



Contractors: What if You Get a Notice of Infraction?

Take this Notice of Infraction seriously.

A 'Notice of Infraction' is a non-criminal violation of the Contractor Registration law (Revised Code of Washington 18.27). It is a preliminary finding that a violation of this law has occurred. It carries a fine ranging from \$250 to \$10,000, depending on the specific violation.

When is a Notice of Infraction issued?

- It is a violation of the law and an infraction for any contractor to advertise, offer to do work, submit a bid or perform any work as a contractor or construction consultant without being registered or when the registration is suspended or revoked. It is also a violation and an infraction for a specialty contractor to work outside the scope of his/her specialty.
- A valid registration cannot be transferred to an unregistered contractor, nor can an unregistered contractor work under the registration issued to another contractor.
- Each day and each work site where an unregistered, suspended or revoked contractor performs work represents a separate infraction.



- A Notice of Infraction may be issued to a contractor whose registration is valid if he/she does not include a valid contractor registration number on materials used to solicit business such as advertising, contracts or bid proposals, or for failing to provide the customer with a Model Disclosure Statement – Notice to Customer.

What does a Notice of Infraction contain?

A Notice of Infraction explains the specific violation of the Contractor Registration law, lists the amount of the fine, and provides information about failure to sign or respond to the notice. It also explains how to request an appeal.

What's the next step?

If you have received a Notice of Infraction and have questions regarding the violation, *it is your responsibility to contact the compliance inspector whose name and phone number appear on the infraction.*

How do you resolve or appeal a Notice of Infraction?

If you have received a Notice of Infraction, these are the options available to you for resolving it:

- **Pay the fine:** An infraction may be resolved by paying the Department of Labor & Industries (L&I) the full amount listed on the Notice of Infraction or by entering into a payment plan within 20 days.
- **Get registered with a reduced fine:** The minimum fine for failing to register as a contractor is \$1,000. L&I may lower the fine to a minimum of \$500 for a first-time violation. *You must register within 10 days of receiving the Notice of Infraction to qualify for the lower fine.* Fines for other violations cannot be reduced.

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- **Appeal:** You may appeal an infraction by submitting a “Request for Appeal” in writing to L&I within 20 calendar days of service of the infraction. Service of an infraction is the date it was personally served to the contractor or the contractor’s employee or the postmark date if served through the mail.

Your appeal must include an **“appeal bond” of \$200 for each infraction** in the form of a certified check. The “Request for Appeal” must specify the reasons for your appeal. Hearings are scheduled by the Office of Administrative Hearings and are conducted by an administrative law judge. The judge will determine whether an infraction was committed. The judge does not have the discretion to waive, reduce, or suspend the fine if he/she determines that the infraction was committed.

What happens if you fail to comply with the requirements of a Notice of Infraction?

It is a gross misdemeanor for any person who has been personally served with a Notice of Infraction to refuse to sign the written promise to respond to the notice. A contractor who has been issued a Notice of Infraction is required to respond to this notice within 20 calendar days of the date the Notice of Infraction was served. A contractor who fails to respond within the prescribed time period will be guilty of a gross misdemeanor and subject to prosecution in the county where the infraction occurred.

A contractor who receives a Notice of Infraction, and unsuccessfully appeals it, must pay the fine within 30 calendar days of that appeal. Failing to pay is a gross misdemeanor that could lead to prosecution in the county where the infraction occurred. Uncollected fines owed to L&I are sent to a collection agency.

A final infraction could also impact your ability to bid on public works projects (RCW 39.12).

Who can you contact for more information?

If you have further questions relating to the Notice of Infraction or your appeal rights, you may contact L&I at 360-902-5205.

L&I developed this document to explain the Notice of Infraction. Information contained in this document is confined to key elements relating to the infraction process and how to resolve or contest them. However, RCW 18.27 states, *“Anyone engaged in the activities of a contractor is presumed to know the requirements of this chapter.”* If you do not already have a copy of RCW 18.27, which explains all aspects of the contractor registration requirements, you can find it on the Web at **www.Contractors.Lni.wa.gov** or at your nearest L&I office.

Important! L&I will take steps to collect unpaid fines.

If you don’t pay the fine shown on the Notice of Infraction:

- L&I will begin charging interest on the fine, if it remains unpaid after 30 calendar days.
- Your unpaid fine will be referred for collection action.
- L&I has authority to place a lien on your property, garnish your wages and seize your bank or investment accounts.

More information about contractor registration and compliance

📄 **On the Web:** **www.Contractors.Lni.wa.gov**

Call or visit: L&I offices are listed in the government pages of your telephone book.

Other formats for persons with disabilities are available on request. Call 1-800-647-0982. TDD users, call 360-902-5797. L&I is an equal opportunity employer.