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HOUSE BILL 2074

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State of Washington

68th Legislature

2024 Regular Session

By Representatives Dye and Dent

Prefiled 01/02/24.

1 AN ACT Relating to limiting the application of certain civil  
2 penalties to protect landowners from incurring penalties based on the  
3 actions of the landowner's lessee; and amending RCW 90.03.600.

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

5 **Sec. 1.** RCW 90.03.600 and 2003 1st sp.s. c 15 s 3 are each  
6 amended to read as follows:

7 (1) In determining the amount of a penalty to be levied, the  
8 department shall consider the seriousness of the violation, whether  
9 the violation is repeated or continuous after notice of the violation  
10 is given, and whether any damage has occurred to the health or  
11 property of other persons. Except as provided in RCW 43.05.060  
12 through 43.05.080 and 43.05.150, the department (~~(of ecology)~~) may  
13 levy civil penalties ranging from (~~(one hundred dollars)~~) \$100 to  
14 (~~(five thousand dollars)~~) \$5000 per day for violation of any of the  
15 provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW,  
16 and rules, permits, and similar documents and regulatory orders of  
17 the department (~~(of ecology)~~) adopted or issued pursuant to such  
18 chapters. The procedures of RCW 90.48.144 shall be applicable to all  
19 phases of the levying of a penalty under RCW 90.48.144 as well as  
20 review and appeal of the same.

1       (2) The department may not levy a civil penalty under this  
2 section against a landowner if the actions of the landowner's lessee  
3 are the basis for the violation. In such cases, the department may  
4 levy the civil penalty against the lessee.

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