
HOUSE BILL 1917

State of Washington 60th Legislature 2007 Regular Session

By Representatives Grant, Chandler, Condotta and O'Brien

Read first time 01/31/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the regulation of the HVAC/R profession;
2 amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040,
3 18.106.110, 18.106.130, 18.106.150, 18.106.170, 18.106.180, and
4 18.106.270; adding new sections to chapter 18.106 RCW; and providing an
5 effective date.

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

7 **Sec. 1.** RCW 18.106.010 and 2006 c 185 s 1 are each amended to read
8 as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Advisory board" means the state plumbing and HVAC/R advisory
12 board (~~(of plumbers)~~).

13 (2) "Contractor" means any person, corporate or otherwise, who
14 engages in, or offers or advertises to engage in, any work covered by
15 the provisions of this chapter by way of trade or business, or any
16 person, corporate or otherwise, who employs anyone, or offers or
17 advertises to employ anyone, to engage in any work covered by the
18 provisions of this chapter.

19 (3) "Department" means the department of labor and industries.

1 (4) "Director" means the director of department of labor and
2 industries.

3 (5) "Heating, ventilating, air conditioning, and refrigeration," or
4 "HVAC/R," means that craft involved in installing, altering, repairing,
5 and renovating heating, ventilation, air conditioning, and
6 refrigeration systems and equipment including, but not limited to,
7 furnaces, air conditioning equipment, ducting, ventilation, and
8 refrigeration equipment that is not a totally self-contained device
9 like a household refrigerator or heater that plugs into a standard
10 electrical outlet and has been listed by a nationally recognized
11 testing agency approved by the plumbing and mechanical board.

12 (a) HVAC/R does not include installing, maintaining, or repairing
13 electrical wiring to a dedicated disconnect located within six feet of
14 the HVAC equipment for the purpose of supplying electricity to operate
15 the HVAC/R equipment or wires installed in a structure to control and
16 operate HVAC/R equipment, but does include installing, maintaining,
17 repairing, or replacing electrical components provided by the
18 manufacturer of the HVAC/R equipment or that are like-in-kind
19 electrical components.

20 (b) HVAC/R does not include any hearth appliance. Hearth appliance
21 includes any wood or pellet burning appliance, or any natural gas,
22 propane, electric, or oil fueled appliance that has a visual presence
23 in the living space of the home, or any outdoor natural gas or propane
24 fueled barbecue or fireplace. Hearth appliances include but are not
25 limited to fireplaces, fireplace inserts, barbecues, freestanding
26 heaters or appliances, and unducted space heaters.

27 (6) "HVAC/R administrator" means a person who has been issued an
28 HVAC administrator's certificate in accordance with section 11 of this
29 act.

30 (7) "HVAC/R contractor" means a contractor currently registered
31 under chapter 18.27 RCW, who has notified the department in writing
32 that it will engage in or offer to install, maintain, repair, or
33 service HVAC/R equipment, and who has designated an HVAC/R
34 administrator in accordance with section 11 of this act.

35 (8) "Journeyman plumber" means any person who has been issued a
36 certificate of competency by the department of labor and industries as
37 provided in this chapter.

1 installed into the interior space by either: (A) A person who,
2 pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary
3 permit or certificate of competency as a journeyman plumber, specialty
4 plumber, or trainee, as defined in this chapter; or (B) a person exempt
5 from the requirement to obtain a certified plumber to do such plumbing
6 work under RCW 18.106.150.

7 **Sec. 2.** RCW 18.106.020 and 2006 c 185 s 11 are each amended to
8 read as follows:

9 (1) No person may engage in or offer to engage in the trade of
10 plumbing without having a journeyman certificate, specialty
11 certificate, temporary permit, or trainee certificate. A trainee must
12 be supervised by a person who has a journeyman certificate, specialty
13 certificate, or temporary permit, as specified in RCW 18.106.070. No
14 contractor may employ a person to engage in or offer to engage in the
15 trade of plumbing unless the person employed has a journeyman
16 certificate, specialty certificate, temporary permit, or trainee
17 certificate. This section does not apply to a contractor who is
18 contracting for work on his or her own residence. Until July 1, 2007,
19 the department shall issue a written warning to any specialty plumber
20 defined by RCW 18.106.010(~~(+10+)~~) (13)(c) not having a valid plumber
21 certification. The warning will state that the individual must apply
22 for a plumber training certificate or be qualified for and apply for
23 plumber certification under the requirements in RCW 18.106.040 within
24 thirty calendar days of the warning. Only one warning will be issued
25 to any individual. If the individual fails to comply with this
26 section, the department shall issue a penalty or penalties as
27 authorized by this chapter.

28 (2) No person may engage in or offer to engage in medical gas
29 piping installation without having a certificate of competency as a
30 journeyman plumber and a medical gas piping installer endorsement. A
31 trainee may engage in medical gas piping installation if he or she has
32 a training certificate and is supervised by a person with a medical gas
33 piping installer endorsement. No contractor may employ a person to
34 engage in or offer to engage in medical gas piping installation unless
35 the person employed has a certificate of competency as a journeyman
36 plumber and a medical gas piping installer endorsement.

1 (3) After December 31, 2007, no person may do or offer to do the
2 work of an HVAC/R contractor unless the person is an HVAC/R contractor
3 or is employed for an HVAC/R contractor as required by this act.

4 (4) No contractor may advertise, offer to do work, submit a bid, or
5 perform any work under this chapter without being registered as a
6 contractor under chapter 18.27 RCW.

7 (~~(4)~~) (5) Violation of this section is an infraction. Each day
8 in which a person engages in the trade of plumbing in violation of this
9 section or employs a person in violation of this section is a separate
10 infraction. Each worksite at which a person engages in the trade of
11 plumbing or as an HVAC/R contractor in violation of this section or at
12 which a person is employed in violation of this section is a separate
13 infraction.

14 (~~(5)~~) (6) Notices of infractions for violations of this section
15 may be issued to:

16 (a) The person engaging in or offering to engage in the trade of
17 plumbing or, after December 31, 2007, as an HVAC/R contractor, in
18 violation of this section;

19 (b) The contractor in violation of this section; and

20 (c) The contractor's employee who authorized the work assignment of
21 the person employed in violation of this section.

22 **Sec. 3.** RCW 18.106.030 and 1997 c 326 s 4 are each amended to read
23 as follows:

24 Any person desiring to be issued a certificate of competency as
25 provided in this chapter shall deliver evidence in a form prescribed by
26 the department affirming that said person has had sufficient experience
27 in as well as demonstrated general competency in the trade of plumbing
28 or specialty plumbing so as to qualify him to make an application for
29 a certificate of competency as a journeyman plumber or specialty
30 plumber. Completion of a course of study in the plumbing trade in the
31 armed services of the United States or at a school accredited by the
32 work force training and education coordinating board shall constitute
33 sufficient evidence of experience and competency to enable such person
34 to make application for a certificate of competency.

35 Any person desiring to be issued a medical gas piping installer
36 endorsement shall deliver evidence in a form prescribed by the

1 department affirming that the person has met the requirements
2 established by the department for a medical gas piping installer
3 endorsement.

4 Any person desiring to be issued an HVAC/R administrator's
5 certificate must successfully pass an HVAC/R administrator examination
6 prepared by the advisory board as provided by sections 11 and 12 of
7 this act.

8 In addition to supplying the evidence as prescribed in this
9 section, each applicant for a certificate of competency shall submit an
10 application for such certificate on such form and in such manner as
11 shall be prescribed by the director of the department.

12 **Sec. 4.** RCW 18.106.040 and 2006 c 185 s 2 are each amended to read
13 as follows:

14 (1) Upon receipt of the application and evidence set forth in RCW
15 18.106.030, the director shall review the same and make a determination
16 as to whether the applicant is eligible to take an examination for the
17 certificate of competency. To be eligible to take the examination:

18 (a) Each applicant for a journeyman plumber's certificate of
19 competency shall furnish written evidence that he or she has completed
20 a course of study in the plumbing trade in the armed services of the
21 United States or at a school licensed by the work force training and
22 education coordinating board, or has had four or more years of
23 experience under the direct supervision of a licensed journeyman
24 plumber.

25 (b) Each applicant for a specialty plumber's certificate of
26 competency under RCW 18.106.010(~~((+10+))~~) (13)(a) shall furnish written
27 evidence that he or she has completed a course of study in the plumbing
28 trade in the armed services of the United States or at a school
29 licensed by the work force training and education coordinating board
30 under chapter 28C.10 RCW, or that he or she has had at least three
31 years practical experience in the specialty.

32 (c) Each applicant for a specialty plumber's certificate of
33 competency under RCW 18.106.010(~~((+10+))~~) (13) (b) or (c) shall furnish
34 written evidence that he or she is eligible to take the examination.
35 These eligibility requirements for the specialty plumbers defined by
36 RCW 18.106.010(~~((+10+))~~) (13)(c) shall be one year of practical
37 experience working on pumping systems not exceeding one hundred gallons

1 per minute, and two years of practical experience working on pumping
2 systems exceeding one hundred gallons per minute, or equivalent as
3 determined by rule by the department in consultation with the advisory
4 board, and that experience may be obtained at the same time the
5 individual is meeting the experience required by RCW 19.28.191. The
6 eligibility requirements for other specialty plumbers shall be
7 established by rule by the director pursuant to subsection (2)(b) of
8 this section.

9 (2)(a) The director shall establish reasonable rules for the
10 examinations to be given applicants for certificates of competency. In
11 establishing the rules, the director shall consult with the ((state))
12 advisory board ((of plumbers)) as established in RCW 18.106.110.

13 (b) The director shall establish reasonable criteria by rule for
14 determining an applicant's eligibility to take an examination for the
15 certificate of competency for specialty plumbers under subsection
16 (1)(c) of this section. In establishing the criteria, the director
17 shall consult with the ((state)) advisory board ((of plumbers)) as
18 established in RCW 18.106.110. These rules must take effect by
19 December 31, 2006.

20 (3) Upon determination that the applicant is eligible to take the
21 examination, the director shall so notify the applicant, indicating the
22 time and place for taking the same.

23 (4) No other requirement for eligibility may be imposed.

24 **Sec. 5.** RCW 18.106.110 and 2006 c 185 s 4 are each amended to read
25 as follows:

26 (1) There is created a state plumbing and HVAC/R advisory board
27 ((of plumbers)), to be composed of ((seven)) fourteen members appointed
28 by the governor. Two members shall be journeyman plumbers, one member
29 shall be a specialty plumber, three members shall be persons conducting
30 a plumbing business, at least one of which shall be primarily engaged
31 in a specialty plumbing business, ((and)) one member from the general
32 public who is familiar with the business and trade of plumbing, three
33 members shall be either journeyman HVAC/R mechanics or journeyman
34 residential HVAC/R mechanics, at least one of which must reside east of
35 the crest of the Cascade mountains, three members shall be persons
36 conducting an HVAC/R business, at least one of which must reside east

1 of the crest of the Cascade mountains, and one member from the general
2 public who is familiar with the HVAC/R trade and business.

3 (2) The term of one journeyman plumber expires July 1, 1995; the
4 term of the second journeyman plumber expires July 1, 2000; the term of
5 the specialty plumber expires July 1, 2008; the term of one person
6 conducting a plumbing business expires July 1, 1996; the term of the
7 second person conducting a plumbing business expires July 1, 2000; the
8 term of the third person conducting a plumbing business expires July 1,
9 2007; ~~((and))~~ the term of the public member expires July 1, 1997; the
10 term of one journeyman HVAC/R mechanic expires July 1, 2009; the term
11 of the second journeyman HVAC/R mechanic expires July 1, 2010; the term
12 of the third journeyman HVAC/R mechanic expires July 1, 2011; the term
13 of one person conducting an HVAC/R business expires July 1, 2009; the
14 term of the second person conducting an HVAC/R business expires July 1,
15 2010; the term of the third person conducting an HVAC/R business
16 expires July 1, 2011; and the term of the public member with HVAC/R
17 experience expires July 1, 2009. Thereafter, upon the expiration of
18 said terms, the governor shall appoint a new member to serve for a
19 period of three years. However, to ensure that the board can continue
20 to act, a member whose term expires shall continue to serve until his
21 or her replacement is appointed. In the case of any vacancy on the
22 board for any reason, the governor shall appoint a new member to serve
23 out the term of the person whose position has become vacant.

24 (3)(a) The advisory board shall carry out all the functions and
25 duties enumerated in this chapter, as well as generally advise the
26 department on all matters relative to this chapter.

27 (b) The advisory board may, upon a two-thirds majority vote of the
28 entire board, organize itself into two subboards, one subboard for the
29 purpose of addressing issues of relevance to either the plumbing trade
30 and business, and a second subboard for the HVAC/R contractor trade and
31 business. All decisions of either subboard constituted pursuant to
32 this subsection shall be deemed a decision of the advisory board unless
33 rejected within ninety days by a two-thirds majority vote of the
34 members of the full advisory board.

35 (4) Each member of the advisory board shall receive travel expenses
36 in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now
37 existing or hereafter amended for each day in which such member is
38 actually engaged in attendance upon the meetings of the advisory board.

1 **Sec. 6.** RCW 18.106.130 and 1973 1st ex.s. c 175 s 13 are each
2 amended to read as follows:

3 All moneys received from certificates, permits, or other sources,
4 shall be paid to the state treasurer as ex officio custodian thereof
5 and by him placed in a special fund designated as the "plumbing and
6 HVAC/R certificate fund". He shall pay out upon vouchers duly and
7 regularly issued therefor and approved by the director. The treasurer
8 shall keep an accurate record of payments into said fund, and of all
9 disbursement therefrom. Said fund shall be charged with its pro rata
10 share of the cost of administering said fund.

11 **Sec. 7.** RCW 18.106.150 and 2003 c 399 s 402 are each amended to
12 read as follows:

13 (1) Nothing in this chapter shall be construed to require that a
14 person obtain a license or a certified plumber in order to do plumbing
15 work, or be or work for an HVAC/R contractor to do the work of an
16 HVAC/R contractor, at his or her residence or farm or place of business
17 or on other property owned by him or her.

18 (2) A current certificate of competency or apprentice permit is not
19 required for:

20 (a) Persons performing HVAC/R contractor work or plumbing work on
21 a farm; or

22 (b) Certified journeyman electricians, certified residential
23 specialty electricians, or electrical trainees working for an
24 electrical contractor and performing exempt work under RCW
25 18.27.090(18).

26 (3) Nothing in this chapter shall be intended to derogate from or
27 dispense with the requirements of any valid mechanical code or plumbing
28 code enacted by a political subdivision of the state, except that no
29 code shall require the holder of a certificate of competency to
30 demonstrate any additional proof of competency or obtain any other
31 license or pay any fee in order to engage in the trade of plumbing.

32 (4) This chapter shall not apply to common carriers subject to Part
33 I of the Interstate Commerce Act, nor to their officers and employees.

34 (5) Nothing in this chapter shall be construed to apply to any
35 farm, business, industrial plant, or corporation doing plumbing or
36 HVAC/R contractor work on premises it owns or operates.

1 (6) Nothing in this chapter shall be construed to restrict the
2 right of any householder to assist or receive assistance from a friend,
3 neighbor, relative or other person when none of the individuals doing
4 such plumbing hold themselves out as engaged in the trade or business
5 of plumbing.

6 **Sec. 8.** RCW 18.106.170 and 1983 c 124 s 6 are each amended to read
7 as follows:

8 An authorized representative of the department may investigate
9 alleged or apparent violations of this chapter. An authorized
10 representative of the department upon presentation of credentials may
11 inspect sites at which a person is doing plumbing or HVAC/R contractor
12 work for the purpose of determining whether that person has a
13 certificate or permit issued by the department in accordance with this
14 chapter or is supervised by a person who has such a certificate or
15 permit. Upon request of the authorized representative of the
16 department, a person doing plumbing work shall produce evidence that
17 the person has a certificate or permit issued by the department in
18 accordance with this chapter or is supervised by a person who has such
19 a certificate or permit.

20 **Sec. 9.** RCW 18.106.180 and 2002 c 82 s 3 are each amended to read
21 as follows:

22 (1) An authorized representative of the department may issue a
23 notice of infraction as specified in RCW 18.106.020 if:

24 (a) A person who is doing plumbing work or who is offering to do
25 plumbing work fails to produce evidence of:

26 (i) Having a certificate or permit issued by the department in
27 accordance with this chapter, or being supervised by a person who has
28 such a certificate or permit; and

29 (ii) Being registered as a contractor as required under chapter
30 18.27 RCW or this chapter, or being employed by a person who is
31 registered as a contractor;

32 (b) A person who employs anyone, or offers or advertises to employ
33 anyone, to do plumbing work fails to produce evidence of being
34 registered as a contractor as required under chapter 18.27 RCW or this
35 chapter; (~~or~~)

36 (c) A contractor violates RCW 18.106.320; or

1 (d) After December 31, 2007, a person who is doing the work of an
2 HVAC/R contractor, or offers to do the work of an HVAC/R contractor,
3 does not meet the requirements of being an HVAC/R contractor.

4 (2) A notice of infraction issued under this section shall be
5 personally served on the person named in the notice by an authorized
6 representative of the department or sent by certified mail to the last
7 known address provided to the department of the person named in the
8 notice.

9 **Sec. 10.** RCW 18.106.270 and 1994 c 174 s 8 are each amended to
10 read as follows:

11 (1) A person found to have committed an infraction under RCW
12 18.106.020 shall be assessed a monetary penalty of two hundred fifty
13 dollars for the first infraction, and not more than one thousand
14 dollars for a second or subsequent infraction. The department shall
15 set by rule a schedule of penalties for infractions imposed under this
16 chapter.

17 (2) The administrative law judge may waive, reduce, or suspend the
18 monetary penalty imposed for the infraction for good cause shown.

19 (3) Monetary penalties collected under this chapter shall be
20 deposited in the plumbing and HVAC/R certificate fund.

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.106
22 RCW to read as follows:

23 (1) The department shall issue an HVAC/R administrator's
24 certificate to any person who passes the examination established by the
25 advisory board pursuant to section 12 of this act.

26 (2) A certificate issued under this section is valid for two years
27 from the nearest birthdate of the administrator, unless revoked or
28 suspended, and is nontransferable. The certificate may be renewed for
29 a two-year period without examination by appropriate application unless
30 the certificate has been revoked, suspended, or not renewed within
31 ninety days after the expiration date. If the certificate is not
32 renewed before the expiration date, the individual shall pay twice the
33 usual fee. A person may take the administrator's test as many times as
34 necessary to pass, without limit.

35 (3) The administrator shall:

1 (a) Be a member of the firm or a supervisory employee and shall be
2 available during working hours to carry out the duties of an
3 administrator under this section;

4 (b) Ensure that all HVAC work complies with the HVAC installation
5 laws and rules;

6 (c) Ensure proper permits are required and inspections made;

7 (d) See that corrective notices issued by an inspecting authority
8 are complied with; and

9 (e) Notify the department in writing within ten days if the
10 administrator relationship is terminated with the HVAC/R contractor.

11 (4) Individuals who can provide evidence to the department prior to
12 January 1, 2008, that they have been an HVAC/R contractor or doing the
13 work of an HVAC/R contractor as defined by this act for not less than
14 eight thousand hours in the most recent six calendar years shall be
15 issued an HVAC/R administrator's certificate by the department without
16 examination upon receiving such documentation and applicable fees.

17 (5) Any contractor doing or offering to do the work of an HVAC/R
18 contractor must designate a supervisory employee or member of the firm
19 to take the required master electrician's or administrator's
20 examination. Effective January 1, 2008, a supervisory employee
21 designated as the HVAC/R administrator shall be a full-time supervisory
22 employee. This person shall be designated as the HVAC/R administrator
23 under the contractor's registration. No person may qualify as
24 administrator for more than one contractor. If the relationship of the
25 administrator with the HVAC/R contractor is terminated, the
26 contractor's license is void within ninety days unless another
27 administrator is qualified by the advisory board. However, if the
28 administrator dies, the contractor's license is void within one hundred
29 eighty days unless another administrator is qualified by the advisory
30 board.

31 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.106
32 RCW to read as follows:

33 (1) The department, in consultation with the advisory board, shall
34 establish and administer written examinations for HVAC/R
35 administrators' certificates. Examinations shall be designed to
36 reasonably ensure that HVAC/R administrators' certificate holders are
37 competent to engage in and supervise the HVAC mechanical work as

1 defined by this act. The examinations shall include questions to
2 assure proper safety and protection for the general public. The
3 department, with the consent of the advisory board, is permitted to
4 enter into a contract with a professional testing agency to develop,
5 administer, and score these examinations. The fee for the examination
6 may be set by the department in its contract with the professional
7 testing agency. The department may direct that the applicant pay the
8 fee to the professional testing agency. The fee shall cover but not
9 exceed the costs of preparing and administering the examination.

10 (2) The department, with the consent of the advisory board, may
11 enter into a contract with a nationally recognized testing agency to
12 develop, administer, and score the HVAC/R administrator examination
13 required by this section. All applicants shall, before taking an
14 examination, pay the required examination fee. The department shall
15 set the examination fee by contract with a nationally recognized
16 testing agency. The fee shall cover but not exceed the costs of
17 preparing and administering the examination and the materials necessary
18 to conduct the practical elements of the examination.

19 (3) The department, with the consent of the advisory board, may
20 recognize, in lieu of having to pass the HVAC/R administrator
21 examination, a certification issued by a nationally recognized
22 organization engaged in testing and issuing certifications in the
23 HVAC/R industry. All fees applicable to issuing an HVAC/R
24 administrator's certificate, except the examination fee, shall apply.

25 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.106
26 RCW to read as follows:

27 Individuals doing HVAC/R work for an HVAC/R contractor are not
28 required to be certified to do HVAC/R work under this act.

29 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.106
30 RCW to read as follows:

31 (1) The director may adopt rules, make specific decisions, orders,
32 and rulings, including demands and findings, and take other necessary
33 action for the implementation and enforcement of this chapter after
34 consultation with the advisory board and receiving the advisory board's
35 recommendations. In the administration of this chapter, the department

1 shall not enter any controversy arising over work assignments with
2 respect to the trades involved in the construction industry.

3 (2) Compliance with the rules adopted under subsection (1) of this
4 section is prima facie evidence of compliance with this chapter.
5 Copies of all rules shall be maintained by the department and made
6 available upon request.

7 NEW SECTION. **Sec. 15.** This act takes effect January 1, 2008.

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