
ENGROSSED SUBSTITUTE SENATE BILL 6521

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Heavey and Sutherland; by request of Department of Labor & Industries)

Read first time 02/02/96.

1 AN ACT Relating to electrical administration 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 a certificate or license issued
8 under this chapter, if the applicant for renewal owes outstanding
9 penalties for a final judgment. The department shall notify the
10 applicant of the denial by certified mail. The applicant may appeal
11 the denial within twenty days by filing a notice of appeal with the
12 department accompanied by a certified check of two hundred dollars
13 which shall be returned to the applicant if the decision of the
14 department is not sustained by the board. The office of administrative
15 hearings shall conduct the hearing under chapter 34.05 RCW. The
16 electrical board shall review the proposed decision at the next
17 regularly scheduled board meeting. If the board sustains the decision
18 of the department, the two hundred dollars must be applied to the cost
19 of the hearing.

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

3 The department may audit the records of an electrical contractor
4 that has verified the hours of experience submitted by an electrical
5 trainee to the department under RCW 19.28.510(2) in the following
6 circumstances: Excessive hours were reported; hours reported outside
7 the normal course of the contractor's business; the type of hours
8 reported do not reasonably match the type of permits purchased; or for
9 other similar circumstances in which the department demonstrates a
10 likelihood of excessive hours being reported. The department shall
11 limit the audit to records necessary to verify hours. The department
12 shall adopt rules implementing audit procedures. Information obtained
13 from an electrical contractor under the provisions of this section is
14 confidential and is not open to public inspection under chapter 42.17
15 RCW.

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

18 (1) Each applicant for an electrical contractor's license, other
19 than an individual, shall designate a supervisory employee or member of
20 the firm to take the required administrator's examination. Effective
21 July 1, 1987, a supervisory employee designated as the administrator
22 shall be a full-time supervisory employee. This person shall be
23 designated as administrator under the license. No person may qualify
24 as administrator for more than one contractor. If the relationship of
25 the administrator with the electrical contractor is terminated, the
26 contractor's license is void within ninety days unless another
27 administrator is qualified by the board. However, if the administrator
28 dies, the contractor's license is void within one hundred eighty days
29 unless another administrator is qualified by the board. A certificate
30 issued under this section is valid for two years from the nearest
31 birthdate of the administrator, unless revoked or suspended, and
32 further is nontransferable. The department may not accept an
33 application for an administrator's certificate from an applicant whose
34 previous administrator's certificate has been revoked because of a
35 serious violation of this chapter and all appeals concerning the
36 revocation have been exhausted. For the purposes of this section, a
37 "serious violation" is classified as a violation that represents, to
38 the general public, imminent danger to life. The certificate may be

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

10 (2) The administrator shall:

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

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

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

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

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

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

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

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

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

34 (2) Upon request, electrical inspections will be made by the
35 department within forty-eight hours, excluding holidays, Saturdays, and
36 Sundays. If, upon written request, the electrical inspector fails to
37 make an electrical inspection within twenty-four hours, the serving
38 utility may immediately connect electrical power to the installation if

1 the necessary electrical work permit is displayed: PROVIDED, That if
2 the request is for an electrical inspection that relates to a mobile
3 home installation, the applicant shall provide proof of a current
4 building permit issued by the local government agency authorized to
5 issue such permits as a prerequisite for inspection approval or
6 connection of electrical power to the mobile home.

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

25 (4) The director, through the electrical inspector, has the right
26 during reasonable hours to enter into and upon any building or premises
27 in the discharge of his or her official duties for the purpose of
28 making any inspection or test of the installation of new construction
29 or altered electrical wiring, electrical devices, equipment, or
30 material contained in or on the buildings or premises. No electrical
31 wiring or equipment subject to this chapter may be concealed until it
32 has been approved by the inspector making the inspection. At the time
33 of the inspection, electrical wiring or equipment subject to this
34 chapter must be sufficiently accessible to permit the inspector to
35 employ any testing methods that will verify conformance with the
36 national electrical code and any other requirements of this chapter.

37 (5) Persons, firms, partnerships, corporations, or other entities
38 making electrical installations shall obtain inspection and approval
39 from an authorized representative of the department as required by this

1 chapter before requesting the electric utility to connect to the
2 installations. Electric utilities may connect to the installations if
3 approval is clearly indicated by certification of the electrical work
4 permit required to be affixed to each installation or by equivalent
5 means, except that increased or relocated services may be reconnected
6 immediately at the discretion of the utility before approval if an
7 electrical work permit is displayed. The permits shall be furnished
8 upon payment of the fee to the department.

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

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

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

26 The department has the power, in case of (~~continued~~) serious
27 noncompliance with the provisions of this chapter, to revoke or suspend
28 for such a period as it determines, any electrical contractor license
29 or electrical contractor administrator certificate issued under this
30 chapter. The department shall notify the holder of the license or
31 certificate of the revocation or suspension by certified mail. A
32 revocation or suspension is effective (~~fifteen~~) twenty days after the
33 holder receives the notice. Any revocation or suspension is subject to
34 review by an appeal to the board. The filing of an appeal stays the
35 effect of a revocation or suspension until the board makes its
36 decision. The appeal shall be filed within (~~fifteen~~) twenty days
37 after notice of the revocation or suspension is given by certified mail
38 sent to the address of the holder of the license or certificate as

1 shown on the application for the license or certificate, and shall be
2 effected by filing a written notice of appeal with the department,
3 accompanied by a certified check for two hundred dollars, which shall
4 be returned to the holder of the license or certificate if the decision
5 of the department is not sustained by the board. The hearing shall be
6 conducted in accordance with chapter 34.05 RCW. If the board sustains
7 the decision of the department, the two hundred dollars shall be
8 applied by the department to the payment of the per diem and expenses
9 of the members of the board incurred in the matter, and any balance
10 remaining after payment of per diem and expenses shall be paid into the
11 electrical license fund.

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

14 (1) No person may engage in the electrical construction trade
15 without having a current journeyman electrician certificate of
16 competency or a current specialty electrician certificate of competency
17 issued by the department in accordance with this chapter. Electrician
18 certificate of competency specialties include, but are not limited to:
19 Residential, domestic appliances, pump and irrigation, limited energy
20 system, signs, and nonresidential maintenance.

21 (2) A person who is indentured in an apprenticeship program
22 approved under chapter 49.04 RCW for the electrical construction trade
23 or who is learning the electrical construction trade may work in the
24 electrical construction trade if supervised by a certified journeyman
25 electrician or a certified specialty electrician in that electrician's
26 specialty. All apprentices and individuals learning the electrical
27 construction trade shall obtain an electrical training certificate from
28 the department. The certificate shall authorize the holder to learn
29 the electrical construction trade while under the direct supervision of
30 a journeyman electrician or a specialty electrician working in his or
31 her specialty. The holder of the electrical training certificate shall
32 renew the certificate annually. At the time of renewal, the holder
33 shall provide the department with an accurate list of the holder's
34 employers in the electrical construction industry for the previous year
35 and the number of hours worked for each employer. An annual fee shall
36 be charged for the issuance or renewal of the certificate. The
37 department shall set the fee by rule. The fee shall cover but not
38 exceed the cost of administering and enforcing the trainee

1 certification and supervision requirements of this chapter.
2 Apprentices and individuals learning the electrical construction trade
3 shall have their electrical training certificates in their possession
4 at all times that they are performing electrical work. They shall show
5 their certificates to an authorized representative of the department at
6 the representative's request.

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

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

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

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

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

29 An individual who has a current training certificate and who has
30 successfully completed or is currently enrolled in an approved
31 apprenticeship program or in a technical school program in the
32 electrical construction trade in a school approved by the commission
33 for vocational education, may work without direct on-site supervision
34 during the last six months of meeting the practical experience
35 requirements of this chapter.

36 (4) The electrical contractor shall accurately verify and attest to
37 the electrical trainee hours worked by electrical trainees on behalf of
38 the electrical contractor.

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

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

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

18 (a) The contents and requirements for satisfactory completion of
19 the continuing education course shall be determined by the director and
20 approved by the board.

21 (b) The department shall accept proof of a certificate holder's
22 satisfactory completion of a continuing education course offered in
23 another state as meeting the requirements for maintaining a current
24 Washington state certificate of competency if the department is
25 satisfied the course is comparable in nature to that required in
26 Washington state for maintaining a current certificate of competency.

27 (3) If the certificate is not renewed before the expiration date,
28 the individual shall pay twice the usual fee. The department shall set
29 the fees by rule for issuance and renewal of a certificate of
30 competency. The fees shall cover but not exceed the costs of issuing
31 the certificates and of administering and enforcing the electrician
32 certification requirements of this chapter.

33 (4) The certificates of competency and temporary permits provided
34 for in this chapter grant the holder the right to work in the
35 electrical construction trade as a journeyman electrician or specialty
36 electrician in accordance with their provisions throughout the state
37 and within any of its political subdivisions without additional proof

1 of competency or any other license, permit, or fee to engage in such
2 work.

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