 19.28.161 through 19.28.271 shall be
10 assessed a penalty of not less than (~~(fifty dollars)~~) \$50 or more
11 than (~~(five hundred dollars)~~) \$500. The department shall set by rule
12 a schedule of penalties for violating RCW 19.28.161 through
13 19.28.271. An appeal may be made to the board as is provided in RCW
14 19.28.131. The appeal shall be filed within (~~(twenty)~~) 20 days after
15 the notice of the penalty is given to the assessed party using (~~(a)~~)
16 an electronic or nonelectronic method by which the (~~(mailing)~~) notice
17 can be tracked or the delivery can be confirmed, sent to the last
18 known address of the assessed party and shall be made by filing a
19 written notice of appeal with the department. Before using an
20 electronic method for the first time under this section, the
21 department must provide the assessed party the option to receive
22 communication through a nonelectronic method. Any equipment
23 maintained or installed by any person who does not possess a
24 certificate of competency under RCW 19.28.161 through 19.28.271 shall
25 not receive an electrical work permit and electrical service shall
26 not be connected or maintained to operate the equipment. Each day
27 that a person, firm, partnership, corporation, or other entity
28 violates RCW 19.28.161 through 19.28.271 is a separate violation.

29 (3) A civil penalty shall be collected in a civil action brought
30 by the attorney general in the county wherein the alleged violation
31 arose at the request of the department if any of RCW 19.28.161
32 through 19.28.271 or any rules adopted under RCW 19.28.161 through
33 19.28.271 are violated.

34 **Sec. 8.** RCW 19.28.341 and 2011 c 301 s 8 are each amended to
35 read as follows:

36 (1) The department has the power, in case of serious
37 noncompliance with the provisions of this chapter, to revoke or
38 suspend for such a period as it determines, any electrical or
39 telecommunications contractor license or electrical or

1 telecommunications contractor administrator certificate issued under
2 this chapter. The department shall notify the holder of the license
3 or certificate of the revocation or suspension using ((a)) an
4 electronic or nonelectronic method by which the ((~~mailing~~)) notice
5 can be tracked or the delivery can be confirmed. Before using an
6 electronic method for the first time under this section, the
7 department must provide the license or certificate holder the option
8 to receive communication through a nonelectronic method. A revocation
9 or suspension is effective ((~~twenty~~)) 20 days after the holder
10 receives the notice. Any revocation or suspension is subject to
11 review by an appeal to the board. The filing of an appeal stays the
12 effect of a revocation or suspension until the board makes its
13 decision. The appeal shall be filed within ((~~twenty~~)) 20 days after
14 notice of the revocation or suspension is given using ((a)) an
15 electronic or nonelectronic method by which the ((~~mailing~~)) notice
16 can be tracked or the delivery can be confirmed sent to the address
17 of the holder of the license or certificate as shown on the
18 application for the license or certificate, and shall be effected by
19 filing a written notice of appeal with the department, accompanied by
20 a certified check for ((~~two hundred dollars~~)) \$200, which shall be
21 returned to the holder of the license or certificate if the decision
22 of the department is not sustained by the board. The hearing shall be
23 conducted in accordance with chapter 34.05 RCW. If the board sustains
24 the decision of the department, the ((~~two hundred dollars~~)) \$200
25 shall be applied by the department to the payment of the per diem and
26 expenses of the members of the board incurred in the matter, and any
27 balance remaining after payment of per diem and expenses shall be
28 paid into the electrical license fund.

29 (2) The department shall immediately suspend the license or
30 certificate of a person who has been certified pursuant to RCW
31 74.20A.320 by the department of social and health services as a
32 person who is not in compliance with a support order. If the person
33 has continued to meet all other requirements for reinstatement during
34 the suspension, reissuance of the license or certificate shall be
35 automatic upon the department's receipt of a release issued by the
36 department of social and health services stating that the licensee is
37 in compliance with the order.

38 **Sec. 9.** RCW 19.28.490 and 2014 c 190 s 4 are each amended to
39 read as follows:

1 Any person, firm, partnership, corporation, or other entity
2 violating any of the provisions of this chapter may be assessed a
3 penalty of not less than (~~one hundred dollars~~) \$100 or more than
4 (~~ten thousand dollars~~) \$10,000 per violation. The department, after
5 consulting with the board and receiving the board's recommendations,
6 shall set by rule a schedule of penalties for violating this chapter.
7 The department shall notify the person, firm, partnership,
8 corporation, or other entity violating any of these provisions of the
9 amount of the penalty and of the specific violation. The notice shall
10 be sent using ((a)) an electronic or nonelectronic method by which
11 the (~~mailing~~) notice can be tracked or the delivery can be
12 confirmed to the last known address of the assessed party. Before
13 using an electronic method for the first time under this section, the
14 department must provide the assessed party the option to receive
15 communication through a nonelectronic method. Penalties are subject
16 to review by an appeal to the board. The filing of an appeal stays
17 the effect of the penalty until the board makes its decision. The
18 appeal shall be filed within (~~twenty~~) 20 days after notice of the
19 penalty is given to the assessed party, and shall be made by filing a
20 written notice of appeal with the department. The notice shall be
21 accompanied by a certified check for (~~two hundred dollars~~) \$200 or
22 (~~ten~~) 10 percent of the penalty amount, whichever is less, but in
23 no event less than (~~one hundred dollars~~) \$100. The check shall be
24 returned to the assessed party if the decision of the department is
25 not sustained by the board. If the board sustains the decision of the
26 department, the amount of the check shall be applied by the
27 department to the payment of the per diem and expenses of the members
28 of the board incurred in the matter, and any balance remaining after
29 payment of per diem and expenses shall be paid into the electrical
30 license fund. The hearing and review procedures shall be conducted in
31 accordance with chapter 34.05 RCW. The board shall assign its
32 hearings to an administrative law judge to conduct the hearing and
33 issue a proposed decision and order. The board shall be allowed a
34 minimum of (~~twenty~~) 20 days to review a proposed decision and shall
35 issue its decision no later than the next regularly scheduled board
36 meeting.

37 **Sec. 10.** RCW 43.22.435 and 2011 c 301 s 10 are each amended to
38 read as follows:

1 (1) (a) In addition to or in lieu of any other penalty applicable
2 under this chapter, and except as provided in (b) of this subsection,
3 the department may assess a civil penalty of not more than (~~one~~
4 ~~thousand dollars~~) \$1,000 against a contractor, firm, partnership, or
5 corporation, that fails to obtain a permit before altering a mobile
6 or manufactured home as required under this chapter or rules adopted
7 under this chapter. Each day on which a violation occurs constitutes
8 a separate violation. However, the cumulative penalty for the same
9 occurrence may not exceed (~~five thousand dollars~~) \$5,000.

10 (b) The department must adopt a schedule of civil penalties
11 giving due consideration to the appropriateness of the penalty with
12 respect to the gravity of the violation and the history of previous
13 violations. Penalties for subsequent violations, not constituting the
14 same occurrence, committed within two years of a prior violation by
15 the same party or entity, or by an individual who was a principal or
16 officer of the same entity, must be double the amount of the penalty
17 for the prior violation or (~~one thousand dollars~~) \$1,000, whichever
18 is greater.

19 (2) (a) The department may issue a notice of correction before
20 issuing a civil penalty assessment. The notice must include:

- 21 (i) A description of the violation;
22 (ii) A statement of what is required to correct the violation;
23 (iii) The date by which the department requires correction to be
24 achieved; and
25 (iv) Notice of the individual or department office that must be
26 contacted to obtain a permit or other compliance information.

27 (b) A notice of correction is not a formal enforcement action, is
28 not subject to appeal, and is a public record.

29 (c) If the department issues a notice of correction, it shall not
30 issue a civil penalty for the violation identified in the notice of
31 correction unless the responsible person fails to comply with the
32 notice.

33 (3) (a) The department must issue (~~written~~) notices of civil
34 penalties imposed under this section, with the reasons for the
35 penalty, using (~~a~~) an electronic or nonelectronic method by which
36 the (~~mailing~~) notice can be tracked or the delivery can be
37 confirmed to the last known address of the party named in the notice.
38 Before using an electronic method for the first time under this
39 subsection, the department must provide the party the option to
40 receive communication through a nonelectronic method.

1 (b) If a party desires to contest a notice of civil penalty
2 issued under this section, the party must file a notice of appeal
3 with the department within (~~twenty~~) 20 days of the department's
4 (~~mailing~~) issuance of the notice of civil penalty. An
5 administrative law judge of the office of administrative hearings
6 will hear and determine the appeal. Appeal proceedings must be
7 conducted pursuant to chapter 34.05 RCW. An appeal of the
8 administrative law judge's determination or order shall be to the
9 superior court. The superior court's decision is subject only to
10 discretionary review under the rules of appellate procedure.

11 **Sec. 11.** RCW 43.22A.080 and 2023 c 36 s 5 are each amended to
12 read as follows:

13 (1) The department may revoke a certificate of manufactured home
14 installation upon the following grounds:

15 (a) The certificate was obtained through error or fraud;

16 (b) The holder of the certificate is judged to be incompetent as
17 a result of multiple infractions of the state installation
18 requirements, WAC 296-150I-0300 through 296-150I-0410; or

19 (c) The holder has violated a provision of this chapter or a rule
20 adopted to implement this chapter.

21 (2) Before a certificate of manufactured home installation is
22 revoked, the holder must be given (~~written~~) notice of the
23 department's intention to revoke the certificate, sent using ((a)) an
24 electronic or nonelectronic method by which the (~~mailing~~) notice
25 can be tracked or the delivery can be confirmed to the holder's last
26 known address. Before using an electronic method for the first time
27 under this section, the department must provide the holder the option
28 to receive communication through a nonelectronic method. The notice
29 shall enumerate the allegations against the holder, and shall give
30 the holder the opportunity to request a hearing. At the hearing, the
31 department and the holder may produce witnesses and give testimony.
32 The hearing shall be conducted in accordance with the provisions of
33 chapter 34.05 RCW.

34 **Sec. 12.** RCW 43.22A.130 and 2011 c 301 s 12 are each amended to
35 read as follows:

36 An authorized representative of the department may issue a notice
37 of infraction if the person supervising the manufactured home
38 installation work fails to produce evidence of having a certificate

1 issued by the department in accordance with this chapter. A notice of
2 infraction issued under this chapter shall be personally served on or
3 sent using ((a)) an electronic or nonelectronic method by which the
4 ((mailing)) notice can be tracked or the delivery can be confirmed to
5 the person named in the notice by the authorized representative.
6 Before using an electronic method for the first time under this
7 section, the department must provide the person named in the notice
8 the option to receive communication through a nonelectronic method.

9 **Sec. 13.** RCW 49.12.145 and 2023 c 114 s 12 are each amended to
10 read as follows:

11 (1)(a) If a complainant files a complaint with the department of
12 labor and industries alleging a violation of RCW 49.28.140, the
13 department shall investigate the complaint.

14 (b) The department may not investigate any such alleged violation
15 of rights that occurred more than three years before the date that
16 the complainant filed the complaint.

17 (c) Upon the investigation of a complaint, the department shall
18 issue either a citation and notice of assessment or a determination
19 of compliance, within 90 days after the date on which the department
20 received the complaint, unless the complaint is otherwise resolved.
21 The department may extend the period by providing advance written
22 notice to the complainant and the employer setting forth good cause
23 for an extension of the period and specifying the duration of the
24 extension.

25 (d) The department shall send a citation and notice of assessment
26 or the determination of compliance to both the employer and the
27 complainant by service of process or using ((a)) an electronic or
28 nonelectronic method by which the ((mailing)) citation and notice of
29 assessment or the determination of compliance can be tracked, or the
30 delivery can be confirmed to their last known addresses. Before using
31 an electronic method for the first time under this subsection, the
32 department must provide the employer and complainant the option to
33 receive communication through a nonelectronic method.

34 (2) If the department of labor and industries investigation finds
35 that the complainant's allegation cannot be substantiated, the
36 department shall issue a closure letter to the complainant and the
37 employer detailing such finding.

1 (3) (a) If the department of labor and industries finds a
2 violation of RCW 49.28.140, the department shall order the employer
3 to pay the department a civil penalty.

4 (b) Except as provided otherwise in this chapter, the maximum
5 penalty is \$1,000 for each violation, up to three violations. If
6 there are four or more violations of this chapter for a health care
7 facility, the employer is subject to a civil penalty of \$2,500 for
8 the fourth violation, and \$5,000 for each subsequent violation.

9 (c) The department may not assess a civil penalty if the employer
10 reasonably relied on: (i) A rule related to any of the requirements
11 of RCW 49.28.140; (ii) a written order, ruling, approval, opinion,
12 advice, determination, or interpretation of the director; or (iii) an
13 interpretive or administrative policy issued by the department and
14 filed with the office of the code reviser. In accordance with the
15 department's retention schedule obligations under chapter 40.14 RCW,
16 the department shall maintain a complete and accurate record of all
17 written orders, rulings, approvals, opinions, advice, determinations,
18 and interpretations for purposes of determining whether an employer
19 is immune from civil penalties under (b) of this subsection.

20 (4) The department of labor and industries may, at any time,
21 waive or reduce a civil penalty assessed under this section if the
22 director of the department determines that the employer has taken
23 corrective action to resolve the violation.

24 (5) The department of labor and industries shall deposit all
25 civil penalties paid under this section in the supplemental pension
26 fund established under RCW 51.44.033.

27 **Sec. 14.** RCW 49.12.390 and 2025 c 173 s 2 are each amended to
28 read as follows:

29 (1) (a) If the director, or the director's designee, finds that an
30 employer has violated any of the requirements of RCW 49.12.121 or
31 49.12.123, or a rule or order adopted or variance granted under RCW
32 49.12.121 or 49.12.123, a citation and notice of assessment stating
33 the violations shall be issued to the employer. The citation and
34 notice of assessment shall be in writing, describing the nature of
35 the violation including reference to the standards, rules, or orders
36 alleged to have been violated. The citation and penalty assessment
37 must be given to the highest management official available at the
38 workplace or (~~be mailed~~) sent using an electronic or nonelectronic
39 method to the employer at the workplace. In addition, the department

1 shall (~~mail~~) send, using an electronic or nonelectronic method, a
2 copy of the citation and penalty assessment to the central personnel
3 office of the employer. Before using an electronic method for the
4 first time under this subsection, the department must provide the
5 employer the option to receive communication through a nonelectronic
6 method. Citations issued under this section must be posted at or near
7 the place where the violation occurred.

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

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

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

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

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

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

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

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

38 (d) If the director, or the director's designee, finds that an
39 employer has committed a serious or repeated violation of the
40 requirements of RCW 49.12.121 or 49.12.123, or any rule or order

1 adopted or variance granted under RCW 49.12.121 or 49.12.123, the
2 employer is subject to an additional civil penalty assessment of a
3 maximum of \$5,000 for each subsequent day the violation continues.
4 For the purposes of this subsection (1)(d), a serious violation shall
5 be deemed to exist if death or serious physical harm has resulted or
6 is imminent from a condition that exists, or from one or more
7 practices, means, methods, operations, or processes that have been
8 adopted or are in use by the employer, unless the employer did not,
9 and could not with the exercise of reasonable diligence, know of the
10 presence of the violation.

11 (e) The department shall consider the following factors when
12 determining the amount of any penalty assessment under this section:

13 (i) Whether the violation was committed willfully or the violation is
14 a repeat violation; (ii) the size of the employer; (iii) the age of
15 the minor; (iv) the gravity of the violation; (v) the hazards created
16 by the violation; (vi) the penalties for comparable violations under
17 federal law; (vii) the penalty amount necessary to deter future
18 noncompliance; (viii) ensuring the penalty amount is consistent with
19 the purposes of this chapter; and (ix) any other factor warranting an
20 adjustment in the penalty as deemed appropriate by the department.

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

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

34 (3) In addition to any other authority provided in this section,
35 if, upon inspection or investigation, the director, or director's
36 designee, believes that an employer has violated RCW 49.12.121 or
37 49.12.123, or a rule or order adopted or variance granted under RCW
38 49.12.121 or 49.12.123, and that the violation creates a danger from
39 which there is a substantial probability that death or serious
40 physical harm could result to a minor employee, the director, or

1 director's designee, may issue an order immediately restraining the
2 condition, practice, method, process, or means creating the danger in
3 the workplace. An order issued under this subsection may require the
4 employer to take steps necessary to avoid, correct, or remove the
5 danger and may prohibit the presence of a minor in locations or under
6 conditions where the danger exists.

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

10 (i) The employer has been issued a safety and health citation
11 under RCW 49.17.120 containing one or more violations under RCW
12 49.17.180 (1), (2), (4), or (5) or any citation and notice of
13 assessment containing one or more violations of RCW 49.12.121 or
14 49.12.123 or any applicable rule or order, where one or more of the
15 violations caused serious physical harm or death to a minor; or

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

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

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

27 (5) A person who gives advance notice, without the authority of
28 the director, of an inspection to be conducted under this chapter
29 shall be assessed a civil penalty of not more than (~~one thousand~~
30 ~~dollars~~) \$1,000.

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

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

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

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

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

4 **Sec. 15.** RCW 49.17.040 and 1973 c 80 s 4 are each amended to
5 read as follows:

6 The director shall make, adopt, modify, and repeal rules and
7 regulations governing safety and health standards for conditions of
8 employment as authorized by this chapter after a public hearing in
9 conformance with the administrative procedure act and the provisions
10 of this chapter. At least (~~(thirty)~~) 20 days prior to such public
11 hearing, the director shall (~~(cause public notice of such hearing to~~
12 ~~be made in)~~) provide information of the public hearing and written
13 comment period to newspapers of general circulation in this state(~~(7~~
14 ~~of the date, time, and place of such public hearing, along with a~~
15 ~~general description of the subject matter of the proposed rules and~~
16 ~~information as to where copies of any rules and regulations proposed~~
17 ~~for adoption may be obtained and with a solicitation for~~
18 ~~recommendations in writing or suggestions for inclusion or changes in~~
19 ~~such rules to be submitted not later than five days prior to such~~
20 ~~public hearing)~~). Any preexisting rules adopted by the department of
21 labor and industries relating to health and safety standards in
22 workplaces subject to the jurisdiction of the department shall remain
23 effective insofar as such rules are not inconsistent with the
24 provisions of this chapter.

25 **Sec. 16.** RCW 49.17.140 and 2021 c 253 s 2 are each amended to
26 read as follows:

27 (1) If after an inspection or investigation the director or the
28 director's authorized representative issues a citation under the
29 authority of RCW 49.17.120 or 49.17.130, the department, within a
30 reasonable time after the termination of such inspection or
31 investigation, shall notify the employer using (~~(a)~~) an electronic or
32 nonelectronic method by which the (~~(mailing)~~) notice can be tracked
33 or the delivery can be confirmed of the penalty to be assessed under
34 the authority of RCW 49.17.180 and shall state that the employer has
35 (~~(fifteen)~~) 15 working days within which to notify the director that
36 the employer wishes to appeal the citation or assessment of penalty.
37 If, within (~~(fifteen)~~) 15 working days from the communication of the
38 notice issued by the director the employer fails to notify the

1 director that the employer intends to appeal the citation or
2 assessment penalty, and no notice is filed by any employee or
3 representative of employees under subsection (4) of this section
4 within such time, the citation and the assessment shall be deemed a
5 final order of the department and not subject to review by any court
6 or agency.

7 (2) If the director has reason to believe that an employer has
8 failed to correct a violation for which the employer was previously
9 cited and which has become a final order, the director shall notify
10 the employer using ((a)) an electronic or nonelectronic method by
11 which the ((mailing)) notice can be tracked or the delivery can be
12 confirmed of such failure to correct the violation and of the penalty
13 to be assessed under RCW 49.17.180 by reason of such failure, and
14 shall state that the employer has ((fifteen)) 15 working days from
15 the communication of such notification and assessment of penalty to
16 notify the director that the employer wishes to appeal the director's
17 notification of the assessment of penalty. If, within ((fifteen)) 15
18 working days from the receipt of notification issued by the director
19 the employer fails to notify the director that the employer intends
20 to appeal the notification of assessment of penalty, the notification
21 and assessment of penalty shall be deemed a final order of the
22 department and not subject to review by any court or agency.

23 (3) If the director has reason to believe that an employer
24 violated an order immediately restraining a condition, practice,
25 method, process, or means in the workplace issued under RCW 49.17.130
26 or this section or a notice prohibiting the use of a machine or
27 equipment to which a notice prohibiting such use has been attached,
28 the director shall notify the employer using ((a)) an electronic or
29 nonelectronic method by which the ((mailing)) notice can be tracked
30 or the delivery can be confirmed of such violation of the order and
31 of the penalty to be assessed under RCW 49.17.180 by reason of
32 violation of the order and shall state that the employer has 15
33 working days from the communication of such notification and
34 assessment of penalty to notify the director that the employer wishes
35 to appeal the director's notification of the assessment of penalty.
36 If, within 15 working days from the receipt of notification issued by
37 the director((+,+)), the employer fails to notify the director that
38 the employer intends to appeal the notification of assessment of
39 penalty, the notification and assessment of penalty shall be deemed a

1 final order of the department and not subject to review by any court
2 or agency.

3 (4) If any employer notifies the director that the employer
4 intends to appeal the citation issued under either RCW 49.17.120 or
5 49.17.130 or notification of the assessment of a penalty issued under
6 subsections (1) or (2) of this section, or if, within (~~(fifteen)~~) 15
7 working days from the issuance of a citation under either RCW
8 49.17.120 or 49.17.130 any employee or representative of employees
9 files a notice with the director alleging that the period of time
10 fixed in the citation for the abatement of the violation is
11 unreasonable, the director may reassume jurisdiction over the entire
12 matter, or any portion thereof upon which notice of intention to
13 appeal has been filed with the director pursuant to this subsection.
14 If the director reassumes jurisdiction of all or any portion of the
15 matter upon which notice of appeal has been filed with the director,
16 any redetermination shall be completed and corrective notices of
17 assessment of penalty, citations, or revised periods of abatement
18 completed within a period of (~~(thirty)~~) 75 working days. (~~The~~
19 ~~thirty-working-day~~ ~~redetermination~~ ~~period~~ ~~may~~ ~~be~~ ~~extended~~ ~~up~~ ~~to~~
20 ~~forty-five~~ ~~additional~~ ~~working~~ ~~days~~ ~~upon~~ ~~agreement~~ ~~of~~ ~~all~~ ~~parties~~ ~~to~~
21 ~~the~~ ~~appeal.~~) The redetermination shall then become final subject to
22 direct appeal to the board of industrial insurance appeals within
23 (~~(fifteen)~~) 15 working days of such redetermination with service of
24 notice of appeal upon the director. In the event that the director
25 does not reassume jurisdiction as provided in this subsection, the
26 director shall promptly notify the state board of industrial
27 insurance appeals of all notifications of intention to appeal any
28 such citations, any such notices of assessment of penalty and any
29 employee or representative of employees notice of intention to appeal
30 the period of time fixed for abatement of a violation and in addition
31 certify a full copy of the record in such appeal matters to the
32 board. The director shall adopt rules of procedure for the
33 reassumption of jurisdiction under this subsection affording
34 employers, employees, and employee representatives notice of the
35 reassumption of jurisdiction by the director, and an opportunity to
36 object or support the reassumption of jurisdiction, either in writing
37 or orally at an informal conference to be held prior to the
38 expiration of the redetermination period. Except as otherwise
39 provided under subsection (5) of this section, a notice of appeal
40 filed under this section shall stay the effectiveness of any citation

1 or notice of the assessment of a penalty pending review by the board
2 of industrial insurance appeals, but such appeal shall not stay the
3 effectiveness of any order of immediate restraint issued by the
4 director under the authority of RCW 49.17.130. The board of
5 industrial insurance appeals shall afford an opportunity for a
6 hearing in the case of each such appellant and the department shall
7 be represented in such hearing by the attorney general and the board
8 shall in addition provide affected employees or authorized
9 representatives of affected employees an opportunity to participate
10 as parties to hearings under this subsection. The board shall
11 thereafter make disposition of the issues in accordance with
12 procedures relative to contested cases appealed to the state board of
13 industrial insurance appeals.

14 Upon application by an employer showing that a good faith effort
15 to comply with the abatement requirements of a citation has been made
16 and that the abatement has not been completed because of factors
17 beyond the employer's control, the director after affording an
18 opportunity for a hearing shall issue an order affirming or modifying
19 the abatement requirements in such citation.

20 (5) An appeal of any violation classified and cited as serious,
21 willful, repeated serious violation, or failure to abate a serious
22 violation does not stay abatement dates and requirements except as
23 follows:

24 (a) An employer may request a stay of abatement for any serious,
25 willful, repeated serious violation, or failure to abate a serious
26 violation in a notice of appeal under subsection (4) of this section;

27 (b) When the director reassumes jurisdiction of an appeal under
28 subsection (4) of this section, it will include the stay of abatement
29 request. The issued redetermination decision will include a decision
30 on the stay of abatement request. The department shall stay the
31 abatement for any serious, willful, repeated serious violation, or
32 failure to abate a serious violation where the department cannot
33 determine that the preliminary evidence shows a substantial
34 probability of death or serious physical harm to workers. The
35 decision on stay of abatement will be final unless the employer
36 renews the request for a stay of abatement in any direct appeal of
37 the redetermination to the board of industrial insurance appeals
38 under subsection (4) of this section;

39 (c) The board of industrial insurance appeals shall adopt rules
40 necessary for conducting an expedited review on any stay of abatement

1 requests identified in the employer's notice of appeal, and shall
2 issue a final decision within (~~forty-five~~) 45 working days of the
3 board's notice of filing of appeal. This rule making shall be
4 initiated in 2011;

5 (d) Affected employees or their representatives must be afforded
6 an opportunity to participate as parties in an expedited review for
7 stay of abatement;

8 (e) The board shall grant a stay of an abatement for a serious,
9 willful, repeated serious violation, or failure to abate a serious
10 violation where there is good cause for a stay unless based on the
11 preliminary evidence it is more likely than not that a stay would
12 result in death or serious physical harm to a worker;

13 (f) As long as a motion to stay abatement is pending all
14 abatement requirements will be stayed.

15 (6) When the board of industrial insurance appeals denies a stay
16 of abatement and abatement is required while the appeal is
17 adjudicated, the abatement process must be the same process as the
18 process required for abatement upon a final order.

19 (7) The department shall develop rules necessary to implement
20 subsections (5) and (6) of this section. In an application for a stay
21 of abatement, the department will not grant a stay when it can
22 determine that the preliminary evidence shows a substantial
23 probability of death or serious physical harm to workers. The board
24 will not grant a stay where based on the preliminary evidence it is
25 more likely than not that a stay would result in death or serious
26 physical harm to a worker. This rule making shall be initiated in
27 2011.

28 (8) Before using an electronic method for the first time under
29 subsections (1) through (3) of this section, the department must
30 provide the employer the option to receive communication through a
31 nonelectronic method.

32 **Sec. 17.** RCW 49.17.160 and 2021 c 253 s 3 are each amended to
33 read as follows:

34 (1) No person shall discharge or in any manner discriminate
35 against any employee because such employee has filed any complaint or
36 instituted or caused to be instituted any proceeding under or related
37 to this chapter, or has testified or is about to testify in any such
38 proceeding or because of the exercise by such employee on behalf of
39 himself or herself or others of any right afforded by this chapter.

1 Prohibited discrimination includes an action that would deter a
2 reasonable employee from exercising their rights under this chapter.

3 (2) Any employee who believes that he or she has been discharged
4 or otherwise discriminated against by any person in violation of this
5 section may, within 90 days after such violation occurs, file a
6 complaint with the director alleging such discrimination. The
7 department may, at its discretion, extend the time period on
8 recognized equitable principles or due to extenuating circumstances.

9 (3) Within 90 days of the receipt of the complaint filed under
10 this section, the director shall notify the complainant and the
11 employer of his or her determination under subsections (4) and (5) of
12 this section unless the matter is otherwise resolved. The department
13 may extend the period by providing advance written notice to the
14 complainant and the employer setting forth good cause for an
15 extension of the period, and specifying the duration of the
16 extension.

17 (4) (a) If the director determines that the provisions of this
18 section have been violated, the director will issue a citation and
19 notice of assessment describing the violation to the employer,
20 ordering all appropriate relief, and may assess a civil penalty.

21 (b) Appropriate relief may include, but is not limited to, the
22 following:

23 (i) Restoring the complainant to the position of employment held
24 by the complainant when the discrimination occurred, or restoring the
25 complainant to an equivalent position with equivalent employment
26 hours, work schedule, benefits, pay, and other terms and conditions
27 of employment; and

28 (ii) Ordering the employer to make payable to the complainant
29 earnings that the complainant did not receive due to the employer's
30 discriminatory action, including interest of one percent per month on
31 all earnings owed. The earnings and interest owed will be calculated
32 from the first date earnings were owed to the employee.

33 (c) A civil penalty not to exceed the maximum penalty for a
34 serious violation under this chapter may be assessed for the first
35 occurrence. A civil penalty not to exceed the maximum penalty for a
36 repeat violation under this chapter may be assessed for each repeat
37 occurrence. Civil penalties are not contingent upon relief being
38 granted to the worker.

39 (5) If the director finds there is insufficient evidence to
40 determine that the provisions of this section have been violated, the

1 director will issue a letter of closure and the employee may
2 institute the action on his or her own behalf within 30 days of such
3 determination. In any such action the superior court shall have
4 jurisdiction, for cause shown, to restrain violations of subsection
5 (1) of this section and order all appropriate relief including
6 rehiring or reinstatement of the complainant to his or her former
7 position with back pay.

8 (6) The department must notify the employer and the complainant
9 of a citation and notice of assessment issued under subsection (4) of
10 this section using ((a)) an electronic or nonelectronic method by
11 which the ((mailing)) citation and notice of assessment can be
12 tracked or the delivery can be confirmed. Before using an electronic
13 method for the first time under this subsection, the department must
14 provide the employer and the complainant the option to receive
15 communication through a nonelectronic method. Citations and notices
16 of assessments shall state that the employer has 30 days within which
17 to notify the department that the employer wishes to appeal the
18 citation or notice of assessment, and that the complainant has 15
19 working days within which to notify the department that the
20 complainant wishes to appeal the order of appropriate relief in the
21 notice of assessment. If, within 30 days from the communication of
22 the notice issued by the director, the employer fails to notify the
23 department that the employer intends to appeal the citation or notice
24 of assessment, and no notice of appeal of the order of appropriate
25 relief is filed by the complainant within such time, the citation and
26 notice of assessment shall be deemed a final order of the department
27 and not subject to review by any court or agency.

28 (7) If an employer or complainant notifies the department of an
29 appeal, the department may reassume jurisdiction according to the
30 timeline, process for hearing, and issuance of corrective notices of
31 redetermination under RCW 49.17.140(4). The redetermination shall
32 become final subject to direct appeal by an employer or complainant
33 to the board of industrial insurance appeals within 15 working days
34 of such redetermination with service of notice of appeal upon the
35 director. In the event that the director does not reassume
36 jurisdiction as provided in this subsection, the director shall
37 promptly notify the state board of industrial insurance appeals of
38 all notifications of intention to appeal the citation and notice of
39 assessment and certify a full copy of the record in such appeal
40 matters to the board. The board of industrial insurance appeals shall

1 afford an opportunity for a hearing in the case of each such
2 appellant and the department shall be represented in such hearing by
3 the attorney general and the board shall in addition provide the
4 complainant an opportunity to participate as a party to hearings of
5 employer appeals under this subsection and provide the employer an
6 opportunity to participate as a party to hearings of complainant
7 appeals under this subsection. The board shall thereafter make
8 disposition of the issues in accordance with procedures relative to
9 contested cases appealed to the state board of industrial insurance
10 appeals. A notice of appeal filed under this section shall stay the
11 effectiveness of any citation or notice of assessment except orders
12 of reinstatement pending review by the board of industrial insurance
13 appeals.

14 (8) Civil penalties imposed under this section shall be paid to
15 the director for deposit in the supplemental pension fund established
16 in RCW 51.44.033.

17 (9) Collections of amounts owed for unpaid citations and notices
18 of assessment will be handled pursuant to the procedures outlined in
19 RCW 51.48.120 through 51.48.150.

20 (10) Nothing in this section diminishes the rights, privileges,
21 or remedies of any employee under any federal or state law or under
22 any collective bargaining agreement. The department and complainant
23 may pursue remedies in superior court that are outside the board of
24 industrial insurance appeals' jurisdiction.

25 **Sec. 18.** RCW 49.26.110 and 2011 c 301 s 14 are each amended to
26 read as follows:

27 (1) No employee or other individual is eligible to do work
28 governed by this chapter unless issued a certificate by the
29 department.

30 (2) To qualify for a certificate:

31 (a) Certified asbestos workers must have successfully completed a
32 four-day training course. Certified asbestos supervisors must have
33 completed a five-day training course. Training courses shall be
34 provided or approved by the department; shall cover such topics as
35 the health and safety aspects of the removal and encapsulation of
36 asbestos, including but not limited to the federal and state
37 standards regarding protective clothing, respirator use, disposal,
38 air monitoring, cleaning, and decontamination; and shall meet such
39 additional qualifications as may be established by the department by

1 rule for the type of certification sought. The department may require
2 the successful completion of annual refresher courses provided or
3 approved by the department for continued certification as an asbestos
4 worker or supervisor. However, the authority of the director to adopt
5 rules implementing this section is limited to rules that are
6 specifically required, and only to the extent specifically required,
7 for the standards to be as stringent as the applicable federal laws
8 governing work subject to this chapter; and

9 (b) All applicants for certification as asbestos workers or
10 supervisors must pass an examination in the type of certification
11 sought which shall be provided or approved by the department.

12 These requirements are intended to represent the minimum
13 requirements for certification and shall not preclude contractors or
14 employers from providing additional education or training.

15 (3) The department shall provide for the reciprocal certification
16 of any individual trained to engage in asbestos projects in another
17 state when the prior training is shown to be substantially similar to
18 the training required by the department. Nothing shall prevent the
19 department from requiring such individuals to take an examination or
20 refresher course before certification.

21 (4) The department may deny, suspend, or revoke a certificate, as
22 provided under RCW 49.26.140, for failure of the holder to comply
23 with any requirement of this chapter or chapter 49.17 RCW, or any
24 rule adopted under those chapters, or applicable health and safety
25 standards and regulations. In addition to any penalty imposed under
26 RCW 49.26.016, the department may suspend or revoke any certificate
27 issued under this chapter for a period of not less than six months
28 upon the following grounds:

29 (a) The certificate was obtained through error or fraud; or

30 (b) The holder thereof is judged to be incompetent to carry out
31 the work for which the certificate was issued.

32 Before any certificate may be denied, suspended, or revoked, the
33 holder thereof shall be given (~~written~~) notice of the department's
34 intention to do so, (~~mailed~~) using ((a)) an electronic or
35 nonelectronic method by which the (~~mailing~~) notice can be tracked
36 or the delivery can be confirmed to the holder's last known address.
37 Before using an electronic method for the first time under this
38 section, the department must provide the holder the option to receive
39 communication through a nonelectronic method. The notice shall
40 enumerate the allegations against such holder, and shall give him or

1 her the opportunity to request a hearing before the department. At
2 such hearing, the department and the holder shall have opportunity to
3 produce witnesses and give testimony.

4 (5) A denial, suspension, or revocation order may be appealed to
5 the board of industrial insurance appeals within (~~fifteen~~) 15
6 working days after the denial, suspension, or revocation order is
7 entered. The notice of appeal may be filed with the department or the
8 board of industrial insurance appeals. The board of industrial
9 insurance appeals shall hold the hearing in accordance with
10 procedures established in RCW 49.17.140. Any party aggrieved by an
11 order of the board of industrial insurance appeals may obtain
12 superior court review in the manner provided in RCW 49.17.150.

13 (6) Each person certified under this chapter shall display, upon
14 the request of an authorized representative of the department, valid
15 identification issued by the department.

16 **Sec. 19.** RCW 49.40.060 and 2011 c 301 s 15 are each amended to
17 read as follows:

18 The director of labor and industries, or his or her deputy
19 holding the hearing shall, after such hearing, determine the amount
20 due from the employer to the employee, and shall make findings of
21 fact and an award in accordance therewith, which findings and award
22 shall be filed in the office of the director and a copy thereof
23 (~~served upon~~) delivered to the employer and (~~upon~~) the employee
24 using ((a)) an electronic or nonelectronic method by which the
25 (~~mailing~~) findings and award can be tracked or the delivery can be
26 confirmed directed to their last known (~~post office~~) address.
27 Before using an electronic method for the first time under this
28 section, the director or his or her deputy must provide the employer
29 and the employee the option to receive communication through a
30 nonelectronic method.

31 **Sec. 20.** RCW 49.46.370 and 2025 c 236 s 2 are each amended to
32 read as follows:

33 (1) Any employer that coerces an employee in furtherance of the
34 employer committing a violation of wage payment requirements as
35 defined in chapter 49.48 RCW, condition of labor requirements as
36 defined in chapter 49.12 RCW, or any violations under chapter 49.30
37 RCW, including rules issued by the department pursuant to chapter
38 49.30 RCW, is subject to a civil penalty under this section, in

1 addition to any other penalty that may be imposed by the department
2 against an employer for those violations. If an employer's violation
3 subjects the employer to a penalty under this section and a separate
4 penalty under RCW 49.46.100, the employer must be assessed the higher
5 amount of the two penalties.

6 (2) A worker who believes the worker was subject to coercion by
7 the worker's employer based on the worker's immigration status may
8 file a complaint with the department within 180 days of the alleged
9 coercive action.

10 (3) (a) The department must investigate a complaint of coercion by
11 an employer based on immigration status.

12 (b) Unless otherwise resolved, the department shall issue either
13 a notice of citation assessing a penalty or a closure letter no later
14 than 90 days after the date on which the department received the
15 complaint.

16 (c) The department may extend the time period by providing
17 advance written notice to the employee and the employer setting forth
18 good cause for an extension of the time period and specifying the
19 duration of the extension.

20 (d) The department shall send the citation assessing a penalty or
21 closure letter to both the employer and the employee by service of
22 process or using a method by which the (~~mailing~~) citation assessing
23 a penalty or closure letter can be tracked or the delivery can be
24 confirmed to their last known addresses. Before using an electronic
25 method for the first time under this section, the department must
26 provide the employer and the employee the option to receive
27 communication through a nonelectronic method.

28 (e) If the department's investigation finds that the employee's
29 allegation cannot be substantiated, the department must issue a
30 closure letter to the employee and employer detailing such finding.

31 (f) If the department determines the employer violated this
32 section, the department must assess a civil penalty for each coercive
33 act as follows:

34 (i) For the first violation, a civil penalty not to exceed
35 \$1,000;

36 (ii) For the second violation, a civil penalty not to exceed
37 \$5,000; and

38 (iii) For any subsequent violation, a civil penalty not to exceed
39 \$10,000.

1 (4) Each act of coercion against each affected employee
2 constitutes a separate violation of chapter 236, Laws of 2025.

3 (5) The department shall deposit all civil penalties paid under
4 this section in the supplemental pension fund established under RCW
5 51.44.033.

6 (6)(a) The penalties payable pursuant to this section shall be
7 adjusted for inflation every three years, beginning July 1, 2028,
8 based upon changes in the consumer price index during that time
9 period.

10 (b) For purposes of this subsection, "consumer price index"
11 means, for any calendar year, that year's average consumer price
12 index for the Seattle, Washington area for urban wage earners and
13 clerical workers, all items, compiled by the bureau of labor
14 statistics, United States department of labor.

15 (7) Any personal information about the employee or the employee's
16 family members, including names, in a complaint or investigation is
17 confidential and may be disclosed only to the employer. Any personal
18 information may not be disclosed to any other person or entity
19 without the written permission of the employee.

20 (8) If, during an investigation of any other complaint, the
21 department discovers information that suggests an employer has
22 coerced an employee based on immigration status, the department may
23 investigate and take appropriate enforcement action without requiring
24 the employee to file a new or separate complaint.

25 (9)(a) A person, firm, or corporation aggrieved by a citation
26 assessing a civil penalty issued by the department under this section
27 may appeal the citation to the director by filing a notice of appeal
28 with the director within 30 days of the department's issuance of the
29 citation. A citation assessing a civil penalty not appealed within 30
30 days is final and binding, and not subject to further appeal.

31 (b) A notice of appeal filed with the director under this section
32 stays the effectiveness of the citation assessing a civil penalty
33 pending final review of the appeal by the director as provided for in
34 chapter 34.05 RCW.

35 (c) Upon receipt of a notice of appeal, the director shall assign
36 the hearing to an administrative law judge of the office of
37 administrative hearings to conduct the hearing and issue an initial
38 order. The hearing and review procedures must be conducted in
39 accordance with chapter 34.05 RCW, and the standard of review by the
40 administrative law judge of an appealed citation assessing a civil

1 penalty shall be de novo. Any party who seeks to challenge an initial
2 order shall file a petition for administrative review with the
3 director within 30 days after service of the initial order. The
4 director will conduct administrative review in accordance with
5 chapter 34.05 RCW.

6 (d) The director shall issue all final orders after appeal of the
7 initial order. The final order of the director is subject to judicial
8 review in accordance with chapter 34.05 RCW.

9 (e) Orders that are not appealed within the period specified in
10 this section and chapter 34.05 RCW are final and binding, and not
11 subject to further appeal.

12 (f) An employer who fails to allow adequate inspection of records
13 in an investigation by the department under this section within a
14 reasonable time period may not use such records in any appeal under
15 such rules to challenge the correctness of any determination by the
16 department of penalties assessed.

17 (10) The collections procedures under RCW 49.48.086 apply to this
18 section.

19 (11) For the purposes of this section, "department" means the
20 department of labor and industries.

21 **Sec. 21.** RCW 49.48.060 and 2010 c 42 s 5 and 2010 c 8 s 12050
22 are each reenacted and amended to read as follows:

23 (1) If upon investigation by the director, after taking
24 assignments of any wage claim under RCW 49.48.040 or after receiving
25 a wage complaint as defined in RCW 49.48.082 from an employee, it
26 appears to the director that the employer is representing to his or
27 her employees that he or she is able to pay wages for their services
28 and that the employees are not being paid for their services, the
29 director may require the employer to give a bond in such sum as the
30 director deems reasonable and adequate in the circumstances, with
31 sufficient surety, conditioned that the employer will for a definite
32 future period not exceeding six months conduct his or her business
33 and pay his or her employees in accordance with the laws of the state
34 of Washington.

35 (2) If within (~~ten~~) 10 days after demand for such bond the
36 employer fails to provide the same, the director may commence a suit
37 against the employer in the superior court of appropriate
38 jurisdiction to compel him or her to furnish such bond or cease doing

1 business until he or she has done so. The employer shall have the
2 burden of proving the amount thereof to be excessive.

3 (3) If the court finds that there is just cause for requiring
4 such bond and that the same is reasonable, necessary, or appropriate
5 to secure the prompt payment of the wages of the employees of such
6 employer and his or her compliance with one or more wage payment
7 requirements as defined in RCW 49.48.082, the court shall enjoin such
8 employer from doing business in this state until the requirement is
9 met, or shall make other, and may make further, orders appropriate to
10 compel compliance with the requirement.

11 (4) Upon being informed of a wage claim against an employer or
12 former employer, the director shall, if such claim appears to be
13 just, immediately notify the employer or former employer, of such
14 claim (~~(by mail)~~) using an electronic or nonelectronic method. Before
15 using an electronic method for the first time under this subsection,
16 the department must provide the employer or the former employer the
17 option to receive communication through a nonelectronic method. If
18 the employer or former employer fails to pay the claim or make
19 satisfactory explanation to the director of his or her failure to do
20 so, within (~~(thirty)~~) 30 days thereafter, the employer or former
21 employer shall be liable to a penalty of (~~(ten)~~) 10 percent of that
22 portion of the claim found to be justly due. The director shall have
23 a cause of action against the employer or former employer for the
24 recovery of such penalty, and the same may be included in any
25 subsequent action by the director on said wage claim, or may be
26 exercised separately after adjustment of such wage claim without
27 court action. This subsection does not apply to wage complaints made
28 under RCW 49.48.083.

29 **Sec. 22.** RCW 49.48.083 and 2023 c 243 s 1 are each amended to
30 read as follows:

31 (1) If an employee files a wage complaint with the department,
32 the department shall investigate the wage complaint. Unless otherwise
33 resolved, the department shall issue either a citation and notice of
34 assessment or a determination of compliance no later than 60 days
35 after the date on which the department received the wage complaint.
36 The department may extend the time period by providing advance
37 (~~(written)~~) notice to the employee and the employer setting forth
38 good cause for an extension of the time period and specifying the
39 duration of the extension. The department may not investigate any

1 alleged violation of a wage payment requirement that occurred more
2 than three years before the date that the employee filed the wage
3 complaint. The department shall send the citation and notice of
4 assessment or the determination of compliance to both the employer
5 and the employee (~~by service of process or~~) using ((a)) an
6 electronic or nonelectronic method by which the (~~mailing~~) citation
7 and notice of assessment or the determination of compliance can be
8 tracked or the delivery can be confirmed to their last known
9 addresses. Before using an electronic method for the first time under
10 this subsection, the department must provide the employer and the
11 employee the option to receive communication through a nonelectronic
12 method.

13 (2) If the department determines that an employer has violated a
14 wage payment requirement and issues to the employer a citation and
15 notice of assessment, the department may order the employer to pay
16 employees all wages owed, including interest of one percent per month
17 on all wages owed, to the employee. The wages and interest owed must
18 be calculated from the first date wages were owed to the employee,
19 except that the department may not order the employer to pay any
20 wages and interest that were owed more than three years before the
21 date the wage complaint was filed with the department.

22 (3) If the department determines that the violation of the wage
23 payment requirement was a willful violation, the department also may
24 order the employer to pay the department a civil penalty as specified
25 in (a) of this subsection.

26 (a) A civil penalty for a willful violation of a wage payment
27 requirement shall be not less than (~~one thousand dollars~~) \$1,000 or
28 an amount equal to (~~ten~~) 10 percent of the total amount of unpaid
29 wages, whichever is greater. The maximum civil penalty for a willful
30 violation of a wage payment requirement shall be (~~twenty thousand~~
31 ~~dollars~~) \$20,000.

32 (b) The department may not assess a civil penalty if the employer
33 reasonably relied on: (i) A rule related to any wage payment
34 requirement; (ii) a written order, ruling, approval, opinion, advice,
35 determination, or interpretation of the director; or (iii) an
36 interpretive or administrative policy issued by the department and
37 filed with the office of the code reviser. In accordance with the
38 department's retention schedule obligations under chapter 40.14 RCW,
39 the department shall maintain a complete and accurate record of all
40 written orders, rulings, approvals, opinions, advice, determinations,

1 and interpretations for purposes of determining whether an employer
2 is immune from civil penalties under (b) (ii) of this subsection.

3 (c) The department shall waive any civil penalty assessed against
4 an employer under this section if the employer is not a repeat
5 willful violator, and the director determines that the employer has
6 provided payment to the employee of all wages that the department
7 determined that the employer owed to the employee, including
8 interest, within (~~ten~~) 10 business days of the employer's receipt
9 of the citation and notice of assessment from the department.

10 (d) The department may waive or reduce at any time a civil
11 penalty assessed under this section if the director determines that
12 the employer paid all wages and interest owed to an employee.

13 (e) The department shall deposit civil penalties paid under this
14 section in the supplemental pension fund established under RCW
15 51.44.033.

16 (4) Upon payment by an employer, and acceptance by an employee,
17 of all wages and interest assessed by the department in a citation
18 and notice of assessment issued to the employer, the fact of such
19 payment by the employer, and of such acceptance by the employee,
20 shall: (a) Constitute a full and complete satisfaction by the
21 employer of all specific wage payment requirements addressed in the
22 citation and notice of assessment; and (b) bar the employee from
23 initiating or pursuing any court action or other judicial or
24 administrative proceeding based on the specific wage payment
25 requirements addressed in the citation and notice of assessment. The
26 citation and notice of assessment shall include a notification and
27 summary of the specific requirements of this subsection.

28 (5) The applicable statute of limitations for civil actions is
29 tolled during the department's investigation of an employee's wage
30 complaint against an employer. For the purposes of this subsection,
31 the department's investigation begins on the date the employee files
32 the wage complaint with the department and ends when: (a) The wage
33 complaint is finally determined through a final and binding citation
34 and notice of assessment or determination of compliance; or (b) the
35 department notifies the employer and the employee in writing that the
36 wage complaint has been otherwise resolved or that the employee has
37 elected to terminate the department's administrative action under RCW
38 49.48.085.

39 (6) For all wage complaints filed on or after January 1, 2024, if
40 the department offers the employer the option to resolve a wage

1 complaint without a citation and notice of assessment, and the
2 employer chooses to accept the offer, any settlement must include
3 interest of one percent per month on all amounts owed. The employee
4 may request a waiver or reduction of interest as part of the
5 settlement process.

6 **Sec. 23.** RCW 49.60.515 and 2025 c 47 s 1 are each amended to
7 read as follows:

8 (1) Every hotel, motel, retail, or security guard entity, or
9 property services contractor, who employs an isolated employee, must:

10 (a) Adopt a sexual harassment policy;

11 (b) Provide mandatory training to the employer's managers,
12 supervisors, and isolated employees to:

13 (i) Prevent sexual assault and sexual harassment in the
14 workplace;

15 (ii) Prevent sexual discrimination in the workplace;

16 (iii) Educate the employer's workforce regarding protection for
17 isolated employees who report violations of a state or federal law,
18 rule, or regulation; and

19 (iv) Inform isolated employees on how to use panic buttons, and
20 inform managers and supervisors on the responsibility to respond to
21 the use of panic buttons;

22 (c) Provide a list of resources for the employer's isolated
23 employees to utilize. At a minimum, the resources must include
24 contact information of the equal employment opportunity commission,
25 the Washington state human rights commission, and local advocacy
26 groups focused on preventing sexual harassment and sexual assault;

27 (d) Provide a panic button to each isolated employee. An employer
28 must maintain a record of the purchase and utilization of panic
29 buttons provided to its isolated employees under this section.
30 Records must be provided to the department upon request. The
31 department must publish advice and guidance for employers with fifty
32 or fewer employees relating to this subsection (1)(d). This
33 subsection (1)(d) does not apply to contracted security guard
34 companies licensed under chapter 18.170 RCW; and

35 (e) Document completion of the mandatory training required by
36 this subsection and provide the documentation to the department upon
37 request.

1 (2) (a) A property services contractor shall submit the following
2 to the department on an annual basis on a form or in a manner
3 determined by the department:

4 (i) The date of adoption of the sexual harassment policy required
5 in subsection (1) (a) of this section;

6 (ii) The number of managers, supervisors, and isolated employees
7 trained as required by subsection (1) (b) of this section; and

8 (iii) The physical address of the work location or locations at
9 which janitorial services are provided by workers of the property
10 services contractor, and for each location: (A) The total number of
11 workers or contractors of the property services contractor who
12 perform janitorial services; and (B) the total hours worked.

13 (b) The department must make aggregate data submitted as required
14 in this subsection (2) available upon request.

15 (3) (a) The department must investigate if a complaint is filed
16 with the department alleging a violation of this section or if the
17 department has reason to believe that an employer has committed a
18 violation of this section.

19 (b) Except when a violation is otherwise resolved, the department
20 must issue: (i) A citation assessing a civil penalty under (c) of
21 this subsection if it finds a violation has occurred; or (ii) a
22 closure letter detailing any findings if it finds that a violation
23 cannot be substantiated. The notice of a citation or closure letter
24 must be sent to the employer by service of process or using ((a)) an
25 electronic or nonelectronic method by which the ((mailing)) citation
26 or closure letter can be tracked or the delivery can be confirmed to
27 the last known address. Before using an electronic method for the
28 first time under this section, the department must provide the
29 employer and the employee the option to receive communication through
30 a nonelectronic method.

31 (c) If the department finds a violation of this section, the
32 department may order the employer to pay the department a civil
33 penalty of \$1,000 for each willful violation. For a repeat willful
34 violator, the citation assessing a civil penalty must be at least
35 \$2,000 for each repeat willful violation, but no greater than \$10,000
36 for each repeat willful violation. The department may, at any time,
37 waive or reduce a civil penalty assessed under this section if the
38 department determines that the employer has taken corrective action
39 to resolve the violation. Penalties collected under this section must

1 be deposited into the supplemental pension fund established under RCW
2 51.44.033.

3 (d) An employer who fails to comply with the department's
4 investigation of records within a reasonable time period may not use
5 such records in any appeal to challenge the correctness of any
6 determination by the department.

7 (4) For the purposes of this section:

8 (a) "Department" means the department of labor and industries.

9 (b) "Isolated employee" means an employee who:

10 (i) (A) Performs work in an area where two or more coworkers,
11 supervisors, or a combination thereof are unable to immediately
12 respond to an emergency without being summoned by the employee; or
13 (B) spends at least 50 percent of her or his working hours without a
14 supervisor or another coworker present; and

15 (ii) Is employed by an employer as a janitor, security guard,
16 hotel or motel housekeeper, or room service attendant.

17 (c) "Employer" means any person, association, partnership,
18 property services contractor, or public or private corporation,
19 whether for-profit or not, who employs one or more persons.

20 (d) "Panic button" means an emergency contact device carried by
21 an isolated employee by which the isolated employee may summon
22 immediate on-scene assistance from another worker, a security guard,
23 or a representative of the employer.

24 A panic button must:

25 (i) Be designed to be carried by the isolated employee;

26 (ii) Be simple to activate without delays caused by entering
27 passwords or waiting for the system to turn on;

28 (iii) Provide an effective signal for the circumstances when
29 activated; and

30 (iv) Be able to summon immediate assistance and allow responders
31 to accurately identify the isolated employee's location.

32 (e) "Property services contractor" means any person or entity
33 that employs workers: (i) To perform labor for another person to
34 provide commercial janitorial services; or (ii) on behalf of an
35 employer to provide commercial janitorial services. "Property
36 services contractor" does not mean the employment security department
37 or individuals who perform labor under an agreement for exchanging
38 their own labor or services with each other, provided the work is
39 performed on land owned or leased by the individuals.

1 (f) "Repeat willful violator" means any employer that has been
2 the subject of a final and binding citation for a willful violation
3 of one or more requirements under this section and all applicable
4 rules, within three years of the date of issuance of the most recent
5 citation for a willful violation of one or more requirements.

6 (g) "Security guard" means an individual who is principally
7 employed as, or typically referred to as, a security officer or
8 guard, regardless of whether the individual is employed by a private
9 security company or a single employer or whether the individual is
10 required to be licensed under chapter 18.170 RCW.

11 (h) "Willful" means a knowing and intentional action that is
12 neither accidental nor the result of a bona fide dispute.

13 (5) The department must adopt rules for purposes of implementing
14 and enforcing this section including, but not limited to, rules
15 concerning the collection of civil penalties and establishing the
16 processes for appeals of citations issued under this section in
17 accordance with chapter 34.05 RCW.

18 **Sec. 24.** RCW 49.84.045 and 2023 c 306 s 9 are each amended to
19 read as follows:

20 (1)(a) An employee may file a complaint with the department
21 alleging a violation under this chapter or applicable rules, except
22 for violations and enforcement of RCW 49.84.032 and 49.84.040. The
23 department must investigate the complaint.

24 (b) The department may not investigate any such alleged violation
25 of rights that occurred more than three years before the date that
26 the employee filed the complaint.

27 (c) If an employee files a timely complaint with the department,
28 the department must investigate the complaint and issue either a
29 citation and notice of assessment or a determination of compliance
30 within 90 days after the date on which the department received the
31 complaint, unless the complaint is otherwise resolved. The department
32 may extend the period by providing advance (~~written~~) notice to the
33 employee and the employer setting forth good cause for an extension
34 of the period and specifying the duration of the extension.

35 (d) The department must send the citation and notice of
36 assessment or the determination of compliance to both the employer
37 and the employee by service of process or using ((a)) an electronic
38 or nonelectronic method by which the ((mailing)) citation and notice
39 of assessment or the determination of compliance can be tracked or

1 the delivery can be confirmed to their last known addresses. Before
2 using an electronic method for the first time under this subsection,
3 the department must provide the employer and the employee the option
4 to receive communication through a nonelectronic method.

5 (2) If the department's investigation finds that the employee's
6 allegation cannot be substantiated, the department must issue a
7 determination of compliance to the employee and the employer
8 detailing such finding.

9 (3) The director may initiate an investigation without an
10 employee's complaint to ensure compliance with this chapter.

11 (4) The department may request an employer perform a self-audit
12 of any records relating to chapter 306, Laws of 2023, which must be
13 provided within a reasonable time. Reasonable timelines will be
14 specified in the self-audit request. The department must determine
15 reasonable time based on the number of affected employees and the
16 period of time covered by the self-audit. The records examined by the
17 employer in order to perform the self-audit must be made available to
18 the department upon request.

19 (5) Upon the department's request, an employer must notify
20 affected employees in writing that the department is conducting an
21 investigation. The department may require the employer to include a
22 general description of each investigation as part of the
23 notification, including the allegations and whether the notified
24 employee may be affected. The employer may consult with the
25 department to provide the information for the description of the
26 notification or investigation.

27 (6) If the department determines that the employer has violated a
28 requirement of this chapter or any rule adopted under this chapter,
29 the department also may order the employer to pay the department a
30 civil penalty of not less than \$1,000. The first violation may not
31 exceed \$1,000. The department may, at any time, waive or reduce any
32 civil penalty assessed against an employer under this section if the
33 department determines that the employer has taken corrective action
34 to remedy a violation. The department must adopt rules creating a
35 schedule to enhance penalties, not to exceed \$10,000 per violation,
36 based on repeat violations by the employer. Civil penalties must be
37 collected by the department and deposited into the supplemental
38 pension fund established under RCW 51.44.033.

39 (7) Except as provided under subsection (1) of this section, an
40 employer who is found to have violated a requirement of this chapter

1 and the rules adopted under this chapter resulting in a rest or meal
2 period violation, must pay the employee one additional hour of pay at
3 the employee's regular rate of pay for each day there is a violation.

4 (8) Upon receiving a complaint, the department may request or
5 subpoena the records of the warehouse distribution center.

6 (9) For enforcement actions under this section, if any person
7 fails to pay an assessment under this chapter, or under any rule
8 under this chapter, after it has become a final and unappealable
9 order, or after the court has entered final judgment in favor of the
10 agency, the director may initiate collection procedures in accordance
11 with the collection procedures under RCW 49.48.086.

12 (10) If the department finds that a quota violates chapter 306,
13 Laws of 2023, the department may order the employer to review and
14 provide a corrected written quota to the affected employee or
15 employees within 15 calendar days and place a letter in the
16 employee's personnel file to acknowledge the correction. If the
17 employer fails to do so, the employer may be subject to the penalties
18 under subsection (6) of this section and associated rules.

19 (11) In addition to any enforcement authority provided in this
20 chapter or applicable rules, the department may enforce any violation
21 under this chapter or applicable rules, except for violations and
22 enforcement of RCW 49.84.032, by filing an action in the superior
23 court for the county in which the violation is alleged to have
24 occurred. If the department prevails, it is entitled to reasonable
25 attorneys' fees and costs, in the amount to be determined by the
26 court.

27 **Sec. 25.** RCW 51.04.082 and 2011 c 290 s 2 are each amended to
28 read as follows:

29 Any notice or order required by this title to be (~~mailed~~) sent
30 to any employer may be served in the manner prescribed by law for
31 personal service of summons and complaint in the commencement of
32 actions in the superior courts of the state, but if the notice or
33 order is mailed, it shall be addressed to the address of the employer
34 as shown by the records of the department, or, if no such address is
35 shown, to such address as the department is able to ascertain by
36 reasonable effort. (~~If requested by the employer,~~) The department
37 may send any notice or order (~~may be sent~~) to an employer by secure
38 electronic means (~~except orders communicating the closure of a~~
39 ~~claim~~). Before using an electronic method for the first time for any

1 notice or order under this title, the department must provide the
2 employer the option to receive communication through a nonelectronic
3 method. Correspondence and notices sent electronically are considered
4 received on the date sent by the department. Failure of the employer
5 to receive such notice or order whether served or mailed shall not
6 release the employer from any tax or any increases or penalties
7 thereon.

8 **Sec. 26.** RCW 51.12.120 and 2023 c 88 s 11 are each amended to
9 read as follows:

10 (1) If a worker, while working outside the territorial limits of
11 this state, suffers an injury on account of which he or she, or his
12 or her beneficiaries, would have been entitled to compensation under
13 this title had the injury occurred within this state, the worker, or
14 his or her beneficiaries, shall be entitled to compensation under
15 this title if at the time of the injury:

16 (a) His or her employment is principally localized in this state;
17 or

18 (b) He or she is working under a contract of hire made in this
19 state for employment not principally localized in any state; or

20 (c) He or she is working under a contract of hire made in this
21 state for employment principally localized in another state whose
22 workers' compensation law is not applicable to his or her employer;
23 or

24 (d) He or she is working under a contract of hire made in this
25 state for employment outside the United States and Canada.

26 (2) The payment or award of compensation or other recoveries,
27 including settlement proceeds, under the workers' compensation law of
28 another state, territory, province, or foreign nation to a worker or
29 his or her beneficiaries otherwise entitled on account of such injury
30 to compensation under this title shall not be a bar to a claim for
31 compensation under this title if that claim under this title is
32 timely filed. If compensation is paid or awarded under this title,
33 the total amount of compensation or other recoveries, including
34 settlement proceeds, paid or awarded the worker or beneficiary under
35 such other workers' compensation law shall be credited against the
36 compensation due the worker or beneficiary under this title.

37 (3) (a) An employer not domiciled in this state who is employing
38 workers in this state in work for which the employer must be
39 registered under chapter 18.27 RCW, licensed under chapter 18.106

1 RCW, licensed under chapter 19.28 RCW, or prequalified under RCW
2 47.28.070, must secure the payment of compensation under this title
3 by:

4 (i) Insuring the employer's workers' compensation obligation
5 under this title with the department;

6 (ii) Being qualified as a self-insurer under this title; or

7 (iii) For employers domiciled in a state or province of Canada
8 subject to an agreement entered into under subsection (7) of this
9 section, as permitted by the agreement, filing with the department a
10 certificate of coverage issued by the agency that administers the
11 workers' compensation law in the employer's state or province of
12 domicile certifying that the employer has secured the payment of
13 compensation under the other state's or province's workers'
14 compensation law.

15 (b) The department shall adopt rules to implement this
16 subsection.

17 (4) If a worker or beneficiary is entitled to compensation under
18 this title by reason of an injury sustained in this state while in
19 the employ of an employer who is domiciled in another state or
20 province of Canada and the employer:

21 (a) Is not subject to subsection (3) of this section and has
22 neither opened an account with the department nor qualified as a
23 self-insurer under this title, the employer or his or her insurance
24 carrier shall file with the director a certificate issued by the
25 agency that administers the workers' compensation law in the state of
26 the employer's domicile, certifying that the employer has secured the
27 payment of compensation under the workers' compensation law of the
28 other state and that with respect to the injury the worker or
29 beneficiary is entitled to the benefits provided under the other
30 state's law.

31 (b) Has filed a certificate under subsection (3)(a)(iii) of this
32 section or (a) of this subsection (4):

33 (i) The filing of the certificate constitutes appointment by the
34 employer or his or her insurance carrier of the director as its agent
35 for acceptance of the service of process in any proceeding brought by
36 any claimant to enforce rights under this title;

37 (ii) The director shall send to such employer or his or her
38 insurance carrier, (~~by registered or certified mail~~) using an
39 electronic or nonelectronic method by which the notice can be tracked
40 or the delivery can be confirmed to the address shown on such

1 certificate, a true copy of any notice of claim or other process
2 served on the director by the claimant in any proceeding brought to
3 enforce rights under this title. Before using an electronic method
4 for the first time under this subsection, the department must provide
5 the employer or his or her insurance carrier the option to receive
6 communication through a nonelectronic method;

7 (iii) If the employer is a self-insurer under the workers'
8 compensation law of the other state or province of Canada, the
9 employer shall, upon submission of evidence or security, satisfactory
10 to the director, of his or her ability to meet his or her liability
11 to the claimant under this title, be deemed to be a qualified self-
12 insurer under this title; and

13 (iv) If the employer's liability under the workers' compensation
14 law of the other state or province of Canada is insured:

15 (A) The employer's carrier, as to such claimant only, shall be
16 deemed to be subject to this title. However, unless the insurer's
17 contract with the employer requires the insurer to pay an amount
18 equivalent to the compensation benefits provided by this title, the
19 insurer's liability for compensation shall not exceed the insurer's
20 liability under the workers' compensation law of the other state or
21 province; and

22 (B) If the total amount for which the employer's insurer is
23 liable under (b)(iv)(A) of this subsection is less than the total of
24 the compensation to which the claimant is entitled under this title,
25 the director may require the employer to file security satisfactory
26 to the director to secure the payment of compensation under this
27 title.

28 (c) If subject to subsection (3) of this section, has not
29 complied with subsection (3) of this section or, if not subject to
30 subsection (3) of this section, has neither qualified as a self-
31 insurer nor secured insurance coverage under the workers'
32 compensation law of another state or province of Canada, the claimant
33 shall be paid compensation by the department and the employer shall
34 have the same rights and obligations, and is subject to the same
35 penalties, as other employers subject to this title.

36 (5) As used in this section:

37 (a) A person's employment is principally localized in this or
38 another state when: (i) His or her employer has a place of business
39 in this or the other state and he or she regularly works at or from
40 the place of business; or (ii) if (a)(i) of this subsection is not

1 applicable, he or she is domiciled in and spends a substantial part
2 of his or her working time in the service of his or her employer in
3 this or the other state;

4 (b) "Workers' compensation law" includes "occupational disease
5 law" for the purposes of this section.

6 (6) A worker whose duties require him or her to travel regularly
7 in the service of his or her employer in this and one or more other
8 states may agree in writing with his or her employer that his or her
9 employment is principally localized in this or another state, and,
10 unless the other state refuses jurisdiction, the agreement shall
11 govern as to any injury occurring after the effective date of the
12 agreement.

13 (7) The director is authorized to enter into agreements with the
14 appropriate agencies of other states and provinces of Canada that
15 administer their workers' compensation law with respect to conflicts
16 of jurisdiction and the assumption of jurisdiction in cases where the
17 contract of employment arises in one state or province and the injury
18 occurs in another. If the other state's or province's law requires
19 Washington employers to secure the payment of compensation under the
20 other state's or province's workers' compensation laws for work
21 performed in that state or province, then employers domiciled in that
22 state or province must purchase compensation covering their workers
23 engaged in that work in this state under this state's industrial
24 insurance law. When an agreement under this subsection has been
25 executed and adopted as a rule of the department under chapter 34.05
26 RCW, it binds all employers and workers subject to this title and the
27 jurisdiction of this title is governed by this rule.

28 (8) Washington employers who are not self-insured under chapter
29 51.14 RCW shall obtain workers' compensation coverage from the state
30 fund for temporary and incidental work performed on jobs or at
31 jobsites in another state by their Washington workers. The department
32 is authorized to adopt rules governing premium liability and
33 reporting requirements for hours of work in excess of temporary and
34 incidental as defined in this chapter.

35 (9) "Temporary and incidental" means work performed by Washington
36 employers on jobs or at jobsites in another state for 30 or fewer
37 consecutive or nonconsecutive full or partial days within a calendar
38 year. Temporary and incidental days are considered on a per state
39 basis.

1 (10) By December 1, 2011, the department shall report to the
2 workers' compensation advisory committee on the effect of this
3 section on the revenue and costs to the state fund.

4 **Sec. 27.** RCW 51.14.060 and 2010 c 213 s 2 are each amended to
5 read as follows:

6 (1) The director may, in cases of default upon any obligation
7 under this title by the self-insurer, after ~~((ten))~~ 10 days' notice
8 ~~((by certified mail))~~ sent using an electronic or nonelectronic
9 method by which the notice can be tracked or the delivery can be
10 confirmed to the defaulting self-insurer of the intention to do so,
11 bring suit upon such bond or collect the interest and principal of
12 any of the securities as they may become due or sell the securities
13 or any of them as may be required or apply the money deposited, all
14 in order to pay compensation and discharge the obligations of the
15 defaulting self-insurer under this title. Before using an electronic
16 method for the first time under this subsection, the department must
17 provide the self-insurer the option to receive communication through
18 a nonelectronic method.

19 (2) The director shall be authorized to fulfill the defaulting
20 self-insured employer's obligations under this title from the
21 defaulting self-insured employer's deposit or from other funds
22 provided under this title for the satisfaction of claims against the
23 defaulting self-insured employer. The defaulting self-insured
24 employer is liable to and shall reimburse the director for the
25 amounts necessary to fulfill the obligations of the defaulting self-
26 insured employer that are in excess of the amounts received by the
27 director from any bond filed, or securities or money deposited, by
28 the defaulting self-insured employer pursuant to this chapter ~~((51.14~~
29 ~~RCW))~~. The amounts to be reimbursed shall include all amounts paid or
30 payable as compensation under this title together with administrative
31 costs, including attorneys' fees, and shall be considered taxes due
32 the state of Washington.

33 (3) The department shall transfer the balance of any defaulted
34 self-insured employer's deposit as required by RCW 51.14.020 into the
35 insolvency trust fund when the following have occurred:

36 (a) All claims against the defaulted self-insured employer are
37 closed; and

38 (b) The self-insured employer has been in default for ~~((ten))~~ 10
39 years.

1 **Sec. 28.** RCW 51.24.060 and 2011 c 290 s 4 are each amended to
2 read as follows:

3 (1) If the injured worker or beneficiary elects to seek damages
4 from the third person, any recovery made shall be distributed as
5 follows:

6 (a) The costs and reasonable attorneys' fees shall be paid
7 proportionately by the injured worker or beneficiary and the
8 department and/or self-insurer: PROVIDED, That the department and/or
9 self-insurer may require court approval of costs and attorneys' fees
10 or may petition a court for determination of the reasonableness of
11 costs and attorneys' fees;

12 (b) The injured worker or beneficiary shall be paid (~~(twenty-~~
13 ~~five)~~) 25 percent of the balance of the award: PROVIDED, That in the
14 event of a compromise and settlement by the parties, the injured
15 worker or beneficiary may agree to a sum less than (~~(twenty-five)~~) 25
16 percent;

17 (c) The department and/or self-insurer shall be paid the balance
18 of the recovery made, but only to the extent necessary to reimburse
19 the department and/or self-insurer for benefits paid;

20 (i) The department and/or self-insurer shall bear its
21 proportionate share of the costs and reasonable attorneys' fees
22 incurred by the worker or beneficiary to the extent of the benefits
23 paid under this title: PROVIDED, That the department's and/or self-
24 insurer's proportionate share shall not exceed (~~(one-hundred)~~) 100
25 percent of the costs and reasonable attorneys' fees;

26 (ii) The department's and/or self-insurer's proportionate share
27 of the costs and reasonable attorneys' fees shall be determined by
28 dividing the gross recovery amount into the benefits paid amount and
29 multiplying this percentage times the costs and reasonable attorneys'
30 fees incurred by the worker or beneficiary;

31 (iii) The department's and/or self-insurer's reimbursement share
32 shall be determined by subtracting their proportionate share of the
33 costs and reasonable attorneys' fees from the benefits paid amount;

34 (d) Any remaining balance shall be paid to the injured worker or
35 beneficiary; and

36 (e) Thereafter no payment shall be made to or on behalf of a
37 worker or beneficiary by the department and/or self-insurer for such
38 injury until the amount of any further compensation and benefits
39 shall equal any such remaining balance minus the department's and/or
40 self-insurer's proportionate share of the costs and reasonable

1 attorneys' fees in regards to the remaining balance. This
2 proportionate share shall be determined by dividing the gross
3 recovery amount into the remaining balance amount and multiplying
4 this percentage times the costs and reasonable attorneys' fees
5 incurred by the worker or beneficiary. Thereafter, such benefits
6 shall be paid by the department and/or self-insurer to or on behalf
7 of the worker or beneficiary as though no recovery had been made from
8 a third person.

9 (2) The recovery made shall be subject to a lien by the
10 department and/or self-insurer for its share under this section.

11 (3) The department or self-insurer has sole discretion to
12 compromise the amount of its lien. In deciding whether or to what
13 extent to compromise its lien, the department or self-insurer shall
14 consider at least the following:

15 (a) The likelihood of collection of the award or settlement as
16 may be affected by insurance coverage, solvency, or other factors
17 relating to the third person;

18 (b) Factual and legal issues of liability as between the injured
19 worker or beneficiary and the third person. Such issues include, but
20 are not limited to, possible contributory negligence and novel
21 theories of liability; and

22 (c) Problems of proof faced in obtaining the award or settlement.

23 (4) In an action under this section, the self-insurer may act on
24 behalf and for the benefit of the department to the extent of any
25 compensation and benefits paid or payable from state funds.

26 (5) It shall be the duty of the person to whom any recovery is
27 paid before distribution under this section to advise the department
28 or self-insurer of the fact and amount of such recovery, the costs
29 and reasonable attorneys' fees associated with the recovery, and to
30 distribute the recovery in compliance with this section.

31 (6) The distribution of any recovery made by award or settlement
32 of the third party action shall be confirmed by department order (~~7~~
33 ~~served by a method for which receipt can be confirmed or tracked, and~~
34 ~~shall be subject to chapter 51.52 RCW~~) pursuant to RCW 51.52.050. In
35 the event the order of distribution becomes final under chapter 51.52
36 RCW, the director or the director's designee may file with the clerk
37 of any county within the state a warrant in the amount of the sum
38 representing the unpaid lien plus interest accruing from the date the
39 order became final. The clerk of the county in which the warrant is
40 filed shall immediately designate a superior court cause number for

1 such warrant and the clerk shall cause to be entered in the judgment
2 docket under the superior court cause number assigned to the warrant,
3 the name of such worker or beneficiary mentioned in the warrant, the
4 amount of the unpaid lien plus interest accrued and the date when the
5 warrant was filed. The amount of such warrant as docketed shall
6 become a lien upon the title to and interest in all real and personal
7 property of the injured worker or beneficiary against whom the
8 warrant is issued, the same as a judgment in a civil case docketed in
9 the office of such clerk. The sheriff shall then proceed in the same
10 manner and with like effect as prescribed by law with respect to
11 execution or other process issued against rights or property upon
12 judgment in the superior court. Such warrant so docketed shall be
13 sufficient to support the issuance of writs of garnishment in favor
14 of the department in the manner provided by law in the case of
15 judgment, wholly or partially unsatisfied. The clerk of the court
16 shall be entitled to a filing fee under RCW 36.18.012(10), which
17 shall be added to the amount of the warrant. A copy of such warrant
18 shall be mailed to the injured worker or beneficiary within three
19 days of filing with the clerk.

20 (7) The director, or the director's designee, may issue to any
21 person, firm, corporation, municipal corporation, political
22 subdivision of the state, public corporation, or agency of the state,
23 a notice and order to withhold and deliver property of any kind if he
24 or she has reason to believe that there is in the possession of such
25 person, firm, corporation, municipal corporation, political
26 subdivision of the state, public corporation, or agency of the state,
27 property which is due, owing, or belonging to any worker or
28 beneficiary upon whom a warrant has been served by the department for
29 payments due to the state fund. The notice and order to withhold and
30 deliver shall be served by the sheriff of the county or by the
31 sheriff's deputy; by a method for which receipt can be confirmed or
32 tracked; or by any authorized representatives of the director. Any
33 person, firm, corporation, municipal corporation, political
34 subdivision of the state, public corporation, or agency of the state
35 upon whom service has been made shall answer the notice within
36 (~~twenty~~) 20 days exclusive of the day of service, under oath and in
37 writing, and shall make true answers to the matters inquired of in
38 the notice and order to withhold and deliver. In the event there is
39 in the possession of the party named and served with such notice and
40 order, any property which may be subject to the claim of the

1 department, such property shall be delivered forthwith to the
2 director or the director's authorized representative upon demand. If
3 the party served and named in the notice and order fails to answer
4 the notice and order within the time prescribed in this section, the
5 court may, after the time to answer such order has expired, render
6 judgment by default against the party named in the notice for the
7 full amount claimed by the director in the notice together with
8 costs. In the event that a notice to withhold and deliver is served
9 upon an employer and the property found to be subject thereto is
10 wages, the employer may assert in the answer to all exemptions
11 provided for by chapter 6.27 RCW to which the wage earner may be
12 entitled.

13 **Sec. 29.** RCW 51.24.070 and 1984 c 218 s 6 are each amended to
14 read as follows:

15 (1) The department or self-insurer may require the injured worker
16 or beneficiary to exercise the right of election under this chapter
17 by ~~((serving a written demand by registered mail, certified mail, or~~
18 ~~personal service on the worker or beneficiary)) serving a written~~
19 ~~demand by mail, or if the injured worker or beneficiary chooses, the~~
20 ~~department may send by secure electronic means.~~

21 (2) Unless an election is made within ~~((sixty))~~ 60 days of the
22 receipt of the demand, and unless an action is instituted or settled
23 within the time granted by the department or self-insurer, the
24 injured worker or beneficiary is deemed to have assigned the action
25 to the department or self-insurer. The department or self-insurer
26 shall allow the worker or beneficiary at least ~~((ninety))~~ 90 days
27 from the election to institute or settle the action. When a
28 beneficiary is a minor child the demand shall be served upon the
29 legal custodian or guardian of such beneficiary.

30 (3) If an action which has been filed is not diligently
31 prosecuted, the department or self-insurer may petition the court in
32 which the action is pending for an order assigning the cause of
33 action to the department or self-insurer. Upon a sufficient showing
34 of a lack of diligent prosecution the court in its discretion may
35 issue the order.

36 (4) If the department or self-insurer has taken an assignment of
37 the third party cause of action under subsection (2) of this section,
38 the injured worker or beneficiary may, at the discretion of the
39 department or self-insurer, exercise a right of reelection and assume

1 the cause of action subject to reimbursement of litigation expenses
2 incurred by the department or self-insurer.

3 **Sec. 30.** RCW 51.24.080 and 1977 ex.s. c 85 s 6 are each amended
4 to read as follows:

5 (1) If the injured worker or beneficiary elects to seek damages
6 from the third person, notice of the election must be given to the
7 department or self-insurer(~~(. The notice shall be by registered mail,~~
8 ~~certified mail, or personal service)) using an electronic or
9 nonelectronic method by which the notice can be tracked or the
10 delivery can be confirmed. If an action is filed by the injured
11 worker or beneficiary, a copy of the complaint must be (~~sent by~~
12 ~~registered mail to the department or self-insurer~~) mailed to the
13 department or self-insurer using an electronic or nonelectronic
14 method by which the notice can be tracked or the delivery can be
15 confirmed.~~

16 (2) A return showing service of the notice on the department or
17 self-insurer shall be filed with the court but shall not be part of
18 the record except as necessary to give notice to the defendant of the
19 lien imposed by RCW 51.24.060(2).

20 **Sec. 31.** RCW 51.32.210 and 1977 ex.s. c 350 s 55 are each
21 amended to read as follows:

22 Claims of injured workers of employers who have secured the
23 payment of compensation by insuring with the department shall be
24 promptly acted upon by the department. Where temporary disability
25 compensation is payable, the first payment thereof shall be
26 (~~mailed~~) sent within (~~fourteen~~) 14 days after receipt of the
27 claim at the department's offices in Olympia and shall continue at
28 regular semimonthly intervals. The payment of this or any other
29 benefits under this title, prior to the entry of an order by the
30 department in accordance with RCW 51.52.050 as now or hereafter
31 amended, shall be not considered a binding determination of the
32 obligations of the department under this title. The acceptance of
33 compensation by the worker or his or her beneficiaries prior to such
34 order shall likewise not be considered a binding determination of
35 their rights under this title.

36 **Sec. 32.** RCW 51.48.180 and 1986 c 9 s 15 are each amended to
37 read as follows:

1 If the amount of taxes, interest, or penalties assessed by the
2 director or the director's designee by order and notice of assessment
3 pursuant to RCW 51.48.170 is not paid within (~~ten~~) 10 days after
4 the service or (~~mailing~~) electronic or nonelectronic mailing of the
5 order and notice of assessment, the director or the director's
6 designee may collect the amount stated in said assessment by the
7 distraint, seizure, and sale of the property, goods, chattels, and
8 effects of the delinquent employer. There shall be exempt from
9 distraint and sale under this section such goods and property as are
10 exempt from execution under the laws of this state.

11 **Sec. 33.** RCW 51.52.050 and 2019 c 190 s 1 are each amended to
12 read as follows:

13 (1) (a) Whenever the department has made any order, decision, or
14 award, it shall promptly serve the worker, beneficiary, employer, or
15 other person affected thereby, with a copy (~~thereof by mail, or if~~
16 ~~the worker, beneficiary, employer, or other person affected thereby~~
17 ~~chooses, the department may send correspondence and other legal~~
18 ~~notices by secure electronic means except for orders communicating~~
19 ~~the closure of a claim~~) thereof by mail, or if the worker,
20 beneficiary, employer, or other person affected thereby chooses, the
21 department may send correspondence and other legal notices by secure
22 electronic means.

23 (b) In the event the department has made an order communicating
24 the closure of a claim of a self-insured employer, the self-insured
25 employer may serve the department order provided the self-insured
26 employer does so using a separate, secure, and verifiable
27 (~~nonelectronic~~) means of delivery in accordance with the
28 requirements for the department's service in (a) of this subsection
29 and includes the department prescribed notice explaining the contents
30 of the order and any protest or appeal rights. The service by the
31 self-insured employer is a communication for the purposes of filing
32 an appeal under RCW 51.52.060.

33 (~~Persons who choose to~~) (c) Workers, beneficiaries, employers,
34 or other persons affected thereby who receive correspondence and
35 other legal notices electronically shall be provided information to
36 assist them in ensuring all electronic documents and communications
37 are received. Correspondence and notices must be addressed to (~~such~~
38 ~~a person at his or her last known postal or electronic~~) workers,
39 beneficiaries, employers, or other persons affected thereby addressed

1 to the address as shown by the records of the department.
2 Correspondence and notices sent electronically are considered
3 received on the date sent by the department. (~~The copy, in case the~~
4 ~~same~~)

5 (d) When the department's order, decision, or award is a final
6 order, decision, or award, the served copy shall bear on the same
7 side of the same page on which is found the amount of the award, a
8 statement, set in black faced type of at least (~~ten~~) 10 point body
9 or size, that such final order, decision, or award shall become final
10 within (~~sixty~~) 60 days from the date the order is communicated
11 through nonelectronic methods and 65 days from the date the order is
12 communicated through electronic methods to the parties unless a
13 written request for reconsideration is filed with the department of
14 labor and industries, Olympia, or an appeal is filed with the board
15 of industrial insurance appeals, Olympia. However, a department order
16 or decision making demand, whether with or without penalty, for
17 repayment of sums paid to a provider of medical, dental, vocational,
18 or other health services rendered to an industrially injured worker,
19 shall state that such order or decision shall become final within
20 (~~twenty~~) 20 days from the date the order or decision is
21 communicated to the parties unless a written request for
22 reconsideration is filed with the department of labor and industries,
23 Olympia, or an appeal is filed with the board of industrial insurance
24 appeals, Olympia.

25 (2) (a) Whenever the department has taken any action or made any
26 decision relating to any phase of the administration of this title
27 the worker, beneficiary, employer, or other person aggrieved thereby
28 may request reconsideration of the department, or may appeal to the
29 board. In an appeal before the board, the appellant shall have the
30 burden of proceeding with the evidence to establish a prima facie
31 case for the relief sought in such appeal.

32 (b) An order by the department awarding benefits shall become
33 effective and benefits due on the date issued. Subject to (b) (i) and
34 (ii) of this subsection, if the department order is appealed the
35 order shall not be stayed pending a final decision on the merits
36 unless ordered by the board. Upon issuance of the order granting the
37 appeal, the board will provide the worker with notice concerning the
38 potential of an overpayment of benefits paid pending the outcome of
39 the appeal and the requirements for interest on unpaid benefits
40 pursuant to RCW 51.52.135. A worker may request that benefits cease

1 pending appeal at any time following the employer's motion for stay
2 or the board's order granting appeal. The request must be submitted
3 in writing to the employer, the board, and the department. Any
4 employer may move for a stay of the order on appeal, in whole or in
5 part. The motion must be filed within (~~fifteen~~) 15 days of the
6 order granting appeal. The board shall conduct an expedited review of
7 the claim file provided by the department as it existed on the date
8 of the department order. The board shall issue a final decision
9 within (~~twenty-five~~) 25 days of the filing of the motion for stay
10 or the order granting appeal, whichever is later. The board's final
11 decision may be appealed to superior court in accordance with RCW
12 51.52.110. The board shall grant a motion to stay if the moving party
13 demonstrates that it is more likely than not to prevail on the facts
14 as they existed at the time of the order on appeal. The board shall
15 not consider the likelihood of recoupment of benefits as a basis to
16 grant or deny a motion to stay. If a self-insured employer prevails
17 on the merits, any benefits paid may be recouped pursuant to RCW
18 51.32.240.

19 (i) If upon reconsideration requested by a worker or medical
20 provider, the department has ordered an increase in a permanent
21 partial disability award from the amount reflected in an earlier
22 order, the award reflected in the earlier order shall not be stayed
23 pending a final decision on the merits. However, the increase is
24 stayed without further action by the board pending a final decision
25 on the merits.

26 (ii) If any party appeals an order establishing a worker's wages
27 or the compensation rate at which a worker will be paid temporary or
28 permanent total disability or loss of earning power benefits, the
29 worker shall receive payment pending a final decision on the merits
30 based on the following:

31 (A) When the employer is self-insured, the wage calculation or
32 compensation rate the employer most recently submitted to the
33 department; or

34 (B) When the employer is insured through the state fund, the
35 highest wage amount or compensation rate uncontested by the parties.

36 Payment of benefits or consideration of wages at a rate that is
37 higher than that specified in (b) (ii) (A) or (B) of this subsection is
38 stayed without further action by the board pending a final decision
39 on the merits.

1 (c) In an appeal from an order of the department that alleges
2 willful misrepresentation, the department or self-insured employer
3 shall initially introduce all evidence in its case in chief. Any such
4 person aggrieved by the decision and order of the board may
5 thereafter appeal to the superior court, as prescribed in this
6 chapter.

7 **Sec. 34.** RCW 70.79.320 and 2011 c 301 s 21 are each amended to
8 read as follows:

9 (1) It shall be unlawful for any person, firm, partnership, or
10 corporation to operate under pressure in this state a boiler or
11 unfired pressure vessel, to which this chapter applies, without a
12 valid inspection certificate as provided for in this chapter.

13 (2) The department may assess a penalty against a person
14 violating a provision of this chapter. The penalty shall be not more
15 than (~~(five hundred dollars)~~) \$500. Each day that the violation
16 continues is a separate violation and is subject to a separate
17 penalty.

18 (3) The department may not assess a penalty until it adopts rules
19 describing the method it will use to calculate penalties for various
20 violations.

21 (4) The department shall notify the violator of its action, and
22 the reasons for its action(~~(, in writing)~~). The department shall send
23 the notice using ((a)) an electronic or nonelectronic method by which
24 the (~~(mailing)~~) notice can be tracked or the delivery can be
25 confirmed to the violator that a hearing may be requested under RCW
26 70.79.361. Before using an electronic method for the first time under
27 this section, the department must provide the violator the option to
28 receive communication through a nonelectronic method. The hearing
29 shall not stay the effect of the penalty.

30 **Sec. 35.** RCW 70.87.125 and 2011 c 301 s 22 are each amended to
31 read as follows:

32 (1) A license issued under this chapter may be suspended,
33 revoked, or subject to civil penalty by the department upon
34 verification that any one or more of the following reasons exist:

35 (a) Any false statement as to a material matter in the
36 application;

37 (b) Fraud, misrepresentation, or bribery in securing a license;

1 (c) Failure to notify the department and the owner or lessee of a
2 conveyance or related mechanisms of any condition not in compliance
3 with this chapter;

4 (d) A violation of any provisions of this chapter; and

5 (e) If the elevator contractor does not employ an individual
6 designated as the primary point of contact with the department and
7 who has successfully completed the elevator contractor examination.
8 In the case of a separation of employment, termination of this
9 relationship or designation, or death of the designated individual,
10 the elevator contractor must, within (~~ninety~~) 90 days, designate a
11 new individual who has successfully completed the elevator contractor
12 examination.

13 (2) The department may suspend or revoke a permit if:

14 (a) The permit was obtained through fraud or by error if, in the
15 absence of error, the department would not have issued the permit;

16 (b) The conveyance for which the permit was issued has not been
17 worked on in accordance with this chapter; or

18 (c) The conveyance has become unsafe.

19 (3) The department shall suspend any license issued under this
20 chapter promptly after receiving notice from the department of social
21 and health services that the holder of the license has been certified
22 pursuant to RCW 74.20A.320 as a person who is not in compliance with
23 a support order. If the person has continued to meet all other
24 license requirements during the suspension, reissuance of the license
25 shall be automatic upon the department's receipt of a release issued
26 by the department of social and health services stating that the
27 person is in compliance with the order.

28 (4) The department shall notify in writing the owner, licensee,
29 or person performing conveyance work, of its action and the reason
30 for the action. The department shall send the notice using (~~a~~) an
31 electronic or nonelectronic method by which the (~~mailing~~) notice
32 can be tracked or the delivery can be confirmed to the last known
33 address of the owner or person. Before using an electronic method for
34 the first time under this section, the department must provide the
35 owner, licensee, or person performing conveyance work the option to
36 receive communication through a nonelectronic method. The notice
37 shall inform the owner, licensee, or person performing conveyance
38 work that a hearing may be requested pursuant to RCW 70.87.170.

39 (5) (a) If the department has suspended or revoked a permit or
40 license because of fraud or error, and a hearing is requested, the

1 suspension or revocation shall be stayed until the hearing is
2 concluded and a decision is issued.

3 (b) If the department has revoked or suspended a license because
4 the licensee performing the work covered by this chapter is working
5 in a manner that does not effectively prevent injuries or deaths or
6 protect employees and the public from unsafe conditions as is
7 required by this chapter, the suspension or revocation is effective
8 immediately and shall not be stayed by a request for a hearing.

9 (c) If the department has revoked or suspended a permit because
10 the conveyance is unsafe or the conveyance work is not permitted and
11 performed in accordance with this chapter, the suspension or
12 revocation is effective immediately and shall not be stayed by a
13 request for a hearing.

14 (6) The department must remove a suspension or reinstate a
15 revoked license if the licensee pays all the assessed civil penalties
16 and is able to demonstrate to the department that the licensee has
17 met all the qualifications established by this chapter.

18 (7) The department shall remove a suspension or reinstate a
19 revoked permit if a conveyance is repaired or modified to bring it
20 into compliance with this chapter.

21 **Sec. 36.** RCW 70.87.185 and 2011 c 301 s 23 are each amended to
22 read as follows:

23 (1) The department may assess a penalty against a person
24 violating a provision of this chapter. The penalty shall be not more
25 than (~~(five hundred dollars)~~) \$500. Each day that the violation
26 continues is a separate violation and is subject to a separate
27 penalty.

28 (2) The department may not assess a penalty until it adopts rules
29 describing the method it will use to calculate penalties for various
30 violations.

31 (3) The department shall notify the violator of its action, and
32 the reasons for its action(~~(, in writing)~~). The department shall send
33 the notice using ((a)) an electronic or nonelectronic method by which
34 the (~~(mailing)~~) notice can be tracked or the delivery can be
35 confirmed to the violator's last known address. Before using an
36 electronic method for the first time under this section, the
37 department must provide the violator the option to receive
38 communication through a nonelectronic method. The notice shall inform

1 the violator that a hearing may be requested under RCW 70.87.170. The
2 hearing shall not stay the effect of the penalty.

3 **Sec. 37.** RCW 70.87.205 and 2011 c 301 s 24 are each amended to
4 read as follows:

5 (1) Disputes arising under RCW 70.87.200(2) shall be resolved by
6 arbitration. The request shall be sent using ((a)) an electronic or
7 nonelectronic method by which the ((mailing)) notice can be tracked
8 or the delivery can be confirmed. Before using an electronic method
9 for the first time under this section, the department must provide
10 the parties the option to receive communication through a
11 nonelectronic method.

12 (2) The department shall appoint one arbitrator; the municipality
13 shall appoint one arbitrator; and the arbitrators chosen by the
14 department and the municipality shall appoint the third arbitrator.
15 If the two arbitrators cannot agree on the third arbitrator, the
16 presiding judge of the Thurston county superior court, or his or her
17 designee, shall appoint the third arbitrator.

18 (3) The arbitration shall be held pursuant to the procedures in
19 chapter 7.04A RCW, except that RCW 7.04A.280(1)(f) shall not apply.
20 The decision of the arbitrators is final and binding on the parties.
21 Neither party may appeal a decision to any court.

22 (4) A party may petition the Thurston county superior court to
23 enforce a decision of the arbitrators.

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