
HOUSE BILL 2633

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 01/15/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to electrical administrative procedures; amending
2 RCW 19.28.125, 19.28.210, 19.28.310, 19.28.510, and 19.28.550; and
3 adding new sections to chapter 19.28 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.28 RCW
6 to read as follows:

7 The department may deny renewal of or suspend a certificate or
8 license issued under this chapter, if the applicant for renewal under
9 a previous license as an individual, sole proprietor, partnership, or
10 corporation owes outstanding penalties for a final citation or for
11 noncompliance with this chapter. The department shall notify the
12 applicant of the denial by certified mail. The applicant may appeal
13 the denial within twenty days by filing a notice of appeal with the
14 department accompanied by a certified check of two hundred dollars
15 which shall be returned to the applicant if the decision of the
16 department is not sustained by the board. The office of administrative
17 hearings shall conduct the hearing under chapter 34.05 RCW. The
18 electrical board shall review the proposed decision at the next
19 regularly scheduled board meeting. If the board sustains the decision

1 of the department, the two hundred dollars must be applied to the cost
2 of the hearing.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.28 RCW
4 to read as follows:

5 The department may audit the records of an electrical contractor
6 that has verified the hours of experience submitted by an electrical
7 trainee to the department under RCW 19.28.510(2) in the following
8 circumstances: Excessive hours were reported; hours reported outside
9 the normal course of the contractor's business; the type of hours
10 reported do not reasonably match the type of permits purchased; or for
11 other similar circumstances in which the department demonstrates a
12 likelihood of excessive hours being reported. The department shall
13 adopt rules implementing audit procedures.

14 **Sec. 3.** RCW 19.28.125 and 1988 c 81 s 6 are each amended to read
15 as follows:

16 (1) Each applicant for an electrical contractor's license, other
17 than an individual, shall designate a supervisory employee or member of
18 the firm to take the required administrator's examination. Effective
19 July 1, 1987, a supervisory employee designated as the administrator
20 shall be a full-time supervisory employee. This person shall be
21 designated as administrator under the license. No person may qualify
22 as administrator for more than one contractor. If the relationship of
23 the administrator with the electrical contractor is terminated, the
24 contractor's license is void within ninety days unless another
25 administrator is qualified by the board. However, if the administrator
26 dies, the contractor's license is void within one hundred eighty days
27 unless another administrator is qualified by the board. A certificate
28 issued under this section is valid for two years from the nearest
29 birthdate of the administrator, unless revoked or suspended, and
30 further is nontransferable. The department may not renew an
31 administrator's certificate that has been revoked because of a serious
32 violation of this chapter and all appeals concerning the revocation
33 have been exhausted. For the purposes of this section, a "serious
34 violation" is classified as a violation that represents, to the general
35 public, imminent danger to life. The certificate may be renewed for a
36 two-year period without examination by appropriate application unless
37 the certificate has been revoked, suspended, or not renewed within

1 ninety days after the expiration date. If the certificate is not
2 renewed before the expiration date, the individual shall pay twice the
3 usual fee. An individual holding more than one administrator's
4 certificate under this chapter shall not be required to pay annual fees
5 for more than one certificate. A person may take the administrator's
6 test as many times as necessary without limit, unless previously
7 revoked because of a serious violation of this chapter.

8 (2) The administrator shall:

9 (a) Be a member of the firm or a supervisory employee and shall be
10 available during working hours to carry out the duties of an
11 administrator under this section;

12 (b) Ensure that all electrical work complies with the electrical
13 installation laws and rules of the state;

14 (c) Ensure that the proper electrical safety procedures are used;

15 (d) Ensure that all electrical labels, permits, and licenses
16 required to perform electrical work are used;

17 (e) See that corrective notices issued by an inspecting authority
18 are complied with; and

19 (f) Notify the department in writing within ten days if the
20 administrator terminates the relationship with the electrical
21 contractor.

22 (3) The department shall not by rule change the administrator's
23 duties under subsection (2) of this section.

24 **Sec. 4.** RCW 19.28.210 and 1992 c 240 s 2 are each amended to read
25 as follows:

26 (1) The director shall cause an inspector to inspect all wiring,
27 appliances, devices, and equipment to which this chapter applies.
28 Nothing contained in this chapter may be construed as providing any
29 authority for any subdivision of government to adopt by ordinance any
30 provisions contained or provided for in this chapter except those
31 pertaining to cities and towns pursuant to RCW 19.28.010(~~((2))~~) (3).

32 (2) Upon request, electrical inspections will be made by the
33 department within forty-eight hours, excluding holidays, Saturdays, and
34 Sundays. If, upon written request, the electrical inspector fails to
35 make an electrical inspection within twenty-four hours, the serving
36 utility may immediately connect electrical power to the installation if
37 the necessary electrical work permit is displayed: PROVIDED, That if
38 the request is for an electrical inspection that relates to a mobile

1 home installation, the applicant shall provide proof of a current
2 building permit issued by the local government agency authorized to
3 issue such permits as a prerequisite for inspection approval or
4 connection of electrical power to the mobile home.

5 (3) Whenever the installation of any wiring, device, appliance, or
6 equipment is not in accordance with this chapter, or is in such a
7 condition as to be dangerous to life or property, the person, firm,
8 partnership, corporation, or other entity owning, using, or operating
9 it shall be notified by the department and shall within fifteen days,
10 or such further reasonable time as may upon request be granted, make
11 such repairs and changes as are required to remove the danger to life
12 or property and to make it conform to this chapter. The director,
13 through the inspector, is hereby empowered to disconnect or order the
14 discontinuance of electrical service to conductors or equipment that
15 are found to be in a dangerous or unsafe condition and not in
16 accordance with this chapter. Upon making a disconnection the
17 inspector shall attach a notice stating that the conductors have been
18 found dangerous to life or property and are not in accordance with this
19 chapter. It is unlawful for any person to reconnect such defective
20 conductors or equipment without the approval of the department, and
21 until the conductors and equipment have been placed in a safe and
22 secure condition, and in a condition that complies with this chapter.

23 (4) The director, through the electrical inspector, has the right
24 during reasonable hours to enter into and upon any building or premises
25 in the discharge of his or her official duties for the purpose of
26 making any inspection or test of the installation of new construction
27 or altered electrical wiring, electrical devices, equipment, or
28 material contained in or on the buildings or premises. No electrical
29 wiring or equipment subject to this chapter may be concealed until it
30 has been approved by the inspector making the inspection. At the time
31 of the inspection, electrical wiring or equipment subject to this
32 chapter must be sufficiently accessible to permit the inspector to
33 employ any testing methods that will assure conformance with the
34 national electrical code and any other requirements of this chapter.
35 For purposes of this section, "accessible" means capable of being
36 removed or exposed without damaging the building structure or finish,
37 or not permanently closed in by the structure or finish of the
38 building.

1 (5) Persons, firms, partnerships, corporations, or other entities
2 making electrical installations shall obtain inspection and approval
3 from an authorized representative of the department as required by this
4 chapter before requesting the electric utility to connect to the
5 installations. Electric utilities may connect to the installations if
6 approval is clearly indicated by certification of the electrical work
7 permit required to be affixed to each installation or by equivalent
8 means, except that increased or relocated services may be reconnected
9 immediately at the discretion of the utility before approval if an
10 electrical work permit is displayed. The permits shall be furnished
11 upon payment of the fee to the department.

12 (6) The director, subject to the recommendations and approval of
13 the board, shall set by rule a schedule of license and electrical work
14 permit fees that will cover the costs of administration and enforcement
15 of this chapter. The rules shall be adopted in accordance with the
16 administrative procedure act, chapter 34.05 RCW. No fee may be charged
17 for plug-in mobile homes, recreational vehicles, or portable
18 appliances.

19 (7) Nothing in this chapter shall authorize the inspection of any
20 wiring, appliance, device, or equipment, or installations thereof, by
21 any utility or by any person, firm, partnership, corporation, or other
22 entity employed by a utility in connection with the installation,
23 repair, or maintenance of lines, wires, apparatus, or equipment owned
24 by or under the control of the utility. All work covered by the
25 national electric code not exempted by the 1981 edition of the national
26 electric code 90-2(B)(5) shall be inspected by the department.

27 **Sec. 5.** RCW 19.28.310 and 1988 c 81 s 10 are each amended to read
28 as follows:

29 The department has the power, in case of (~~continued~~) serious
30 noncompliance with the provisions of this chapter, to revoke or suspend
31 for such a period as it determines, any electrical contractor license
32 or electrical contractor administrator certificate issued under this
33 chapter. The department shall notify the holder of the license or
34 certificate of the revocation or suspension by certified mail. A
35 revocation or suspension is effective (~~fifteen~~) twenty days after the
36 holder receives the notice. The department may suspend an electrical
37 contractor's license if: Any of the contractor's electrical administer
38 certificates are suspended or revoked because of a serious violation of

1 this chapter that represents, to the general public, imminent danger to
2 life; and an owner or a manager of the electrical contractor knew or
3 reasonably should have known about the violation. Any revocation or
4 suspension is subject to review by an appeal to the board. The filing
5 of an appeal stays the effect of a revocation or suspension until the
6 board makes its decision. The appeal shall be filed within (~~fifteen~~)
7 twenty days after notice of the revocation or suspension is given by
8 certified mail sent to the address of the holder of the license or
9 certificate as shown on the application for the license or certificate,
10 and shall be effected by filing a written notice of appeal with the
11 department, accompanied by a certified check for two hundred dollars,
12 which shall be returned to the holder of the license or certificate if
13 the decision of the department is not sustained by the board. The
14 hearing shall be conducted in accordance with chapter 34.05 RCW. If
15 the board sustains the decision of the department, the two hundred
16 dollars shall be applied by the department to the payment of the per
17 diem and expenses of the members of the board incurred in the matter,
18 and any balance remaining after payment of per diem and expenses shall
19 be paid into the electrical license fund.

20 **Sec. 6.** RCW 19.28.510 and 1983 c 206 s 13 are each amended to read
21 as follows:

22 (1) No person may engage in the electrical construction trade
23 without having a current journeyman electrician certificate of
24 competency or a current specialty electrician certificate of competency
25 issued by the department in accordance with this chapter. Electrician
26 certificate of competency specialties include, but are not limited to:
27 Residential, domestic appliances, pump and irrigation, limited energy
28 system, signs, and nonresidential maintenance.

29 (2) A person who is indentured in an apprenticeship program
30 approved under chapter 49.04 RCW for the electrical construction trade
31 or who is learning the electrical construction trade may work in the
32 electrical construction trade if supervised by a certified journeyman
33 electrician or a certified specialty electrician in that electrician's
34 specialty. All apprentices and individuals learning the electrical
35 construction trade shall obtain an electrical training certificate from
36 the department. The certificate shall authorize the holder to learn
37 the electrical construction trade while under the direct supervision of
38 a journeyman electrician or a specialty electrician working in his or

1 her specialty. The holder of the electrical training certificate shall
2 renew the certificate annually. At the time of renewal, the holder
3 shall provide the department with an accurate list of the holder's
4 employers in the electrical construction industry for the previous year
5 and the number of hours worked for each employer. An annual fee shall
6 be charged for the issuance or renewal of the certificate. The
7 department shall set the fee by rule. The fee shall cover but not
8 exceed the cost of administering and enforcing the trainee
9 certification and supervision requirements of this chapter.
10 Apprentices and individuals learning the electrical construction trade
11 shall have their electrical training certificates in their possession
12 at all times that they are performing electrical work. They shall show
13 their certificates to an authorized representative of the department at
14 the representative's request.

15 (3) Any person who has been issued an electrical training
16 certificate under this chapter may work if that person is under
17 supervision. Supervision shall consist of a person being on the same
18 job site and under the control of either a journeyman electrician or an
19 appropriate specialty electrician who has an applicable certificate of
20 competency issued under this chapter. Either a journeyman electrician
21 or an appropriate specialty electrician shall be on the same job site
22 as the noncertified individual for a minimum of (~~seventy-five~~) eighty
23 percent of each working day unless otherwise provided in this chapter.
24 The ratio of noncertified individuals to certified journeymen or
25 specialty electricians working on a job site shall be:

26 (a) From September 1, 1979, through December 31, 1982, not more
27 than three noncertified electricians working on any one job site for
28 every certified journeyman or specialty electrician;

29 (b) Effective January 1, 1983, not more than two noncertified
30 individuals working on any one job site for every specialty electrician
31 or journeyman electrician working as a specialty electrician;

32 (c) Effective January 1, 1983, not more than one noncertified
33 individual working on any one job site for every certified journeyman
34 electrician.

35 The ratio requirements do not apply to a trade school program in
36 the electrical construction trade established during 1946.

37 An individual who has a current training certificate and who has
38 successfully completed or is currently enrolled in an approved
39 apprenticeship program or in a technical school program in the

1 electrical construction trade in a school approved by the commission
2 for vocational education, may work without direct on-site supervision
3 during the last six months of meeting the practical experience
4 requirements of this chapter.

5 (4) The contractor shall accurately verify and attest to the
6 electrical trainee hours worked by electrical trainees on behalf of the
7 electrical contractor.

8 **Sec. 7.** RCW 19.28.550 and 1993 c 192 s 1 are each amended to read
9 as follows:

10 (1) The department shall issue a certificate of competency to all
11 applicants who have passed the examination provided in RCW 19.28.540,
12 and who have complied with RCW 19.28.510 through 19.28.620 and the
13 rules adopted under this chapter. The certificate shall bear the date
14 of issuance, and shall expire on (~~October 31st or April 30th, not less~~
15 ~~than six months nor more than three years immediately following the~~
16 ~~date of issuance~~)) the holder's birthday. The certificate shall be
17 renewed every three years, upon application, on or before the holder's
18 birthdate. A fee shall be assessed for each certificate and for each
19 annual renewal.

20 (2) If the certificate holder demonstrates to the department that
21 he or she has satisfactorily completed an annual eight-hour continuing
22 education course, the certificate may be renewed without examination by
23 appropriate application unless the certificate has been revoked,
24 suspended, or not renewed within ninety days after the expiration date.

25 (a) The contents and requirements for satisfactory completion of
26 the continuing education course shall be determined by the director and
27 approved by the board.

28 (b) The department shall accept proof of a certificate holder's
29 satisfactory completion of a continuing education course offered in
30 another state as meeting the requirements for maintaining a current
31 Washington state certificate of competency if the department is
32 satisfied the course is comparable in nature to that required in
33 Washington state for maintaining a current certificate of competency.

34 (3) If the certificate is not renewed before the expiration date,
35 the individual shall pay twice the usual fee. The department shall set
36 the fees by rule for issuance and renewal of a certificate of
37 competency. The fees shall cover but not exceed the costs of issuing

1 the certificates and of administering and enforcing the electrician
2 certification requirements of this chapter.

3 (4) The certificates of competency and temporary permits provided
4 for in this chapter grant the holder the right to work in the
5 electrical construction trade as a journeyman electrician or specialty
6 electrician in accordance with their provisions throughout the state
7 and within any of its political subdivisions without additional proof
8 of competency or any other license, permit, or fee to engage in such
9 work.

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