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HOUSE BILL 2396

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Scott, R. King, Heavey, G. Cole, Wilson and Orr

Read first time 01/16/92. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to electrical contractors; amending RCW 19.28.120  
2 and 19.28.350; and prescribing penalties.

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

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

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

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

29 (2) The application for a contractor license shall be accompanied  
30 by a bond in the sum of four thousand dollars with the state of

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

1 funds in a special trust savings account in a commercial bank, mutual  
2 savings bank, or savings and loan association and shall pay annually to  
3 the depositor the interest derived from the account.

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

17 (4) To obtain a general or specialty electrical contractor license  
18 the applicant must designate an individual who currently possesses an  
19 administrator's certificate as a general electrical contractor  
20 administrator or as a specialty electrical contractor administrator in  
21 the specialty for which application has been made. Administrator  
22 certificate specialties include but are not limited to: Residential,  
23 domestic, appliance, pump and irrigation, limited energy system, signs,  
24 nonresidential maintenance, and combination specialty. To obtain an  
25 administrator's certificate an individual must pass an examination as  
26 set forth in RCW 19.28.123 unless the applicant was a licensed  
27 electrical contractor at any time during 1974. Applicants who were  
28 electrical contractors licensed by the state of Washington at any time  
29 during 1974 are entitled to receive a general electrical contractor  
30 administrator's certificate without examination if the applicants apply

1 prior to January 1, 1984. The board of electrical examiners shall  
2 certify to the department the names of all persons who are entitled to  
3 either a general or specialty electrical contractor administrator's  
4 certificate.

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

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

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

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