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**SUBSTITUTE HOUSE BILL 2488**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Thompson, Koster, D. Schmidt, Cairnes, McMahan, Cooke, Reams, Crouse, Chandler, Buck, Fuhrman, McMorris, Hatfield, Sheldon, Kessler and Mulliken)

Read first time 02/01/96.

1 AN ACT Relating to investigations, inspections, or reviews by the  
2 department of labor and industries; and amending RCW 49.17.060.

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

4 **Sec. 1.** RCW 49.17.060 and 1973 c 80 s 6 are each amended to read  
5 as follows:

6 (1) Each employer, other than a public fire department employer,  
7 shall:

8 ~~((1) Shall))~~ (a) Furnish to each of his or her employees a place  
9 of employment free from recognized hazards that are causing or likely  
10 to cause serious injury or death to ~~((his))~~ the employees: PROVIDED,  
11 That no citation or order assessing a penalty shall be issued to any  
12 employer solely under the authority of this subsection except where no  
13 applicable rule ~~((or regulation))~~ has been adopted by the department  
14 covering the unsafe or unhealthful condition of employment at the work  
15 place; and

16 ~~((2) Shall))~~ (b) Comply with the rules ~~((, regulations,))~~ and  
17 orders promulgated under this chapter.

18 (2) Each public fire department employer shall:

1       (a) Furnish to each of its employees the safest work place  
2 reasonably attainable under the conditions to which the employees are  
3 or will be exposed. A work place is as safe as reasonably attainable,  
4 for the purposes of a departmental investigation, inspection, or review  
5 under this chapter, when the employer's decision, action, or operation  
6 is found to be reasonable under the circumstances and conditions  
7 existing at the time of an alleged violation, as measured by the  
8 standard of a reasonable and prudent person with similar training,  
9 experience, responsibility, and authority as the employer. No citation  
10 or order assessing a penalty shall be issued to a public fire  
11 department employer solely under the authority of this subsection  
12 except where no applicable rule has been adopted by the department  
13 covering the unsafe or unhealthful condition of employment at the work  
14 place; and

15       (b) Comply with the rules and orders adopted under this chapter.

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