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SENATE BILL 5756

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State of Washington

69th Legislature

2025 Regular Session

By Senators Stanford and Saldaña

1 AN ACT Relating to the safety and health of working minors;  
2 amending RCW 49.12.390; adding a new section to chapter 49.12 RCW;  
3 and prescribing penalties.

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

5 **Sec. 1.** RCW 49.12.390 and 1991 c 303 s 3 are each amended to  
6 read as follows:

7 (1)(a) Except as otherwise provided in (e) of this subsection  
8 ~~((2) of this section)),~~ if the director, or the director's designee,  
9 finds that an employer has violated any of the requirements of RCW  
10 49.12.121 or 49.12.123, or a rule or order adopted or variance  
11 granted under RCW 49.12.121 or 49.12.123, a citation stating the  
12 violations shall be issued to the employer. The citation shall be in  
13 writing, describing the nature of the violation including reference  
14 to the standards, rules, or orders alleged to have been violated.  
15 ~~((An initial))~~ A first citation for failure to comply with RCW  
16 49.12.123 or rules requiring a minor work permit and maintenance of  
17 records, or for other nonserious violations shall state a specific  
18 and reasonable time for abatement of the violation to allow the  
19 employer to correct the violation without a civil penalty. ~~((The  
20 director or the director's designee may establish a specific time for  
21 abatement of other nonserious violations in lieu of a penalty for~~

1 ~~first time violations.~~) The citation and a ~~((proposed))~~ penalty  
2 assessment shall be given to the highest management official  
3 available at the workplace or be mailed to the employer at the  
4 workplace. In addition, the department shall mail a copy of the  
5 citation and ~~((proposed))~~ penalty assessment to the central personnel  
6 office of the employer. Citations issued under this section shall be  
7 posted at or near the place where the violation occurred.

8 (b) Except when an employer corrects a violation as provided in  
9 (a) of this subsection, ~~((he or she))~~ the employer shall be assessed  
10 a civil penalty ~~((of not more than one thousand dollars depending on  
11 the size of the business and the gravity of the violation))~~ as  
12 follows:

13 (i) No less than \$100 for each violation involving the failure to  
14 comply with RCW 49.12.123 or rules requiring a minor work permit,  
15 maintenance record requirements, or failure to complete school  
16 authorization procedures, or for each other nonserious violation;

17 (ii) No less than \$150 for each violation involving failure to  
18 comply with hours of work requirements;

19 (iii) No less than \$300 for each violation involving failure to  
20 comply with meal break or rest break requirements;

21 (iv) No less than \$1,000 for each violation involving failure to  
22 comply with prohibited duty requirements, variance conditions, or  
23 minimum wage requirements for minors, or for each other serious  
24 violation, except the civil penalty may be no less than \$2,000 for  
25 each violation in a second or subsequent citation for any of these  
26 violations identified in this subsection (1)(b)(iv); and

27 (v) No less than \$71,000 for any violation resulting in the  
28 serious physical harm or death of a minor, which may be doubled where  
29 the violation is a willful violation or a repeated violation.

30 (c) The department shall increase penalty assessments above the  
31 minimum amounts prescribed in this subsection based on a  
32 consideration of the following factors: Whether the violation was  
33 committed willfully or the violation is a repeat violation; the size  
34 of the employer; the age of the minor; the gravity of the violation;  
35 the hazards created by the violation; the penalties for comparable  
36 violations under federal law; the penalty amount necessary to deter  
37 future noncompliance; ensuring the penalty amount is consistent with  
38 the purposes of this chapter; and any other factor warranting an  
39 increase in the penalty as deemed appropriate by the department.

1        (d) The employer shall pay the amount assessed within ~~((thirty))~~  
2 30 days of receipt of the assessment or notify the director of ~~((his~~  
3 ~~or her))~~ the employer's intent to appeal the citation or the  
4 assessment penalty as provided in RCW 49.12.400.

5        ~~((2))~~ (e) If the director, or the director's designee, finds  
6 that an employer has committed a serious or repeated violation of the  
7 requirements of RCW 49.12.121 or 49.12.123, or any rule or order  
8 adopted or variance granted under RCW 49.12.121 or 49.12.123, the  
9 employer is subject to ~~((a))~~ an additional civil penalty of ~~((not~~  
10 ~~more than one thousand dollars))~~ a minimum of \$1,000 for each  
11 subsequent day the violation continues. For the purposes of this  
12 subsection (1)(e), a serious violation shall be deemed to exist if  
13 death or serious physical harm has resulted or is imminent from a  
14 condition that exists, or from one or more practices, means, methods,  
15 operations, or processes that have been adopted or are in use by the  
16 employer, unless the employer did not, and could not with the  
17 exercise of reasonable diligence, know of the presence of the  
18 violation.

19        (f) Beginning July 1, 2027, and every two years thereafter, the  
20 department shall adjust by rule the amounts in this subsection (1)  
21 for inflation based on the consumer price index.

22        ~~((3))~~ (2)(a) In addition to any other authority provided in  
23 this section, if, upon inspection or investigation, the director, or  
24 director's designee, believes that an employer has violated RCW  
25 49.12.121 or 49.12.123, or a rule or order adopted or variance  
26 granted under RCW 49.12.121 or 49.12.123, and that the violation  
27 creates a danger from which there is a substantial probability that  
28 death or serious physical harm could result to a minor employee, the  
29 director, or director's designee, may issue an order immediately  
30 restraining the condition, practice, method, process, or means  
31 creating the danger in the workplace.

32        (b) An order issued under this subsection may require the  
33 employer to take steps necessary to avoid, correct, or remove the  
34 danger and ~~((to))~~ may prohibit the ~~((employment or))~~ presence of a  
35 minor in locations or under conditions where the danger exists.

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

39        (i) The employer has been issued any combination of three or more  
40 of the following within any 24-month time period:

1 (A) A safety and health citation under RCW 49.17.120 containing  
2 one or more violations under RCW 49.17.180 (1), (2), (4), or (5); or

3 (B) Any citation and notice of assessment containing one or more  
4 violations of RCW 49.12.121 or 49.12.123 or the applicable rules;

5 (ii) The employer has been issued a safety and health citation  
6 under RCW 49.17.120 containing one or more violations under RCW  
7 49.17.180 (1), (2), (4), or (5) or any citation and notice of  
8 assessment containing one or more violations of RCW 49.12.121 or  
9 49.12.123 or the applicable rules, and one or more of the violations  
10 caused serious physical harm or death to a minor; or

11 (iii) An order has been issued immediately restraining an  
12 employer's condition, practice, method, process, or means in the  
13 workplace pursuant to subsection (2) of this section or RCW 49.17.130  
14 or 49.17.170.

15 (b) A minor work permit may not be issued to an employer who has  
16 previously been subject to a revocation under (a) of this subsection  
17 (3) unless the employer has not been issued a citation for any  
18 violations of the provisions identified in (a)(i) of this subsection  
19 (3) for at least 12 months.

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

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

27 ~~(5))~~ (5)) A person who gives advance notice, without the authority of  
28 the director, of an inspection to be conducted under this chapter  
29 shall be assessed a civil penalty of not more than one thousand  
30 dollars.

31 ~~((6))~~ (5) Penalties assessed under this section shall be paid  
32 to the director and deposited into the general fund.

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

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

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

1       (c) The number and nature of workplace injuries involving minors  
2 reviewed by the department, including whether those injuries resulted  
3 in citations or permit revocations under this section.

4       NEW SECTION.   **Sec. 2.**   A new section is added to chapter 49.12  
5 RCW to read as follows:

6       Before granting a variance from RCW 49.12.121 in order to allow a  
7 minor participating in a bona fide cooperative vocational education  
8 program, diversified career experience program, work experience  
9 program certified and monitored by the office of the superintendent  
10 of public instruction or the minor employee's school district, or a  
11 registered apprenticeship program to perform a work duty typically  
12 prohibited based on the minor's age, the department shall:

- 13       (1) Conduct a safety and health consultation at the worksite; and
- 14       (2) Consult with the employer on the types of tools, equipment,  
15 and practices permitted under the variance.

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