

HOUSE BILL REPORT

HB 2498

As Reported By House Committee On:

Commerce & Labor

Title: An act relating to uniform construction trade administrative procedures.

Brief Description: Providing uniform construction trade administrative procedures.

Sponsors: Representatives Cairnes, Romero, Hymes and Cody; by request of Department of Labor & Industries.

Brief History:

Committee Activity:

Commerce & Labor: 1/30/96, 2/1/96 [DPS].

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives McMorris, Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith; Horn and Lisk.

Minority Report: Do not pass. Signed by 1 member: Representative Hargrove, Vice Chairman.

Staff: Pam Madson (786-7166).

Background: The Department of Labor and Industries administers registration and certification programs for contractors, plumbers, and electricians.

All contractors must be registered with the department. The department may deny an application if the applicant has previously been registered and has an unsatisfied judgment based on an action against the contractor's bond.

Failure to produce evidence of certification when on the job can result in a notice of infraction. The notice must be served by personal service. Appeal of a notice of infraction must be filed with the department within 14 days of issuance. The department may revoke a plumber's certification under certain conditions, but does not have the authority to deny a renewal application or suspend certification.

The Electrical Board and the department prepare and administer exams for electricians. The department may contract with a professional testing agency to administer the exams. The department sets a fee for taking the exam.

Electricians must have certificates of competency or training certificates in order to work as electricians. A violation of this requirement or other requirements for electricians may result in penalty assessments. The penalty assessment may be appealed to the board within 15 days after notice of penalty is given.

Summary of Substitute Bill: A contractor's application for registration can be denied by the department if the applicant has previously been registered and has an unsatisfied judgment under the previous registration based on any action under the contractor registration law.

The notice of infraction for a certification violation for plumbers may be sent by certified mail as well as served by personal service. Appeals of notice of infractions for plumbers and penalty assessments for electricians may be filed within 20 days, making the various appeal filing deadlines consistent.

The department is authorized to suspend certificates and deny renewal applications for certification for a plumber if the individual has outstanding penalties under a final judgment. An appeal of a denial to renew a license may be appealed within 20 days, and the appeal notice must include a certified check for \$200. If the decision on appeal upholds the applicant's position, the \$200 is returned to the applicant. If the appeal sustains the position of the department, the \$200 will be applied to the costs of the hearing.

When the department contracts with a professional testing agency to administer the examinations for electricians, the fee for the examination may be set in the contract and applicants may pay the testing agency directly. The fee may not exceed the costs of preparing and administering the examination.

Substitute Bill Compared to Original Bill: The department's authority to deny certificate renewals is limited to applicants who have outstanding penalties under a final judgment. Reference to requiring contractors to ensure that trainees working under supervision of a certified plumber have trainee certificates is deleted. If an applicant appeals a denial of a renewal certificate and the decision on appeal upholds the applicant, the \$200 submitted with the notice of appeal is returned to the applicant.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Allowing the Department of Labor and Industries to withhold a certificate on renewal or deny a license because of outstanding judgments or final orders against the applicant provides another measure of consumer protection. The additional provisions of the bill produce administrative efficiencies and uniformity. Allowing applicants to pay the testing agency directly removes the need for department employees to be involved in collecting testing fees. Uniform appeal periods are provided.

Testimony Against: None.

Testified: Mark Brown, Department of Labor and Industries; Mike Watson, Department of Labor and Industries; Dan Sexton, Washington State Association of Plumbers and Pipefitters; (in favor/with concerns) Rick Slunaker; and Larry Stevens, National Electrical Contractors Association.