

# HOUSE BILL REPORT

## ESHB 2470

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### As Passed Legislature

**Title:** An act relating to plumbing contractors.

**Brief Description:** Revising provisions for plumbing contractors.

**Sponsors:** By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Campbell, Cairnes, Cooper, Hunt, Hurst, Quall, Armstrong, Delvin, Tokuda and Kenney).

#### **Brief History:**

##### **Committee Activity:**

Commerce & Labor: 1/31/02, 2/6/02 [DPS].

##### **Floor Activity:**

Passed House: 2/15/02, 98-0.

Passed Senate: 3/7/02, 37-9.

Passed Legislature.

#### **Brief Summary of Engrossed Substitute Bill**

- Requires plumbing contractors to verify that plumbing trainees worked specified hours and that certified plumbers properly supervised such hours.
- Permits the Department of Labor and Industries, in certain circumstances, to audit records and issue infractions to plumbing contractors that verified trainee hours.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Conway, Chair; Wood, Vice Chair; Clements, Ranking Minority Member; Chandler, Kenney and Lysen.

**Staff:** Jill Reinmuth (786-7134); Chris Cordes (786-7103).

#### **Background:**

The Department of Labor and Industries administers various state laws governing construction-related businesses and trades, including construction contracting and

plumbing.

The plumbers' certification law requires those performing plumbing work to be certified by the department. Plumbers must meet certain experience and/or educational requirements and pass an examination to obtain the required certificate.

The contractor registration law requires construction contractors to register with the department. Contractors also must meet certain requirements relating to registration, bonding and insurance, and notice to customers. The registration requirements do not apply to certified plumbers, unless they wish to advertise and bid for jobs.

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**Summary of Engrossed Substitute Bill:**

Plumbing contractors are those who engage in, or who offer or advertise to engage in, plumbing work by way of trade or business. Plumbing contractors are prohibited from advertising, offering to do work, submitting a bid to do work, or performing plumbing work without being registered contractors.

Plumbing contractors must verify the hours worked by plumbing trainees and the proper supervision of such hours by certified plumbers. However, they are not required to identify which hours a trainee works with a specific plumber.

The Department of Labor and Industries may audit the records of a plumbing contractor that verified trainee hours if the department demonstrates a likelihood of excessive or improper hours being reported. The department must limit its audit to records necessary to verify hours. Information obtained from a plumbing contractor in an audit is confidential and not subject to public disclosure.

The department may issue a notice of infraction if a plumbing contractor is not a registered contractor. The department also may issue a notice of infraction under either the plumbing law or the contractor registration law if a plumbing contractor does not accurately verify trainee hours or if such hours were not properly supervised.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill is modeled after the current requirements for electrical contractors and is very important for the plumbing industry. Strong enforcement is needed to ensure fair competition among plumbing contractors. It is very difficult for the

Department of Labor and Industries to enforce the current law against plumbing contractors. The department also needs authority to enforce the requirements for plumbing trainees working under supervision. The fund transfer for contractor registration fees is needed, but could be reconsidered. However, it should be noted that the fees paid by plumbers are now put in a dedicated fund.

**Testimony Against:** None.

**Testified:** Dan Sexton, Washington State Association of Plumbers, Pipefitters, and Sprinkler Fitters; Pete Schmidt, Department of Labor and Industries; Larry Stevens, Mechanical Contractors Association; and Art Favinger.