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HOUSE BILL 2881

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Conway and Kremen; by request of Department of Labor & Industries

Read first time 01/28/94. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to penalties for noncompliance with contractor  
2 registration; amending RCW 18.27.020, 18.27.220, 18.27.240, 18.27.280,  
3 18.27.290, 18.27.340, and 18.27.350; and prescribing penalties.

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

5 **Sec. 1.** RCW 18.27.020 and 1993 c 454 s 6 are each amended to read  
6 as follows:

7 (1) Every contractor shall register with the department.

8 (2) It is a gross misdemeanor for any contractor to:

9 (a) Advertise, offer to do work, submit a bid, or perform any work  
10 as a contractor without being registered as required by this chapter;

11 (b) Advertise, offer to do work, submit a bid, or perform any work  
12 as a contractor when the contractor's registration is suspended;

13 (c) Use a false or expired registration number in purchasing or  
14 offering to purchase an advertisement for which a contractor  
15 registration number is required; or

16 (d) Transfer a valid registration to an unregistered contractor or  
17 allow an unregistered contractor to work under a registration issued to  
18 another contractor.

1 (3) All gross misdemeanor actions under this chapter shall be  
2 prosecuted in the county where the infraction occurs.

3 **Sec. 2.** RCW 18.27.220 and 1983 1st ex.s. c 2 s 12 are each amended  
4 to read as follows:

5 Willful refusal to provide information identifying a contractor as  
6 required by RCW 18.27.210 is a gross misdemeanor.

7 **Sec. 3.** RCW 18.27.240 and 1986 c 197 s 4 are each amended to read  
8 as follows:

9 The form of the notice of infraction issued under this chapter  
10 shall include the following:

11 (1) A statement that the notice represents a determination that the  
12 infraction has been committed by the contractor named in the notice and  
13 that the determination shall be final unless contested as provided in  
14 this chapter;

15 (2) A statement that the infraction is a noncriminal offense for  
16 which imprisonment shall not be imposed as a sanction;

17 (3) A statement of the specific violation which necessitated  
18 issuance of the infraction;

19 (4) A statement of penalty involved if the infraction is  
20 established;

21 (5) A statement of the options provided in this chapter for  
22 responding to the notice and the procedures necessary to exercise these  
23 options;

24 (6) A statement that at any hearing to contest the notice of  
25 infraction the state has the burden of proving, by a preponderance of  
26 the evidence, that the infraction was committed; and that the  
27 contractor may subpoena witnesses, including the compliance inspector  
28 of the department who issued and served the notice of infraction;

29 (7) A statement, which the person who has been served with the  
30 notice of infraction shall sign, that the contractor promises to  
31 respond to the notice of infraction in one of the ways provided in this  
32 chapter;

33 (8) A statement that refusal to sign the infraction as directed in  
34 subsection (7) of this section is a gross misdemeanor and may be  
35 punished by a fine or imprisonment in jail; and

1 (9) A statement that a contractor's failure to respond to a notice  
2 of infraction as promised is a gross misdemeanor and may be punished by  
3 a fine or imprisonment in jail.

4 **Sec. 4.** RCW 18.27.280 and 1983 1st ex.s. c 2 s 10 are each amended  
5 to read as follows:

6 It is a gross misdemeanor for any person who has been personally  
7 served with a notice of infraction to refuse to sign a written promise  
8 to respond to the notice.

9 **Sec. 5.** RCW 18.27.290 and 1983 1st ex.s. c 2 s 11 are each amended  
10 to read as follows:

11 It is a gross misdemeanor for a contractor who has been personally  
12 served with a notice of infraction to willfully violate the written  
13 promise to respond to a notice of infraction as provided in this  
14 chapter, regardless of the ultimate disposition of the infraction.

15 **Sec. 6.** RCW 18.27.340 and 1986 c 197 s 10 are each amended to read  
16 as follows:

17 (1) A contractor found to have committed an infraction under RCW  
18 18.27.200 shall be assessed a monetary penalty of not less than ((two))  
19 five hundred dollars and not more than three thousand dollars.

20 (2) The ((~~administrative law judge~~)) director may waive, reduce, or  
21 suspend the monetary penalty imposed for the infraction only upon a  
22 showing of good cause that the penalty would be unduly burdensome to  
23 the contractor.

24 (3) Monetary penalties collected under this chapter shall be  
25 deposited in the general fund.

26 **Sec. 7.** RCW 18.27.350 and 1986 c 197 s 11 are each amended to read  
27 as follows:

28 The consumers of this state have a right to be protected from  
29 unfair or deceptive acts or practices when they enter into contracts  
30 with contractors. The fact that a contractor is found to have  
31 committed a gross misdemeanor or infraction under this chapter shall be  
32 deemed to affect the public interest and shall constitute a violation

1 of chapter 19.86 RCW. The surety bond shall not be liable for monetary  
2 penalties or violations of chapter 19.86 RCW.

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