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**SENATE BILL 5235**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Keiser, King, Saldaña, Conway, Hasegawa, and Fortunato

AN ACT Relating to plumbing; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040, 18.106.050, 18.106.070, 18.106.100, 18.106.110, 18.106.125, 18.106.150, 18.106.180, 18.106.200, 18.106.220, 18.106.250, 18.106.270, 18.106.320, 18.27.060, and 19.28.041; reenacting and amending RCW 19.28.091; adding new sections to chapter 18.106 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

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

**Sec.**  RCW 18.106.010 and 2013 c 23 s 14 are each amended to read as follows:

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

(1) "Advisory board" means the state advisory board of plumbers.

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

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

((~~(4)~~)) (3) "Director" means the director of department of labor and industries.

((~~(5)~~)) (4) "Journey level plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter.

((~~(6)~~)) (5) "Like-in-kind" means having similar characteristics such as plumbing size, type, and function, and being in the same location.

((~~(7)~~)) (6) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and other medical gas or equipment, including but not limited to medical vacuum systems.

((~~(8)~~)) (7) "Medical gas piping installer" means a journey level plumber who has been issued a medical gas piping installer endorsement.

((~~(9)~~)) (8) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building as defined by the plumbing code as adopted and amended by the state building code council, and includes all piping, fixtures, pumps, and plumbing appurtenances that are used for rainwater catchment and reclaimed water systems. ((~~Installation in a water system of water softening or water treatment equipment is not within the meaning of plumbing as used in this chapter.~~

~~(10)~~)) (9) "Plumbing contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any plumbing work covered by the provisions of this chapter by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of this chapter. The plumbing contractor is responsible for ensuring the plumbing business is operated in accordance with rules adopted under this chapter.

(10) "Plumber trainee" or "trainee" means any person who has been issued a plumbing training certificate under this chapter but has not been issued an appropriate certificate of competency for work being performed. A trainee may perform plumbing work if that person is under the appropriate level of supervision.

(11) "Residential service plumber" means anyone who has been issued a certificate of competency limited to performing residential service plumbing in an existing residential structure. In single-family dwellings and duplexes only, a residential service plumber may service, repair, or replace previously existing fixtures, piping, and fittings that are outside the wall or above the floor, often, but not necessarily in a like-in-kind manner. In any residential structure, a residential service plumber may perform plumbing work as needed to perform drain cleaning and may perform leak repairs on any pipe, fitting, or fixture from the leak to the next serviceable connection. A residential service plumber may directly supervise plumber trainees provided the trainees have been supervised by an appropriate journey level or specialty plumber for the trainees' first two thousand hours of training. A residential service plumber may not perform plumbing for new construction of any kind.

(12) "Residential structures" means single-family dwellings, duplexes, and multiunit buildings that do not exceed three stories.

(13) "Service plumbing" means plumbing work in which previously existing fixtures, fittings, and piping is repaired or replaced often, but not necessarily, in a like-in-kind manner, or plumbing work being performed as necessary for training cleaning.

(14) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to:

(a) Installation, maintenance, and repair of the plumbing of single-family dwellings, duplexes, and apartment buildings that do not exceed three stories;

(b) Maintenance and repair of backflow prevention assemblies; or

(c) A domestic water pumping system consisting of the installation, maintenance, and repair of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment; if appropriate, a pitless adapter; along with valves, transducers, and other plumbing components that:

(i) Are used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes, including irrigation, to: (A) A single-family dwelling, duplex, or other similar place of residence; (B) a public water system, as defined in RCW 70.119.020 and as limited under RCW 70.119.040; or (C) a farm owned and operated by a person whose primary residence is located within thirty miles of any part of the farm;

(ii) Are located within the interior space, including but not limited to an attic, basement, crawl space, or garage, of a residential structure, which space is separated from the living area of the residence by a lockable entrance and fixed walls, ceiling, or floor;

(iii) If located within the interior space of a residential structure, are connected to a plumbing distribution system supplied and installed into the interior space by either: (A) A person who, pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary permit or certificate of competency as a journey level plumber, specialty plumber, or trainee, as defined in this chapter; or (B) a person exempt from the requirement to obtain a certified plumber to do such plumbing work under RCW 18.106.150.

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

(1) Except as provided in this chapter, as of July 1, 2020, it is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, or perform any work under this chapter without being licensed as a plumbing contractor under this chapter. A plumbing contractor license expires twenty-four calendar months following the day of its issuance. An application for a plumbing contractor license must be made in writing to the department, accompanied by the required fee. The application shall state:

(a) The name and address of the applicant. In the case of firms or partnerships, the application must state the names of the individuals comprising the firm or partnership. In the case of corporations, the application must state the names of the corporation's managing officials;

(b) The location of the place of business of the applicant and the name under which the business is conducted;

(c) The employer social security number or tax identification number;

(d) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department;

(iii) For applicants domiciled in another state or a province of Canada subject to an agreement entered into under RCW 51.12.120(7), filing a certificate of coverage issued by the agency that administers workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

The department may verify the workers' compensation coverage information required by this subsection (1)(d), including information regarding coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington;

(e) The employment security department number; and

(f) The state excise tax registration number.

(2) The unified business identifier account number may be substituted for the information required by subsection (1)(d), (e), and (f) of this section if the applicant will not employ employees in Washington.

(3) Contractors licensed under this chapter are not required to be registered under chapter 18.27 RCW.

(4) To obtain a plumbing contractor license, the applicant must employ a full-time individual who currently possesses a valid journey level plumber's certificate of competency, or specialty plumber's certificate of competency in the specialty for the scope of work performed. No individual may serve as the certified plumber for any work exceeding the scope of his or her certificate, license, or endorsement.

(5) A plumbing contractor shall:

(a) Ensure that all plumbing work complies with the certification laws and rules of the state; and

(b) Ensure that all plumbing work is performed by properly licensed and certified plumbing individuals.

(6) As of January 1, 2021, for a contractor who employs specialty plumbers as described in RCW 18.106.010(14)(c), and is also required to be licensed as an electrical contractor as required in RCW 19.28.041, while doing pump and irrigation or domestic pump work described in rule as authorized by RCW 19.28.251, the department shall establish a single licensing document for those who qualify for both plumbing contractor license as defined by this chapter and an electrical contractor license as defined by chapter 19.28 RCW.

(7) This section does not apply to:

(a) A person who is contracting for plumbing work on his or her own residence, unless the plumbing work is on a building that is for rent, sale, or lease; or

(b) As of January 1, 2021, an entity who holds a valid electrical contractor's license under chapter 19.28 RCW that employs a certified journey level electrician, a certified residential specialty electrician, or an electrical trainee meeting the requirements of chapter 19.28 RCW to perform plumbing work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electrical power and limited waste, water connections, or both. An electrical trainee must be supervised by a certified electrician while performing plumbing work.

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

(1) Each applicant for a plumbing contractor license shall file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of six thousand dollars. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the license application. The bond must have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond must be continuous and may be canceled by the surety upon the surety giving written notice to the director. A cancellation or revocation of the bond or withdrawal of the surety from the bond automatically suspends the license issued to the contractor until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond must be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of breach of contract including improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity does not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) At the time of initial license or renewal, the contractor shall provide a bond or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department may issue or renew the contractor's license.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit against the contractor and the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond must be named as a party to any suit upon the bond. Action upon the bond or deposit brought by a residential homeowner for breach of contract by a party to the construction contract must be commenced by filing the summons and complaint with the clerk of the appropriate superior court within two years from the date the claimed contract work was substantially completed or abandoned, whichever occurred first. Action upon the bond or deposit brought by any other authorized party must be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was substantially completed or abandoned, whichever occurred first. Service of process in an action filed under this chapter against the contractor and the contractor's bond or the deposit must be exclusively by service upon the department. Three copies of the summons and complaint and a fee adopted by rule of not less than fifty dollars to cover the costs must be served by registered or certified mail, or other delivery service requiring notice of receipt, upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the fee and three copies of the summons and complaint. This service constitutes service and confers personal jurisdiction on the contractor and the surety for suit on claimant's claim against the contractor and the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the contractor at the address listed in the contractor's application and to the surety within two days after it has been received.

(4) The surety upon the bond is not liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety does not cumulate where the bond has been renewed, continued, reinstated, reissued, or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond is exonerated but if the actions commenced and pending and provided to the department as required in subsection (3) of this section, at any one time exceed the amount of the bond then unimpaired, claims must be satisfied from the bond in the following order:

(a) Employee labor and claims of laborers, including employee benefits;

(b) Claims for breach of contract by a party to the construction contract;

(c) Registered or licensed subcontractors, material, and equipment;

(d) Taxes and contributions due the state of Washington;

(e) Any court costs, interest, and attorneys' fees plaintiff may be entitled to recover.

The surety is not liable for any amount in excess of the penal limit of its bond. A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety.

(5) The total amount paid from a bond or deposit required of a general contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount. The total amount paid from a bond or deposit required of a specialty contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount or four thousand dollars, whichever is greater.

(6) The prevailing party in an action filed under this section against the contractor and contractor's bond or deposit, for breach of contract by a party to the construction contract involving a residential homeowner, is entitled to costs, interest, and reasonable attorneys' fees. The surety upon the bond or deposit is not liable in an aggregate amount in excess of the amount named in the bond or deposit nor for any monetary penalty assessed pursuant to this chapter for an infraction.

(7) If a final judgment impairs the liability of the surety upon the bond or deposit so furnished that there is not in effect a bond or deposit in the full amount prescribed in this section, the contractor license is automatically suspended until the bond or deposit liability in the required amount unimpaired by unsatisfied judgment claims is furnished.

(8) In lieu of the surety bond required by this section the contractor may file with the department an assigned savings account, upon forms provided by the department.

(9) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department must be the order of receipt by the department, but the department has no liability for payment in excess of the amount of the deposit.

(10) Within ten days after resolution of the case, a certified copy of the final judgment and order, or any settlement documents where a case is not disposed of by a court trial, a certified copy of the dispositive settlement documents must be provided to the department by the prevailing party. Failure to provide a copy of the final judgment and order or the dispositive settlement documents to the department within ten days of entry of such an order constitutes a violation of this chapter and a penalty adopted by rule of not less than two hundred fifty dollars may be assessed against the prevailing party.

(11) If the director determines that an applicant, or a previous license of a corporate officer, owner, or partner of a current applicant, has had in the past five years a total of three final judgments in actions under this chapter involving a residential structure, the director may require an applicant applying to renew or reinstate a plumbing contractor's license or applying for a new plumbing contractor's license to file a bond of up to three times the normally required amount.

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

(1) At the time of plumbing contractor licensing and subsequent license renewal, the applicant shall furnish insurance or financial responsibility in the form of an assigned account in the amount of fifty thousand dollars for injury or damages to property, and one hundred thousand dollars for injury or damage including death to any one person, and two hundred thousand dollars for injury or damage including death to more than one person.

(2) An expiration, cancellation, or revocation of the insurance policy or withdrawal of the insurer from the insurance policy automatically suspends the license issued to the registrant until a new insurance policy or reinstatement notice has been filed and approved as provided in this section.

(3)(a) Proof of financial responsibility authorized in this section may be given by providing, in the amount required by subsection (1) of this section, an assigned account acceptable to the department. The assigned account shall be held by the department to satisfy any execution on a judgment issued against the contractor for damage to property or injury or death to any person occurring in the contractor's contracting operations, according to the provisions of the assigned account agreement. The department has no liability for payment in excess of the amount of the assigned account.

(b) The assigned account filed with the director as proof of financial responsibility must be canceled at the expiration of three years after:

(i) The contractor's license has expired or been revoked; or

(ii) The contractor has furnished proof of insurance as required by subsection (1) of this section;

If, in either case, no legal action has been instituted against the contractor or on the account at the expiration of the three-year period.

(c) If a contractor chooses to file an assigned account as authorized in this section, the contractor shall, on any contracting project, notify each person with whom the contractor enters into a contract or to whom the contractor submits a bid that the contractor has filed an assigned account in lieu of insurance and that recovery from the account for any claim against the contractor for property damage or personal injury or death occurring in the project requires the claimant to obtain a court judgment.

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

(1) A certificate, license, or endorsement issued under this chapter may be suspended, revoked, or subject to civil penalty by the department upon determination that any one or more of the following exist:

(a) A false statement as to a material matter in the application for a certificate, license, or endorsement;

(b) Fraud, misrepresentation, or bribery in securing a certificate, license, or endorsement;

(c) A violation of any provision of this chapter; or

(d) If the plumbing contractor does not employ a full-time individual who currently possesses a valid journey level plumber's certificate of competency or specialty plumber's certificate of competency in the specialty for the scope of work performed.

(2) If the department has suspended or revoked a certificate, license, or endorsement, because of fraud or error and a hearing is requested, the suspension or revocation must be stayed until the hearing is concluded and a decision is issued.

(3) The department must remove a suspension or reinstate a revoked certificate, license, or endorsement, if the licensee pays all assessed civil penalties and is able to demonstrate to the department that the licensee has met all the qualifications established by this chapter.

**Sec.**  RCW 18.106.020 and 2013 c 23 s 15 are each amended to read as follows:

(1) No person may engage in or offer to engage in the trade of plumbing without having a journey level certificate, specialty certificate, residential service certificate, temporary permit, or trainee certificate and photo identification in his or her possession. The department ((~~may~~)) must establish by rule a requirement that the person also wear and visibly display his or her certificate or permit. A trainee must be supervised by a person who has a journey level certificate, specialty certificate, residential service certificate, or temporary permit, as specified in RCW 18.106.070. Until January 1, 2021, no contractor may employ a person to engage in or offer to engage in the trade of plumbing unless the ((~~person employed has a~~)) contractor is a registered plumbing contractor under chapter 18.27 RCW and the person performing the plumbing work has a journey level certificate, specialty certificate, residential service certificate, temporary permit, or trainee certificate. ((~~This section does not apply to a contractor who is contracting for work on his or her own residence. Until July 1, 2007, the department shall issue a written warning to any specialty plumber defined by RCW 18.106.010(10)(c) not having a valid plumber certification. The warning will state that the individual must apply for a plumber training certificate or be qualified for and apply for plumber certification under the requirements in RCW 18.106.040 within thirty calendar days of the warning. Only one warning will be issued to any individual. If the individual fails to comply with this section, the department shall issue a penalty or penalties as authorized by this chapter.~~))

(2) Without exception, no person may engage in or offer to engage in medical gas piping installation without having a certificate of competency as a journey level plumber and a medical gas piping installer endorsement and photo identification in his or her possession. The department ((~~may~~)) must establish by rule a requirement that the person also wear and visibly display his or her endorsement. A trainee may engage in medical gas piping installation if he or she has a training certificate and is supervised by a person with a medical gas piping installer endorsement. No plumbing contractor may employ a person to engage in or offer to engage in medical gas piping installation unless the person employed has a certificate of competency as a master journey level or journey level plumber and a medical gas piping installer endorsement.

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

~~(4)~~)) Violation of this ((~~section~~)) chapter is an infraction. Each day in which a person engages in the trade of plumbing in violation of this ((~~section~~)) chapter or employs a person in violation of this ((~~section~~)) chapter is a separate infraction. Each worksite at which a person engages in the trade of plumbing in violation of this ((~~section~~)) chapter or at which a person is employed in violation of this ((~~section~~)) chapter is a separate infraction.

((~~(5)~~)) (4) Notices of infractions for violations of this ((~~section~~)) chapter may be issued to:

(a) The person engaging in or offering to engage in the trade of plumbing in violation of this ((~~section~~)) chapter;

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

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

**Sec.**  RCW 18.106.030 and 2013 c 23 s 16 are each amended to read as follows:

(1) Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the trade of plumbing or specialty plumbing so as to qualify him or her to make an application for a certificate of competency as a journey level plumber ((~~or~~)), specialty plumber, or residential service plumber. Completion of a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the workforce training and education coordinating board shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency for a journey level plumber, specialty plumber, or residential service plumber.

(2) Any person desiring to be issued a medical gas piping installer endorsement shall deliver evidence in a form prescribed by the department affirming that the person has met the requirements established by the department for a medical gas piping installer endorsement.

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

**Sec.**  RCW 18.106.040 and 2013 c 23 s 17 are each amended to read as follows:

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

(a) Each applicant for a journey level plumber's certificate of competency shall furnish written evidence that he or she has completed a course of study in the plumbing trade in the armed services of the United States or at a school ((~~licensed~~)) accredited by the workforce training and education coordinating board, or has had four or more years of experience under the direct supervision of a ((~~licensed~~)) certified journey level plumber.

(b) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010((~~(10)~~)) (14)(a) shall furnish written evidence that he or she has completed a course of study in the plumbing trade in the armed services of the United States or at a school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, or that he or she has had at least three years practical experience in the specialty.

(c) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010((~~(10)~~)) (14) (b) or (c) shall furnish written evidence that he or she is eligible to take the examination. These eligibility requirements for the specialty plumbers defined by RCW 18.106.010((~~(10)~~)) (14)(c) shall be one year of practical experience working on pumping systems not exceeding one hundred gallons per minute, and two years of practical experience working on pumping systems exceeding one hundred gallons per minute, or equivalent as determined by rule by the department in consultation with the advisory board, and that experience may be obtained at the same time the individual is meeting the experience required by RCW 19.28.191. The eligibility requirements for other specialty plumbers shall be established by rule by the director pursuant to subsection (2)(b) of this section.

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

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

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

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

**Sec.**  RCW 18.106.050 and 2013 c 23 s 18 are each amended to read as follows:

(1) The department, with the advice of the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency for journey level plumber ((~~and~~)), specialty plumber, and residential service plumber. The examination shall be constructed to determine:

(a) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the trade of journey level plumber ((~~or~~)), specialty plumber, or residential service plumber; and

(b) Whether the applicant is familiar with the applicable plumbing codes and the administrative rules of the department pertaining to plumbing and plumbers.

(2) The department, with the consent of the advisory board, may enter into a contract with a nationally recognized testing agency to develop, administer, and score any examinations required by this chapter. All applicants shall, before taking an examination, pay the required examination fee. The department shall set the examination fee by contract with a nationally recognized testing agency. The fee shall cover but not exceed the costs of preparing and administering the examination and the materials necessary to conduct the practical elements of the examination. The department shall approve training courses and set the fees for training courses for examinations provided by this chapter.

(3) An examination to determine the competency of an applicant for a domestic water pumping system specialty plumbing certificate as defined by RCW 18.106.010((~~(10)~~)) (14)(c) must be established by the department in consultation with the advisory board by December 31, 2006. The department may include an examination for appropriate electrical safety and technical requirements as required by RCW 19.28.191 with the examination required by this section. The department, in consultation with the advisory board, may accept the certification by a professional or trade association or other acceptable entity as meeting the examination requirement of this section. ((~~Individuals who can provide evidence to the department prior to January 1, 2007, that they have been employed in the pump and irrigation business as defined by RCW 18.106.010(10)(c) for not less than four thousand hours in the most recent four calendar years shall be issued the appropriate certificate by the department upon receiving such documentation and applicable fees.~~)) The department shall establish a single document for those who have received both the plumbing specialty certification defined by this subsection and have also met the certification requirements for a pump and irrigation or domestic pump specialty electrician, showing that the individual has received both certifications.

(4) The department shall certify the results of the examinations provided by this chapter, and shall notify the applicant in writing whether he or she has passed or failed. Any applicant who has failed the examination may retake the examination, upon the terms and after a period of time that the director shall set by rule. The director may not limit the number of times that a person may take the examination.

**Sec.**  RCW 18.106.070 and 2013 c 23 s 19 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate may include a photograph of the holder. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder ((~~immediately following the date of issuance~~)). The certificate shall be ((~~renewable~~)) renewed every ((~~other year~~)) three years, upon application, on or before the birthdate of the holder((~~, except for specialty plumbers defined by RCW 18.106.010(10)(c) who also have an electrical certification issued jointly as provided by RCW 18.106.050(3) in which case their certificate shall be renewable every three years on or before the birthdate of the holder~~)). The department shall renew a certificate of competency if the applicant: (a) Pays the renewal fee assessed by the department; and (b) during the past ((~~two~~)) three years has completed ((~~sixteen~~)) twenty-four hours of continuing education approved by the department with the advice of the advisory board, including four hours related to electrical safety. For holders of the specialty plumber certificate under RCW 18.106.010((~~(10)~~)) (14)(c), the continuing education may comprise both electrical and plumbing education with a minimum of twelve of the required twenty-four hours of continuing education in plumbing. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee.

The journey level plumber ((~~and~~)), specialty plumber, and residential service plumber certificates of competency, the medical gas piping installer endorsement, and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journey level plumber, specialty plumber, residential service plumber, or medical gas piping installer, in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured ((~~in~~)) to an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journey level plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journey level plumber or a specialty plumber working in his or her specialty. The certificate may include a photograph of the holder. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. ((~~An annual~~)) Failure to provide plumbing hours worked for each employer is a violation of this chapter, subject to an infraction under RCW 18.106.320, and must result in nonrenewal of the trainee certificate. A fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter.

(3) ((~~Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision.~~)) (a) Trainee supervision shall consist of a ((~~person~~)) trainee being on the same job site and under the control of either a journey level plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journey level plumber or an appropriate specialty plumber shall be:

(i) On the same job site as the ((~~noncertified individual~~)) trainee for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. ((~~The ratio of noncertified individuals to certified journey level or specialty plumbers working on a job site shall be: (a) Not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journey level plumber working as a specialty plumber; and (b) not more than one noncertified plumber working on any one job site for every certified journey level plumber working as a journey level plumber.~~))

(ii) Available via mobile phone or similar device in a manner that allows both audio and visual direction to the trainee from the supervising plumber. Remote trainee supervision using these types of technology is only permitted in cases that meet the following criteria:

(A) The trainee has more than two thousand hours of training;

(B) The supervising plumber is no more than forty miles from the job site; and

(C) The scope of work on the trainee's job site is service plumbing in a residential structure.

(b) An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the workforce training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(4) Subject to subsection (9) of this section, the ratio of trainees to certified journey level or specialty plumbers working on a job site must be:

(a) Not more than three trainees working on any one residential structure job site for every certified specialty plumber or journey level plumber working as a specialty plumber;

(b) Not more than one trainee working on any one job site for every certified journey level plumber working as a journey level plumber; and

(c) Not more than one trainee working on any one job site for every certified residential service plumber.

(5) An individual who has a current training certificate and who has successfully completed or is currently enrolled in a medical gas piping installer training course approved by the department may work on medical gas piping systems if the individual is under the direct supervision of a certified medical gas piping installer who holds a medical gas piping installer endorsement one hundred percent of a working day on a one-to-one ratio.

((~~(5)~~)) (6) The training to become a certified plumber must include not less than sixteen hours of classroom training established by the director with the advice of the advisory board. The classroom training must include, but not be limited to, electrical wiring safety, grounding, bonding, and other related items plumbers need to know to work under ((~~RCW 19.28.091~~)) this chapter.

((~~(6)~~)) (7) All persons who are certified plumbers before January 1, 2003, are deemed to have received the classroom training required in subsection ((~~(5)~~)) (6) of this section.

(8)(a) Within current funding appropriated to the department, the department shall instruct the advisory board of plumbers to convene a subgroup that includes the statewide association representing plumbing, heating, and cooling contractors; the union representing plumbers and pipefitters; the association representing plumbing contractors who employ union plumbers and pipefitters; and other directly affected stakeholders after the completion of the 2022 legislative session, the 2023 legislative session, and every three years thereafter.

(b) The work group shall evaluate the effects that the trainee ratio changes have had on the industry, including public safety and industry response to public demand for plumbing services. The work group shall determine a sustainable plan for maintaining sufficient numbers of plumbers and trainees within the plumbing workforce to safely meet the needs of the public. The report is due to the standing labor committees of the legislature before December 1st of each year that the work group convenes. The work group shall conclude on receipt of the report by the legislature.

(9) Subsection (4) of this section expires December 31, 2024, unless reapproved by the legislature.

**Sec.**  RCW 18.106.100 and 2013 c 23 s 23 are each amended to read as follows:

(1) The department may revoke or suspend a certificate of competency, license, or endorsement for any of the following reasons:

(a) The certificate, license, or endorsement was obtained through error or fraud;

(b) The certificate, license, or endorsement holder is judged to be incompetent to carry on the trade of plumbing as a journey level plumber ((~~or~~)), specialty plumber, or residential service plumber;

(c) The certificate, license, or endorsement holder has violated any provision of this chapter or any rule adopted under this chapter.

(2) Before a certificate of competency, license, or endorsement is revoked or suspended, the department shall send written notice using a method by which the mailing can be tracked or the delivery can be confirmed to the certificate holder's last known address. The notice must list the allegations against the certificate holder and give him or her the opportunity to request a hearing before the advisory board. At the hearing, the department and the certificate holder have opportunity to produce witnesses and give testimony. The hearing must be conducted in accordance with chapter 34.05 RCW. The board shall render its decision based upon the testimony and evidence presented and shall notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

(3) The department may deny renewal of a certificate of competency, license, or endorsement issued under this chapter if the applicant owes outstanding penalties for a final judgment under this chapter. The department shall notify the applicant of the denial using a method by which the mailing can be tracked or the delivery can be confirmed to the address on the application. The applicant may appeal the denial within twenty days by filing a notice of appeal with the department accompanied by a certified check for two hundred dollars which shall be returned to the applicant if the decision of the department is not upheld by the hearings officer. The office of administrative hearings shall conduct the hearing under chapter 34.05 RCW. If the hearings officer sustains the decision of the department, the two hundred dollars must be applied to the cost of the hearing.

**Sec.**  RCW 18.106.110 and 2013 c 23 s 24 are each amended to read as follows:

(1) There is created a state advisory board of plumbers, to be composed of ((~~seven~~)) nine members appointed by the director. Two members shall be journey level plumbers, one member shall be a specialty plumber, three members shall be persons conducting a plumbing business, at least one of which shall be primarily engaged in a specialty plumbing business, one member representing the state-approved plumbing code body, one member from the department of health, and one member from the general public who is familiar with the business and trade of plumbing.

(2) The term of one journey level plumber expires July 1, 1995; the term of the second journey level plumber expires July 1, 2000; the term of the specialty plumber expires July 1, 2008; the term of one person conducting a plumbing business expires July 1, 1996; the term of the second person conducting a plumbing business expires July 1, 2000; the term of the third person conducting a plumbing business expires July 1, 2007; the terms of the member representing the state-approved plumbing code body and the member from the department of health expire July 1, 2021; and the term of the public member expires July 1, 1997. Thereafter, upon the expiration of said terms, the director shall appoint a new member to serve for a period of three years. However, to ensure that the board can continue to act, a member whose term expires shall continue to serve until his or her replacement is appointed. In the case of any vacancy on the board for any reason, the director shall appoint a new member to serve out the term of the person whose position has become vacant.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to ((~~this chapter~~)) the enforcement of this chapter including plumbing industry promotion, standards of plumbing installations, consumer protection, and standards for the protection of public health.

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

**Sec.**  RCW 18.106.125 and 1983 c 124 s 17 are each amended to read as follows:

The department shall charge fees for issuance, renewal, and reinstatement of all certificates, endorsements, licenses, and permits and for examinations required by this chapter. The department shall set the fees by rule.

The fees shall cover the full cost of issuing the certificates and permits, devising and administering the examinations, and administering and enforcing this chapter. The costs shall include travel, per diem, and administrative support costs.

**Sec.**  RCW 18.106.150 and 2013 c 23 s 25 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to require that a person obtain a license ((~~or a certified plumber~~)) in order to do plumbing work at his or her residence or farm or place of business or on other property owned by him or her.

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

(a) Persons performing plumbing work on a farm; or

(b) Certified journey level electricians, certified residential specialty electricians, or electrical trainees working for an electrical contractor and performing exempt work under RCW 18.27.090(18).

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

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

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

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

(7) This section does not apply to anyone installing, altering, repairing, or renovating medical gas systems.

**Sec.**  RCW 18.106.180 and 2011 c 301 s 5 are each amended to read as follows:

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

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

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

(ii) Until January 1, 2021, being registered as a contractor as required under chapter 18.27 RCW ((~~or this chapter~~)), or being employed by a person who is registered as a contractor as required under chapter 18.27 RCW;

(b) Until January 1, 2021, a person who employs anyone, or offers or advertises to employ anyone, to do plumbing work fails to produce evidence of being registered as a contractor as required under chapter 18.27 RCW ((~~or this chapter~~)); ((~~or~~))

(c) After January 1, 2021, a person who employs anyone, or offers or advertises to employ anyone, to do plumbing work fails to produce evidence of being licensed as a plumbing contractor as required under this chapter; or

(d) A contractor violates RCW 18.106.320.

(2) A notice of infraction issued under this section shall be personally served on the person or contractor named in the notice by an authorized representative of the department or sent using a method by which the mailing can be tracked or the delivery can be confirmed to the last known address provided to the department of the person named in the notice.

**Sec.**  RCW 18.106.200 and 1996 c 147 s 5 are each amended to read as follows:

A violation designated as an infraction under this chapter shall be heard and determined by an administrative law judge of the office of administrative hearings. If a party desires to contest the notice of infraction, the party shall file a notice of appeal with the department ((~~within twenty days of issuance of the infraction~~)) specifying the grounds of the appeal within twenty days of service of the infraction in a manner provided by this chapter. The appeal must be accompanied by a certified check for two hundred dollars, which must be returned to the assessed party if the decision of the department is not sustained following the final decision in the appeal. If the final decision sustains the decision of the department, the department must apply the two hundred dollars to the payment of the expenses of the appeal, including costs charged by the office of administrative hearings. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction is alleged to have occurred.

**Sec.**  RCW 18.106.220 and 1994 c 174 s 6 are each amended to read as follows:

(1) ((~~A person who receives a notice of infraction shall respond to the notice as provided in this section within fourteen days of the date the notice was served.~~

~~(2)~~)) If the person or contractor named in the notice of infraction does not wish to contest the notice of infraction, the person or contractor shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response which does not contest the determination is received by the department with the appropriate payment, the department shall make the appropriate entry in its records.

((~~(3)~~)) (2) If the person or contractor named in the notice of infraction wishes to contest the notice of infraction, the person or contractor shall respond by filing an answer of protest with the department specifying the grounds of protest.

((~~(4)~~)) (3) If any person or contractor issued a notice of infraction:

(a) Fails to respond to the notice of infraction as provided in subsection ((~~(2)~~)) (1) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection ((~~(3)~~)) (2) of this section;

the administrative law judge shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and shall notify the department of the failure to respond to the notice of infraction or to appear at a requested hearing.

**Sec.**  RCW 18.106.250 and 2002 c 82 s 4 are each amended to read as follows:

(1) The administrative law judge shall conduct notice of infraction cases under this chapter pursuant to chapter 34.05 RCW.

(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the notice was issued:

((~~(a) The defendant who was issued a notice of infraction authorized by RCW 18.106.020(5)(a) had a certificate or permit issued by the department in accordance with this chapter, was supervised by a person who has such a certificate or permit, or was exempt from this chapter under RCW 18.106.150; or~~

~~(b)~~)) For the defendant who was issued a notice of infraction authorized by RCW 18.106.020((~~(5) (b) or~~)) (4)(a) through (c), the person employed or supervised by the defendant has a certificate, license, endorsement, or ((~~permit~~)) registration issued by the department in accordance with this chapter, was supervised by a person who had such a certificate, license, or ((~~permit~~)) endorsement, was exempt from this chapter under RCW 18.106.150, or was registered as a plumbing contractor under this chapter and registered as a contractor under chapter 18.27 RCW.

(3) After consideration of the evidence and argument, the administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the record of the proceedings. If it has been established that the infraction was committed, the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.

(4) An appeal from the administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

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

(1) A person found to have committed an infraction under RCW 18.106.020 shall be assessed a minimum monetary penalty of ((~~two~~)) one hundred ((~~fifty~~)) dollars for the first infraction((~~, and not more than one thousand dollars for a second or subsequent infraction~~)). A contractor found to have committed an infraction under RCW 18.106.020 must be assessed a minimum monetary penalty of five hundred dollars for the first infraction. The maximum penalty for an infraction under RCW 18.106.020 must not exceed five thousand dollars for a second or subsequent infraction. The department shall set by rule a schedule of penalties for infractions imposed under this chapter.

(2) The administrative law judge may not waive, reduce, or suspend the monetary penalty imposed for the infraction ((~~for good cause shown~~)).

(3) The director may waive or reduce collection of payment for good cause.

(4) Any individual or plumbing contractor who acquires three infractions within a thirty-six month period may have his or her certificate, license, endorsement, or registration suspended for a period of up to two years upon recommendation of the advisory board of plumbers. For purposes of this subsection, multiple violations created by a single inspection or audit are counted as one violation.

(5) Monetary penalties collected under this chapter shall be deposited in the plumbing certificate fund.

**Sec.**  RCW 18.106.320 and 2005 c 274 s 229 are each amended to read as follows:

(1) ((~~Contractors shall accurately verify and attest to the trainee hours worked by plumbing trainees on behalf of the contractor and that all training hours were under the supervision of a certified plumber and within the proper ratio, and shall provide the supervising plumbers' names and certificate numbers. However, contractors are not required to identify which hours a trainee works with a specific certified plumber.~~)) (a) The plumbing contractor shall:

(i) Accurately report all plumbing hours worked by plumbing trainees and, effective June 30, 2021, report all plumbing trainee hours worked on a quarterly basis on a form prescribed by the department;

(ii) Attest that trainee hours were under the supervision of a certified plumber and within the proper ratio;

(iii) Provide the names and certification numbers of the supervising plumbers; and

(iv) Upon request, provide the department with trainee hours worked by all trainees within their employment for the past two-year period.

(b) Plumbing contractors are not required to identify which hours a trainee works with a specific certified plumber. Plumbing hours reported on all payroll reports for audit purposes will be considered work performed by a certified plumber or trainee working within ratio. Plumbing work reported for noncertified plumbers or supervision and ratio requirements is a violation of this chapter and subject to issuance of an infraction.

(2) The department may audit the records of a plumbing contractor that has verified the hours of experience submitted by a plumbing trainee to the department under RCW 18.106.030 in the following circumstances: Excessive hours were reported; hours were reported outside the normal course of the plumbing contractor's business; or for other similar circumstances in which the department demonstrates a likelihood of excessive or improper hours being reported. The department shall limit the audit to records necessary to verify hours. Failure to have or maintain payroll and other records for each employee performing plumbing work for the company is a violation of this chapter and subject to issuance of an infraction. The department may assess a penalty of up to five thousand dollars for failure to maintain adequate records. Records used to document plumbing work must be maintained for a minimum of three years. The department shall adopt rules implementing audit procedures. Information obtained from a plumbing contractor under the provisions of this section is confidential and is not open to public inspection under chapter 42.56 RCW.

(3) Violation of this section by a contractor is an infraction.

**Sec.**  RCW 18.27.060 and 2011 c 301 s 1 are each amended to read as follows:

(1) A certificate of registration shall be valid for two years and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant.

(3) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall mail notice of the suspension to the contractor's address on the certificate of registration within two days after suspension using a method by which the mailing can be tracked or the delivery can be confirmed.

(4) Renewal of registration is valid on the date the department receives the required fee and proof of bond and liability insurance, if sent by certified mail or other means requiring proof of delivery. The receipt or proof of delivery shall serve as the contractor's proof of renewed registration until he or she receives verification from the department.

(5) The department shall immediately suspend the certificate of registration of a contractor who has been certified by the department of social and health services as a person who is not in compliance with a support order or a visitation order as provided in RCW 74.20A.320. The certificate of registration shall not be reissued or renewed unless the person provides to the department a release from the department of social and health services stating that he or she is in compliance with the order and the person has continued to meet all other requirements for certification during the suspension.

((~~(6) For a contractor who employs plumbers, as described in RCW 18.106.010(10)(c), and is also required to be licensed as an electrical contractor as required in RCW 19.28.041, while doing pump and irrigation or domestic pump work described in rule as authorized by RCW 19.28.251, the department shall establish a single registration/licensing document for those who qualify for both general contractor registration as defined by this chapter and an electrical contractor license as defined by chapter 19.28 RCW.~~))

**Sec.**  RCW 19.28.091 and 2003 c 399 s 301 and 2003 c 242 s 1 are each reenacted and amended to read as follows:

(1) No license under the provision of this chapter shall be required from any utility or any person, firm, partnership, corporation, or other entity employed by a utility because of work in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of a utility and used for transmission or distribution of electricity from the source of supply to the point of contact at the premises and/or property to be supplied and service connections and meters and other apparatus or appliances used in the measurement of the consumption of electricity by the customer.

(2) No license under the provisions of this chapter shall be required from any utility because of work in connection with the installation, repair, or maintenance of the following:

(a) Lines, wires, apparatus, or equipment used in the lighting of streets, alleys, ways, or public areas or squares;

(b) Lines, wires, apparatus, or equipment owned by a commercial, industrial, or public institution customer that are an integral part of a transmission or distribution system, either overhead or underground, providing service to such customer and located outside the building or structure: PROVIDED, That a utility does not initiate the sale of services to perform such work;

(c) Lines and wires, together with ancillary apparatus, and equipment, owned by a customer that is an independent power producer who has entered into an agreement for the sale of electricity to a utility and that are used in transmitting electricity from an electrical generating unit located on premises used by such customer to the point of interconnection with the utility's system.

(3) Any person, firm, partnership, corporation, or other entity licensed under RCW 19.28.041 may enter into a contract with a utility for the performance of work under subsection (2) of this section.

(4) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of the work of installing and repairing ignition or lighting systems for motor vehicles.

(5) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of work in connection with the installation, repair, or maintenance of wires and equipment, and installations thereof, exempted in RCW 19.28.010.

(6) The department may by rule exempt from licensing requirements under this chapter work performed on premanufactured electric power generation equipment assemblies and control gear involving the testing, repair, modification, maintenance, or installation of components internal to the power generation equipment, the control gear, or the transfer switch.

(7) This chapter does not require an electrical contractor license if: (a) An appropriately certified electrician or a properly supervised certified electrical trainee is performing the installation, repair, or maintenance of wires and equipment for a nonprofit corporation that holds a current tax exempt status as provided under 26 U.S.C. Sec. 501(c)(3) or a nonprofit religious organization; (b) the certified electrician or certified electrical trainee is not compensated for the electrical work; and (c) the value of the electrical work does not exceed thirty thousand dollars.

((~~(8) An entity that currently holds a valid specialty or general plumbing contractor's registration under chapter 18.27 RCW may employ a certified plumber, a certified residential plumber, or a plumber trainee meeting the requirements of chapter 18.106 RCW to perform electrical work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electric power and limited waste and/or water connections. A plumber trainee must be supervised by a certified plumber or a certified residential plumber while performing electrical work. The electrical work is subject to the permitting and inspection requirements of this chapter.~~))

**Sec.**  RCW 19.28.041 and 2013 c 23 s 28 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the department in accordance with this chapter. All electrical contractor licenses expire twenty-four calendar months following the day of their issue. The department may issue an electrical contractor license for a period of less than twenty-four months only for the purpose of equalizing the number of electrical contractor licenses that expire each month. Application for an electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state:

(a) The name and address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof;

(b) The location of the place of business of the applicant and the name under which the business is conducted;

(c) Employer social security number;

(d) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law;

(e) Employment security department number;

(f) State excise tax registration number;

(g) Unified business identifier (UBI) account number may be substituted for the information required by (d) of this subsection if the applicant will not employ employees in Washington, and by (e) and (f) of this subsection; and

(h) Whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and a combination specialty. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(d) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) The application for an electrical contractor license shall be accompanied by a bond in the sum of four thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3) that is in effect at the time of entering into a contract. The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3). In lieu of the surety bond required by this section, the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(4) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one four thousand dollar bond, equivalent cash deposit, or other negotiable security.

(5) To obtain a general or specialty electrical contractor license, the applicant must designate an individual who currently possesses a valid master journey level electrician's certificate of competency, master specialty electrician's certificate of competency in the specialty for which application has been made, or administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made.

(6) Administrator certificate specialties include, but are not limited to: Residential, pump and irrigation or domestic pump, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and combination specialty. To obtain an administrator's certificate, an individual must pass an examination as set forth in RCW 19.28.051 unless the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board of electrical examiners shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

(7) For a contractor doing domestic water pumping system work as defined by RCW 18.106.010((~~(10)~~)) (14)(c), the department shall consider the requirements of subsections (1)(a) through (h), (2), and (3) of this section to have been met to be a pump and irrigation or domestic pump licensed electrical contractor if the contractor has met the contractor ((~~registration~~)) requirements of chapter ((~~18.27~~)) 18.106 RCW. The department shall establish a single ((~~registration/~~)) licensing document for those who qualify for both ((~~general~~)) a plumbing contractor ((~~registration~~)) license as defined in chapter ((~~18.27~~)) 18.106 RCW and a pump and irrigation or domestic pump electrical contractor license as defined by this chapter.

NEW SECTION. **Sec.**  Sections 21 through 23 of this act take effect January 1, 2021.

**--- END ---**