

CHAPTER 176

[Engrossed Senate Bill No. 2317]

CLEAN AIR ACT--PENALTIES

AN ACT Relating to health and safety; amending section 61, chapter 238, Laws of 1967 and RCW 70.94.430; amending section 53, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.431; and prescribing penalties.

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

Section 1. Section 61, chapter 238, Laws of 1967 and RCW 70.94.430 are each amended to read as follows:

Any person who violates any of the provisions of this chapter, or any ordinance, resolution, rule or regulation in force pursuant thereto, other than RCW 70.94.205, shall be guilty of a ((gross)) misdemeanor and upon conviction thereof shall be punished by a fine of ((not less than one hundred dollars nor more than one thousand dollars)) not more than two hundred fifty dollars, or by imprisonment for ((a term of not more than one year)) not more than ninety days, or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

Any person who wilfully violates any of the provisions of this chapter or any ordinance, resolution, rule or regulation in force pursuant thereto shall be guilty of a gross misdemeanor. Each day upon which such wilfull violation occurs shall constitute a separate offense. Upon conviction the offender shall be punished by a fine of not less than one hundred dollars for each offense.

Any person who wilfully violates RCW 70.94.205 or any other provision of this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment.

Sec. 2. Section 53, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.431 are each amended to read as follows:

In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW or any of the rules and regulations of the ((state board)) department or the board shall incur a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the

provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the ((executive)) director ((of the state board)) or his designee or the control officer of the authority or his designee describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the ((state board or)) hearings board as provided for in chapter 43.21B RCW. When a request is made for a hearing, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order affirming the penalty in whole or part. ((The hearing shall be conducted pursuant to the provisions of chapter 34.04 RCW)) If the amount of such penalty is not paid to the ((state board)) department or the board within ((fifteen)) thirty days after ((receipt of notice imposing the same)) it becomes due and payable, and a request for a hearing has not been made, the attorney general, upon the request of the ((executive)) director or his designee, or the attorney for the local authority, upon request of the board or control officer, shall bring an action to recover such penalty in the superior court of the county in which the violation occurred. All penalties recovered under this section by the state board shall be paid into the state treasury and credited to the general fund or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds.

To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

In all actions brought in the superior court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in an ordinary civil action.

Passed the Senate April 11, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

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CHAPTER 177

[ Engrossed Senate Bill No. 2378 ]

DEPARTMENT OF HIGHWAYS--

PROPERTY SALE PROCEDURE

AN ACT Relating to the sale of public property; amending section 3, chapter 257, Laws of 1961 and RCW 47.56.254; amending section 4, chapter 257, Laws of 1961 and RCW 47.56.255; amending