
HOUSE BILL 1879

State of Washington

55th Legislature

1997 Regular Session

By Representatives Constantine, Poulsen, Blalock, Cooper, Mason, Butler, Dickerson, Keiser and Ogden

Read first time 02/12/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to on-site sewage disposal systems; amending RCW
2 4.16.300; adding a new section to chapter 70.118 RCW; and adding a new
3 chapter to Title 18 RCW.

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

5 NEW SECTION. **Sec. 1.** The director of the department of licensing
6 shall establish and administer written and practical examinations for
7 persons seeking to be licensed to design on-site sewage disposal
8 systems and written and practical examinations for persons seeking to
9 be licensed to install and repair on-site sewage disposal systems.

10 Examinations to be licensed to design on-site sewage disposal
11 systems shall be designed to reasonably insure that the applicant is
12 competent to design different types of on-site sewage disposal systems,
13 demonstrates an ability to identify different soil conditions, and
14 possesses an adequate knowledge of theory, codes, and different types
15 of on-site sewage disposal systems most appropriate for different soil
16 conditions. Examinations to be licensed to install and repair on-site
17 sewage disposal systems shall be designed to reasonably insure that the
18 applicant is competent to install and repair on-site sewage disposal
19 systems and possesses an adequate knowledge of theory, codes,

1 construction methods, and safety. Fees shall be charged to cover the
2 full costs of administering the examinations.

3 The director of the department of licensing shall establish
4 continuing education requirements for persons holding these licenses
5 that are required to have been completed prior to being relicensed.

6 NEW SECTION. **Sec. 2.** The director of the department of licensing
7 shall license a person to engage in the business of designing on-site
8 sewage disposal systems who passes the required examination, pays the
9 license fee, and files the required surety bond with the director. The
10 director of the department of licensing shall license a person to
11 engage in the business of installing and repairing on-site sewage
12 disposal systems who passes the required examination, pays the license
13 fee, and files the required surety bond with the director. An initial
14 license is valid for the remainder of the year in which the license is
15 issued, plus one year. Thereafter, a renewed license shall be issued
16 to a licensee who pays the license fee, provides evidence of completing
17 continuing education requirements, and files the required surety bond
18 with the director.

19 A surety bond for a person licensed to engage in the business of
20 designing on-site sewage disposal systems, and a surety bond for a
21 person licensed to engage in the business of installing or repairing
22 on-site sewage disposal systems, each must be issued by a surety
23 insurer who meets the requirements of chapter 48.28 RCW. The surety
24 bond must be in a form acceptable to the director running to the state
25 of Washington in the sum of fifty thousand dollars conditioned on the
26 same grounds as a contractor's bond under chapter 18.27 RCW.

27 The director of the department of licensing shall charge fees for
28 issuing, renewing, and reinstating a license. Fees shall be
29 established by rule and shall cover the full costs of issuing the
30 license, filing papers and notices, and administering and enforcing
31 this chapter. The costs may include reproduction, travel, per diem,
32 and administrative and legal support costs.

33 NEW SECTION. **Sec. 3.** It is unlawful and a violation of RCW
34 19.86.020 for a person to engage in the business of designing on-site
35 sewage disposal systems without being licensed for such business under
36 this chapter and conforming with the requirements of this chapter. It
37 is unlawful and a violation of RCW 19.86.020 for a person to engage in

1 the business of installing or repairing on-site sewage disposal systems
2 without being licensed for the business under this chapter and
3 conforming with the requirements of this chapter.

4 NEW SECTION. **Sec. 4.** The director of the department of licensing
5 shall adopt rules for the purpose of carrying out and developing this
6 chapter.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.118 RCW
8 to read as follows:

9 Each county health department shall keep records on on-site sewage
10 disposal systems in the county, that include information on: (1) Soil
11 conditions for each system; (2) the type of system installed, such as
12 a pressurized raised mound system; (3) the name and license number of
13 the person who designed the system or designed the repairs for the
14 system; (4) the name and license number of the person who installed or
15 repaired the system; and (5) other appropriate information.

16 At least annually, each county health department shall prepare a
17 summary of this information. Summaries must indicate, for each person
18 who has designed a system that was installed in the county in the last
19 twenty years, the total number of systems that person designed and the
20 number and percentage of these systems that were known to have failed.
21 Summaries must indicate, for each person who has installed a system in
22 the county over the last twenty years, the total number of systems that
23 person installed and number and percentage of these systems that were
24 known to have failed.

25 A current summary must be provided to the owner of the property for
26 which a permit is sought to install or repair an on-site sewage
27 disposal system and to each person who requests a list of persons
28 licensed to design on-site sewage disposal systems, or to install or
29 repair on-site sewage disposal systems, who regularly works in the
30 county.

31 **Sec. 6.** RCW 4.16.300 and 1986 c 305 s 703 are each amended to read
32 as follows:

33 RCW 4.16.300 through 4.16.320 shall apply to all claims or causes
34 of action of any kind against any person, arising from such person
35 having constructed, altered or repaired any improvement upon real
36 property, or having performed or furnished any design, planning,

1 surveying, architectural or construction or engineering services, or
2 supervision or observation of construction, or administration of
3 construction contracts for any construction, alteration or repair of
4 any improvement upon real property. This section is intended to
5 benefit only those persons referenced herein and shall not apply to
6 claims or causes of action against manufacturers. RCW 4.16.300 through
7 4.16.320 shall not apply to claims or causes of action against persons
8 designing, installing, or repairing on-site sewage disposal systems.

9 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act constitute
10 a new chapter in Title 18 RCW.

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