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RCW 19.85.030

Agency rules — Small business economic impact statement — Reduction of costs imposed by rule.

(1)(a) In the adoption of a rule under chapter [34.05](#) RCW, an agency shall prepare a small business economic impact statement: (i) If the proposed rule will impose more than minor costs on businesses in an industry; or (ii) if requested to do so by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW [34.05.320](#). However, if the agency has completed the pilot rule process as defined by RCW [34.05.313](#) before filing the notice of a proposed rule, the agency is not required to prepare a small business economic impact statement.

(b) An agency must prepare the small business economic impact statement in accordance with RCW [19.85.040](#), and file it with the code reviser along with the notice required under RCW [34.05.320](#). An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency must provide a copy of the small business economic impact statement to any person requesting it.

(2) Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW [19.85.040](#), the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. The agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

(c) Reducing the frequency of inspections;

(d) Delaying compliance timetables;

(e) Reducing or modifying fine schedules for noncompliance; or

(f) Any other mitigation techniques including those suggested by small

businesses or small business advocates.

(3) If the agency determines it cannot reduce the costs imposed by the rule on small businesses, the agency must provide a clear explanation of why it has made that determination and include that statement with its filing of the proposed rule pursuant to RCW [34.05.320](#).

(4)(a) All small business economic impact statements are subject to selective review by the joint administrative rules review committee pursuant to RCW [34.05.630](#).

(b) Any person affected by a proposed rule where there is a small business economic impact statement may petition the joint administrative rules review committee for review pursuant to the procedure in RCW [34.05.655](#).

[2011 c 249 § 2; 2007 c 239 § 3; 2000 c 171 § 60; 1995 c 403 § 402; 1994 c 249 § 11. Prior: 1989 c 374 § 2; 1989 c 175 § 72; 1982 c 6 § 3.]

Notes:

Findings -- 2007 c 239: See note following RCW [19.85.020](#).

Application -- 1995 c 403 §§ 201, 301-305, 401-405, and 801: See note following RCW [34.05.328](#).

Findings -- Short title -- Intent -- 1995 c 403: See note following RCW [34.05.328](#).

Part headings not law -- Severability -- 1995 c 403: See RCW [43.05.903](#) and [43.05.904](#).

Severability -- Application -- 1994 c 249: See notes following RCW [34.05.310](#).

Effective date -- 1989 c 175: See note following RCW [34.05.010](#).

Publication of small business economic impact statement in Washington State Register: RCW [34.08.020](#).