

RCW 49.12.390 Child labor laws—Violations—Civil penalties—Restraining orders. (Effective until July 1, 2026.)

*** CHANGE IN 2026 *** (SEE 6039-S.SL) ***

(1) (a) Except as otherwise provided in subsection (2) of this section, if the director, or the director's designee, finds that an employer has violated any of the requirements of RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, a citation stating the violations shall be issued to the employer. The citation shall be in writing, describing the nature of the violation including reference to the standards, rules, or orders alleged to have been violated. An initial citation for failure to comply with RCW 49.12.123 or rules requiring a minor work permit and maintenance of records shall state a specific and reasonable time for abatement of the violation to allow the employer to correct the violation without penalty. The director or the director's designee may establish a specific time for abatement of other nonserious violations in lieu of a penalty for first time violations. The citation and a proposed penalty assessment shall be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department shall mail a copy of the citation and proposed penalty assessment to the central personnel office of the employer. Citations issued under this section shall be posted at or near the place where the violation occurred.

(b) Except when an employer corrects a violation as provided in (a) of this subsection, he or she shall be assessed a civil penalty of not more than one thousand dollars depending on the size of the business and the gravity of the violation. The employer shall pay the amount assessed within thirty days of receipt of the assessment or notify the director of his or her intent to appeal the citation or the assessment penalty as provided in RCW 49.12.400.

(2) If the director, or the director's designee, finds that an employer has committed a serious or repeated violation of the requirements of RCW 49.12.121 or 49.12.123, or any rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, the employer is subject to a civil penalty of not more than one thousand dollars for each day the violation continues. For the purposes of this subsection, a serious violation shall be deemed to exist if death or serious physical harm has resulted or is imminent from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use by the employer, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

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

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

(4) An employer who violates any of the posting requirements of RCW 49.12.121 or rules adopted implementing RCW 49.12.121 shall be assessed a civil penalty of not more than one hundred dollars for each violation.

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

(6) Penalties assessed under this section shall be paid to the director and deposited into the general fund. [1991 c 303 s 3.]

RCW 49.12.390 Child labor laws—Violations—Civil penalties—Restraining orders—Annual report. (Effective July 1, 2026.)

*** CHANGE IN 2026 *** (SEE 6039-S.SL) ***

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

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

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

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

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

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

(iv) No less than \$1,000 for each violation involving failure to comply with prohibited duty requirements, variance conditions, or minimum wage requirements for minors, or for each other serious violation, except the civil penalty may be no less than \$2,000 for

each violation in a second or subsequent citation for any of these violations identified in this subsection (1)(c)(iv);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The number and nature of workplace injuries involving minors reviewed by the department, including whether those injuries resulted in citations or permit revocations under this section. [2025 c 173 s 2; 1991 c 303 s 3.]

Effective date—2025 c 173: See note following RCW 49.30.060.