
ENGROSSED SUBSTITUTE HOUSE BILL 2396

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Scott, R. King, Heavey, G. Cole, Wilson and Orr)

Read first time 02/07/92.

1 AN ACT Relating to electrical contractors; amending RCW 19.28.120
2 and 19.28.350; adding a new section to chapter 19.28 RCW; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 19.28.120 and 1986 c 156 s 5 are each amended to read
6 as follows:

7 (1) It is unlawful for any person, firm, partnership, corporation,
8 or other entity to engage in, conduct, or carry on the business of
9 installing or maintaining wires or equipment to convey electric
10 current, or installing or maintaining equipment to be operated by
11 electric current as it pertains to the electrical industry, without
12 having an unrevoked, unsuspended, and unexpired electrical contractor
13 license, issued by the department in accordance with this chapter. All
14 electrical contractor licenses expire twenty-four calendar months

1 following the day of their issue. The department may issue an
2 electrical contractors license for a period of less than twenty-four
3 months only for the purpose of equalizing the number of electrical
4 contractor licenses which expire each month. Application for an
5 electrical contractor license shall be made in writing to the
6 department, accompanied by the required fee. The application shall
7 state the name and address of the applicant; in case of firms or
8 partnerships, the names of the individuals composing the firm or
9 partnership; in case of corporations, the names of the managing
10 officials thereof; the location of the place of business of the
11 applicant and the name under which the business is conducted; and
12 whether a general or specialty electrical contractor license is sought
13 and, if the latter, the type of specialty. Electrical contractor
14 specialties include, but are not limited to: Residential, domestic
15 appliances, pump and irrigation, limited energy system, signs,
16 nonresidential maintenance, and a combination specialty. A general
17 electrical contractor license shall grant to the holder the right to
18 engage in, conduct, or carry on the business of installing or
19 maintaining wires or equipment to carry electric current, and
20 installing or maintaining equipment, or installing or maintaining
21 material to fasten or insulate such wires or equipment to be operated
22 by electric current, in the state of Washington. A specialty
23 electrical contractor license shall grant to the holder a limited right
24 to engage in, conduct, or carry on the business of installing or
25 maintaining wires or equipment to carry electrical current, and
26 installing or maintaining equipment; or installing or maintaining
27 material to fasten or insulate such wires or equipment to be operated
28 by electric current in the state of Washington as expressly allowed by
29 the license.

1 (2) The application for a contractor license shall be accompanied
2 by a bond in the sum of four thousand dollars with the state of
3 Washington named as obligee in the bond, with good and sufficient
4 surety, to be approved by the department. The bond shall at all times
5 be kept in full force and effect, and any cancellation or revocation
6 thereof, or withdrawal of the surety therefrom, suspends the license
7 issued to the principal until a new bond has been filed and approved as
8 provided in this section. Upon approval of a bond, the department
9 shall on the next business day deposit the fee accompanying the
10 application in the electrical license fund and shall file the bond in
11 the office. The department shall upon request furnish to any person,
12 firm, partnership, corporation, or other entity a certified copy of the
13 bond upon the payment of a fee that the department shall set by rule.
14 The fee shall cover but not exceed the cost of furnishing the certified
15 copy. The bond shall be conditioned that in any installation or
16 maintenance of wires or equipment to convey electrical current, and
17 equipment to be operated by electrical current, the principal will
18 comply with the provisions of this chapter and with any electrical
19 ordinance, building code, or regulation of a city or town adopted
20 pursuant to RCW 19.28.010(2) that is in effect at the time of entering
21 into a contract. The bond shall be conditioned further that the
22 principal will pay for all labor, including employee benefits, and
23 material furnished or used upon the work, taxes and contributions to
24 the state of Washington, and all damages that may be sustained by any
25 person, firm, partnership, corporation, or other entity due to a
26 failure of the principal to make the installation or maintenance in
27 accordance with this chapter or any applicable ordinance, building
28 code, or regulation of a city or town adopted pursuant to RCW
29 19.28.010(2). In lieu of the surety bond required by this section the
30 license applicant may file with the department a cash deposit or other

1 negotiable security acceptable to the department. If the license
2 applicant has filed a cash deposit, the department shall deposit the
3 funds in a special trust savings account in a commercial bank, mutual
4 savings bank, or savings and loan association and shall pay annually to
5 the depositor the interest derived from the account.

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

19 (4) To obtain a general or specialty electrical contractor license
20 the applicant must designate an individual who currently possesses an
21 administrator's certificate as a general electrical contractor
22 administrator or as a specialty electrical contractor administrator in
23 the specialty for which application has been made. Administrator
24 certificate specialties include but are not limited to: Residential,
25 domestic, appliance, pump and irrigation, limited energy system, signs,
26 nonresidential maintenance, and combination specialty. To obtain an
27 administrator's certificate an individual must pass an examination as
28 set forth in RCW 19.28.123 unless the applicant was a licensed
29 electrical contractor at any time during 1974. Applicants who were
30 electrical contractors licensed by the state of Washington at any time

1 during 1974 are entitled to receive a general electrical contractor
2 administrator's certificate without examination if the applicants apply
3 prior to January 1, 1984. The board of electrical examiners shall
4 certify to the department the names of all persons who are entitled to
5 either a general or specialty electrical contractor administrator's
6 certificate.

7 (5) It is unlawful for an electrical contractor to transfer an
8 electrical contractor license, issued by the department in accordance
9 with this chapter, to an unlicensed electrical contractor or allow an
10 electrical contractor to perform work with a license issued to another
11 electrical contractor.

12 **Sec. 2.** RCW 19.28.350 and 1988 c 81 s 12 are each amended to read
13 as follows:

14 Any person, firm, partnership, corporation, or other entity
15 violating any of the provisions of RCW 19.28.010 through 19.28.360
16 shall be assessed a penalty of not less than (~~fifty~~) two hundred
17 dollars or more than ten thousand dollars. The department shall set by
18 rule a schedule of penalties for violating RCW 19.28.010 through
19 19.28.360. The department shall notify the person, firm, partnership,
20 corporation, or other entity violating any of the provisions of RCW
21 19.28.010 through 19.28.360 of the amount of the penalty and of the
22 specific violation by certified mail, return receipt requested, sent to
23 the last known address of the assessed party. Any penalty is subject
24 to review by an appeal to the board. The filing of an appeal stays the
25 effect of the penalty until the board makes its decision. The appeal
26 shall be filed within fifteen days after notice of the penalty is given
27 to the assessed party by certified mail, return receipt requested, sent
28 to the last known address of the assessed party and shall be made by
29 filing a written notice of appeal with the department. The notice

1 shall be accompanied by a certified check for two hundred dollars,
2 which shall be returned to the assessed party if the decision of the
3 department is not sustained by the board. If the board sustains the
4 decision of the department, the two hundred dollars shall be applied by
5 the department to the payment of the per diem and expenses of the
6 members of the board incurred in the matter, and any balance remaining
7 after payment of per diem and expenses shall be paid into the
8 electrical license fund. The hearing and review procedures shall be
9 conducted in accordance with chapter 34.05 RCW. The board shall assign
10 its hearings to an administrative law judge to conduct the hearing and
11 issue a proposed decision and order. The board shall be allowed a
12 minimum of twenty days to review a proposed decision and shall issue
13 its decision no later than the next regularly scheduled board meeting.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.28 RCW
15 to read as follows:

16 (1) All advertising and all contracts, correspondence, cards,
17 signs, posters, papers, and documents which show an electrical
18 contractor's name or address shall show the contractor's name or
19 address as licensed under this chapter. The alphabetized listing of
20 contractors appearing in the advertising section of telephone books or
21 other directories and all advertising that shows the contractor's name
22 or address shall show the contractor's current license number:
23 PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on
24 premise signs shall not constitute advertising as provided in this
25 section. All materials used to directly solicit business from retail
26 customers who are not businesses shall show the contractor's current
27 license number. Advertising by airwave transmission shall not be
28 subject to this subsection if the person selling the advertisement
29 obtains the contractor's current license number from the contractor.

1 (2) An electrical contractor shall not falsify a license number and
2 use it in connection with any solicitation or identification as a
3 contractor. All individual contractors and all partners, associates,
4 agents, salespersons, solicitors, officers, and employees of
5 contractors shall use their true names and addresses at all times while
6 engaged in the business or capacity of a contractor or activities
7 related thereto.

8 (3) A violation of this section is subject to the provisions of RCW
9 19.28.350.