
SENATE BILL 5980

State of Washington

68th Legislature

2024 Regular Session

By Senators Keiser, Conway, Llias, and Van De Wege

Prefiled 01/04/24.

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

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

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

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

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

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

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

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

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

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

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

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

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

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