
HOUSE BILL 2498

State of Washington

54th Legislature

1996 Regular Session

By Representatives Cairnes, Romero, Hymes and Cody; by request of Department of Labor & Industries

Read first time 01/11/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to uniform construction trade administrative
2 procedures; and amending RCW 18.27.030, 18.106.020, 18.106.100,
3 18.106.180, 18.106.200, 19.28.123, 19.28.350, 19.28.540, and 19.28.620.

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

5 **Sec. 1.** RCW 18.27.030 and 1992 c 217 s 1 are each amended to read
6 as follows:

7 (1) An applicant for registration as a contractor shall submit an
8 application under oath upon a form to be prescribed by the director and
9 which shall include the following information pertaining to the
10 applicant:

11 (a) Employer social security number.

12 (b) As applicable: (i) The industrial insurance account number
13 covering employees domiciled in Washington; and (ii) evidence of
14 workers' compensation coverage in the applicant's state of domicile for
15 the applicant's employees working in Washington who are not domiciled
16 in Washington.

17 (c) Employment security department number.

18 (d) State excise tax registration number.

1 (e) Unified business identifier (UBI) account number may be
2 substituted for the information required by (b), (c), and (d) of this
3 subsection.

4 (f) Type of contracting activity, whether a general or a specialty
5 contractor and if the latter, the type of specialty.

6 (g) The name and address of each partner if the applicant be a firm
7 or partnership, or the name and address of the owner if the applicant
8 be an individual proprietorship, or the name and address of the
9 corporate officers and statutory agent, if any, if the applicant be a
10 corporation. The information contained in such application shall be a
11 matter of public record and open to public inspection.

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

18 (3) Registration shall be denied if the applicant has been
19 previously registered as a sole proprietor, partnership, or
20 corporation, and was a principal or officer of the corporation, and if
21 the applicant has an unsatisfied final judgment (~~((in an action))~~) based
22 on (~~((RCW 18.27.040))~~) this chapter that incurred during a previous
23 registration under this chapter.

24 **Sec. 2.** RCW 18.106.020 and 1994 c 174 s 2 are each amended to read
25 as follows:

26 (1) No person may engage in or offer to engage in the trade of
27 plumbing without having a journeyman certificate, specialty
28 certificate, (~~((or))~~) temporary permit, or trainee certificate or without
29 being supervised by a person who has a journeyman certificate,
30 specialty certificate, or temporary permit. Supervised persons must
31 have a minimum of a trainee certificate. No contractor may employ a
32 person to engage in or offer to engage in the trade of plumbing unless
33 the person employed has a journeyman certificate, specialty
34 certificate, (~~((or))~~) temporary permit, or trainee certificate or is
35 supervised by a person who has a journeyman certificate, specialty
36 certificate, or temporary permit. A contractor shall ensure that a
37 supervised person has a minimum of a trainee certificate. For the
38 purposes of this section, "contractor" means any person or body of

1 persons, corporate or otherwise, engaged in any work covered by the
2 provisions of this chapter, chapter 18.27 RCW, or chapter 19.28 RCW, by
3 way of trade or business. However, in no case shall this section apply
4 to a contractor who is contracting for work on his or her own
5 residence.

6 (2) Violation of subsection (1) of this section is an infraction.
7 Each day in which a person engages in the trade of plumbing in
8 violation of subsection (1) of this section or employs a person in
9 violation of subsection (1) of this section is a separate infraction.
10 Each worksite at which a person engages in the trade of plumbing in
11 violation of subsection (1) of this section or at which a person is
12 employed in violation of subsection (1) of this section is a separate
13 infraction.

14 (3) Notices of infractions for violations of subsection (1) of this
15 section may be issued to:

16 (a) The person engaging in or offering to engage in the trade of
17 plumbing in violation of subsection (1) of this section;

18 (b) The contractor in violation of subsection (1) of this section;
19 and

20 (c) The contractor's employee who authorized the work assignment of
21 the person employed in violation of subsection (1) of this section.

22 **Sec. 3.** RCW 18.106.100 and 1977 ex.s. c 149 s 9 are each amended
23 to read as follows:

24 (1) The department may revoke any certificate of competency upon
25 the following grounds:

26 (a) The certificate was obtained through error or fraud;

27 (b) The holder thereof is judged to be incompetent to carry on the
28 trade of plumbing as a journeyman plumber or specialty plumber;

29 (c) The holder thereof has violated any of the provisions of this
30 chapter or any rule or regulation promulgated thereto.

31 (2) Before any certificate of competency shall be revoked, the
32 holder thereof shall be given written notice of the department's
33 intention to do so, mailed by registered mail, return receipt
34 requested, to said holder's last known address. Said notice shall
35 enumerate the allegations against such holder, and shall give him the
36 opportunity to request a hearing before the advisory board. At such
37 hearing, the department and the holder shall have opportunity to
38 produce witnesses and give testimony. The hearing shall be conducted

1 in accordance with the provisions of chapter 34.05 RCW. The board
2 shall render its decision based upon the testimony and evidence
3 presented, and shall notify the parties immediately upon reaching its
4 decision. A majority of the board shall be necessary to render a
5 decision.

6 (3) The department may deny renewal of or suspend a certificate or
7 license issued under this chapter, if the applicant for renewal under
8 a previous license as an individual, sole proprietor, partnership, or
9 corporation owes outstanding penalties for a final citation or for
10 continued noncompliance with this chapter. The department shall notify
11 the applicant of the denial by certified mail. The applicant may
12 appeal the denial within twenty days by filing a notice of appeal with
13 the department accompanied by a certified check of two hundred dollars.
14 The office of administrative hearings shall conduct the hearing under
15 chapter 34.05 RCW. If the hearings officer sustains the decision of
16 the department, the two hundred dollars must be applied to the cost of
17 the hearing.

18 **Sec. 4.** RCW 18.106.180 and 1994 c 174 s 3 are each amended to read
19 as follows:

20 An authorized representative of the department may issue a notice
21 of infraction as specified in RCW 18.106.020(3) if a person who is
22 doing plumbing work or who is offering to do plumbing work fails to
23 produce evidence of having a certificate or permit issued by the
24 department in accordance with this chapter or of being supervised by a
25 person who has such a certificate or permit. A notice of infraction
26 issued under this section shall be personally served on the person
27 named in the notice by an authorized representative of the department
28 or sent by certified mail to the last known address provided to the
29 department of the person named in the notice.

30 **Sec. 5.** RCW 18.106.200 and 1994 c 174 s 5 are each amended to read
31 as follows:

32 A violation designated as an infraction under this chapter shall be
33 heard and determined by an administrative law judge of the office of
34 administrative hearings. If a party desires to contest the notice of
35 infraction, the party shall file a notice of appeal with the department
36 within (~~fourteen~~) twenty days of issuance of the infraction. The
37 administrative law judge shall conduct hearings in these cases at

1 locations in the county where the infraction is alleged to have
2 occurred.

3 **Sec. 6.** RCW 19.28.123 and 1988 c 81 s 5 are each amended to read
4 as follows:

5 It shall be the purpose and function of the board to establish, in
6 addition to a general electrical contractors' license, such
7 classifications of specialty electrical contractors' licenses as it
8 deems appropriate with regard to individual sections pertaining to
9 state adopted codes in this chapter (~~(19.28-RCW)~~). In addition, it
10 shall be the purpose and function of the board to establish and
11 administer written examinations for general electrical contractors'
12 qualifying certificates and the various specialty electrical
13 contractors' qualifying certificates. Examinations shall be designed
14 to reasonably insure that general and specialty electrical contractor's
15 qualifying certificate holders are competent to engage in and supervise
16 the work covered by this statute and their respective licenses. The
17 examinations shall include questions from the following categories to
18 assure proper safety and protection for the general public: (1)
19 Safety, (2) state electrical code, and (3) electrical theory. The
20 department with the consent of the board shall be permitted to enter
21 into a contract with a professional testing agency to develop,
22 administer, and score these examinations. The fee for the examination
23 may be set by the department in its contract with the professional
24 testing agency. The department may direct that the applicant pay the
25 fee to the professional testing agency. The fee shall cover but not
26 exceed the costs of preparing and administering the examination. It
27 shall be the further purpose and function of this board to advise the
28 director as to the need of additional electrical inspectors and
29 compliance officers to be utilized by the director on either a full-
30 time or part-time employment basis and to carry out the duties
31 enumerated in RCW 19.28.510 through 19.28.620 as well as generally
32 advise the department on all matters relative to RCW 19.28.510 through
33 19.28.620.

34 **Sec. 7.** RCW 19.28.350 and 1988 c 81 s 12 are each amended to read
35 as follows:

36 Any person, firm, partnership, corporation, or other entity
37 violating any of the provisions of RCW 19.28.010 through 19.28.360

1 shall be assessed a penalty of not less than fifty dollars or more than
2 ten thousand dollars. The department shall set by rule a schedule of
3 penalties for violating RCW 19.28.010 through 19.28.360. The
4 department shall notify the person, firm, partnership, corporation, or
5 other entity violating any of the provisions of RCW 19.28.010 through
6 19.28.360 of the amount of the penalty and of the specific violation by
7 certified mail, return receipt requested, sent to the last known
8 address of the assessed party. Any penalty is subject to review by an
9 appeal to the board. The filing of an appeal stays the effect of the
10 penalty until the board makes its decision. The appeal shall be filed
11 within (~~fifteen~~) twenty days after notice of the penalty is given to
12 the assessed party by certified mail, return receipt requested, sent to
13 the last known address of the assessed party and shall be made by
14 filing a written notice of appeal with the department. The notice
15 shall be accompanied by a certified check for two hundred dollars,
16 which shall be returned to the assessed party if the decision of the
17 department is not sustained by the board. If the board sustains the
18 decision of the department, the two hundred dollars shall be applied by
19 the department to the payment of the per diem and expenses of the
20 members of the board incurred in the matter, and any balance remaining
21 after payment of per diem and expenses shall be paid into the
22 electrical license fund. The hearing and review procedures shall be
23 conducted in accordance with chapter 34.05 RCW. The board shall assign
24 its hearings to an administrative law judge to conduct the hearing and
25 issue a proposed decision and order. The board shall be allowed a
26 minimum of twenty days to review a proposed decision and shall issue
27 its decision no later than the next regularly scheduled board meeting.

28 **Sec. 8.** RCW 19.28.540 and 1988 c 81 s 14 are each amended to read
29 as follows:

30 The department, in coordination with the board, shall prepare an
31 examination to be administered to applicants for journeyman and
32 specialty certificates of competency. The examination shall be
33 constructed to determine:

34 (1) Whether the applicant possesses varied general knowledge of the
35 technical information and practical procedures that are identified with
36 the status of journeyman electrician or specialty electrician; and

1 (2) Whether the applicant is sufficiently familiar with the
2 applicable electrical codes and the rules of the department pertaining
3 to electrical installations and electricians.

4 The department shall, at least four times annually, administer the
5 examination to persons eligible to take it under RCW 19.28.530. A
6 person may take the journeyman or specialty test as many times as
7 necessary without limit. All applicants shall, before taking the
8 examination, pay ~~((to the department an))~~ the required examination
9 fee~~((.~~ ~~The department shall set the fee by rule))~~ to the agency
10 administering the examination. The fee shall cover but not exceed the
11 costs of preparing and administering the examination.

12 The department shall certify the results of the examination upon
13 such terms and after such a period of time as the department, in
14 cooperation with the board, deems necessary and proper.

15 (3) The department upon the consent of the board may enter into a
16 contract with a professional testing agency to develop, administer, and
17 score journeyman and/or specialty electrician certification
18 examinations. The department may set the examination fee by contract
19 with the professional testing agency.

20 **Sec. 9.** RCW 19.28.620 and 1988 c 81 s 16 are each amended to read
21 as follows:

22 (1) It is unlawful for any person, firm, partnership, corporation,
23 or other entity to employ an individual for purposes of RCW 19.28.510
24 through 19.28.620 who has not been issued a certificate of competency
25 or a training certificate. It is unlawful for any individual to engage
26 in the electrical construction trade or to maintain or install any
27 electrical equipment or conductors without having in his or her
28 possession a certificate of competency or a training certificate under
29 RCW 19.28.510 through 19.28.620. Any person, firm, partnership,
30 corporation, or other entity found in violation of RCW 19.28.510
31 through 19.28.620 shall be assessed a penalty of not less than fifty
32 dollars or more than five hundred dollars. The department shall set by
33 rule a schedule of penalties for violating RCW 19.28.510 through
34 19.28.620. An appeal may be made to the board as is provided in RCW
35 19.28.350. The appeal shall be filed within ~~((fifteen))~~ twenty days
36 after the notice of the penalty is given to the assessed party by
37 certified mail, return receipt requested, sent to the last known
38 address of the assessed party and shall be made by filing a written

1 notice of appeal with the department. Any equipment maintained or
2 installed by any person who does not possess a certificate of
3 competency under RCW 19.28.510 through 19.28.620 shall not receive an
4 electrical work permit and electrical service shall not be connected or
5 maintained to operate the equipment. Each day that a person, firm,
6 partnership, corporation, or other entity violates (~~the provisions~~
7 ~~of~~) RCW 19.28.510 through 19.28.620 is a separate violation.

8 (2) A civil penalty shall be collected in a civil action brought by
9 the attorney general in the county wherein the alleged violation arose
10 at the request of the department if any of (~~the provisions of~~) RCW
11 19.28.510 through 19.28.620 or any rules (~~promulgated~~) adopted under
12 RCW 19.28.510 through 19.28.620 are violated.

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