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HOUSE BILL 2654

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Clements, McMorris, Chandler, Backlund, Thompson and Johnson

Read first time 01/16/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to citations under the Washington industrial safety  
2 and health act; and amending RCW 49.17.120.

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

4 **Sec. 1.** RCW 49.17.120 and 1973 c 80 s 12 are each amended to read  
5 as follows:

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

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

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 the  
5 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 copies  
11 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 the employer  
16 demonstrates that:

17       (i) The employees of the employer were provided with training and  
18 equipment in compliance with standards adopted under this chapter;

19       (ii) The employer maintains a written accident prevention program  
20 in compliance with standards adopted under this chapter and safety  
21 rules that are designed to prevent such violations and the program and  
22 rules were adequately communicated to employees, including conducting  
23 safety meetings as required by standards adopted under this chapter;

24       (iii) The employer takes reasonable measures to discover violations  
25 of the safety rules and to discipline employees when violations are  
26 discovered; and

27       (iv) The failure of employees to observe the safety rules led to  
28 the violation.

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

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