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HOUSE BILL 1804

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Campbell, Mastin and Flemming

Read first time 02/10/93. Referred to Committee on State Government.

1            AN ACT Relating to temporary remedies from agency action; and  
2 amending RCW 34.05.550.

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

4            **Sec. 1.** RCW 34.05.550 and 1989 c 175 s 25 are each amended to read  
5 as follows:

6            (1) Unless precluded by law, the agency may grant a stay, in whole  
7 or in part, or other temporary remedy.

8            (2) After a petition for judicial review has been filed, a party  
9 may file a motion in the reviewing court seeking a stay or other  
10 temporary remedy.

11           (3) If judicial relief is sought for a stay or other temporary  
12 remedy from agency action based on public health, safety, or welfare  
13 grounds, including action taken under RCW 34.05.422(4) and 34.05.479,  
14 the court, including courts of appeal, shall not grant such relief  
15 unless the court finds that:

16           (a) The applicant is likely to prevail when the court finally  
17 disposes of the matter;

18           (b) Without relief the applicant will suffer irreparable injury;

1 (c) The grant of relief to the applicant will not substantially  
2 harm other parties to the proceedings; and

3 (d) The threat to the public health, safety, or welfare is not  
4 sufficiently serious to justify the agency action in the circumstances.

5 (4) If the court determines that relief should be granted from the  
6 agency's action granting a stay or other temporary remedies, the court  
7 may remand the matter or may enter an order denying a stay or granting  
8 a stay on appropriate terms.

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