
HOUSE BILL 2470

State of Washington

57th Legislature

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By Representatives Conway, Campbell, Cairnes, Cooper, Hunt, Hurst, Quall, Armstrong, Delvin, Tokuda and Kenney

Read first time 01/17/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to plumbing contractors; amending RCW 18.27.010,
2 18.27.070, 18.106.010, 18.106.020, 18.106.180, and 18.106.250; adding
3 a new section to chapter 18.106 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 18.27.010 and 2001 c 159 s 1 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Contractor" means any person, firm, or corporation who or
10 which, in the pursuit of an independent business undertakes to, or
11 offers to undertake, or submits a bid to, construct, alter, repair, add
12 to, subtract from, improve, move, wreck or demolish, for another, any
13 building, highway, road, railroad, excavation or other structure,
14 project, development, or improvement attached to real estate or to do
15 any part thereof including the installation of carpeting or other floor
16 covering, the erection of scaffolding or other structures or works in
17 connection therewith or who installs or repairs roofing or siding; or,
18 who, to do similar work upon his or her own property, employs members
19 of more than one trade upon a single job or project or under a single

1 building permit except as otherwise provided herein. "Contractor"
2 includes plumbing contractors. "Contractor" includes any person, firm,
3 corporation, or other entity covered by this subsection, whether or not
4 registered as required under this chapter.

5 (2) "Department" means the department of labor and industries.

6 (3) "Director" means the director of the department of labor and
7 industries or designated representative employed by the department.

8 (4) "General contractor" means a contractor whose business
9 operations require the use of more than two unrelated building trades
10 or crafts whose work the contractor shall superintend or do in whole or
11 in part. "General contractor" shall not include an individual who does
12 all work personally without employees or other "specialty contractors"
13 as defined in this section. The terms "general contractor" and
14 "builder" are synonymous.

15 (5) "Partnership" means a business formed under Title 25 RCW.

16 (6) "Plumbing contractor" means any person, corporate or otherwise,
17 who primarily engages in, or offers or advertises to engage in, work
18 covered by the provisions of chapter 18.106 RCW by way of trade or
19 business, or any person, corporate or otherwise, who primarily employs
20 anyone, or offers or advertises to employ anyone, to engage in work
21 covered by the provisions of chapter 18.106 RCW.

22 (7) "Registration cancellation" means a written notice from the
23 department that a contractor's action is in violation of this chapter
24 and that the contractor's registration has been revoked.

25 ~~((+7))~~ (8) "Registration suspension" means a written notice from
26 the department that a contractor's action is a violation of this
27 chapter and that the contractor's registration has been suspended for
28 a specified time, or until the contractor shows evidence of compliance
29 with this chapter.

30 ~~((+8))~~ (9) "Residential homeowner" means an individual person or
31 persons owning or leasing real property:

32 (a) Upon which one single-family residence is to be built and in
33 which the owner or lessee intends to reside upon completion of any
34 construction; or

35 (b) Upon which there is a single-family residence to which
36 improvements are to be made and in which the owner or lessee intends to
37 reside upon completion of any construction.

38 ~~((+9))~~ (10) "Specialty contractor" means a contractor whose
39 operations do not fall within the definition of "general contractor".

1 (~~(10)~~) (11) "Unregistered contractor" means a person, firm,
2 corporation, or other entity doing work as a contractor without being
3 registered in compliance with this chapter. "Unregistered contractor"
4 includes contractors whose registration is expired, revoked, or
5 suspended. "Unregistered contractor" does not include a contractor who
6 has maintained a valid bond and the insurance or assigned account
7 required by RCW 18.27.050, and whose registration has lapsed for thirty
8 or fewer days.

9 (~~(11)~~) (12) "Unsatisfied final judgment" means a judgment that
10 has not been satisfied either through payment, court approved
11 settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

12 (~~(12)~~) (13) "Verification" means the receipt and duplication by
13 the city, town, or county of a contractor registration card that is
14 current on its face, checking the department's contractor registration
15 data base, or calling the department to confirm that the contractor is
16 registered.

17 **Sec. 2.** RCW 18.27.070 and 1997 c 314 s 7 are each amended to read
18 as follows:

19 The department shall charge fees for issuance, renewal, and
20 reinstatement of certificates of registration; and changes of name,
21 address, or business structure. The department shall set the fees by
22 rule.

23 The entire amount of the fees except fees paid by plumbing
24 contractors are to be used solely to cover the full cost of issuing
25 certificates, filing papers and notices, and administering and
26 enforcing this chapter. The costs shall include reproduction, travel,
27 per diem, and administrative and legal support costs.

28 Fees paid by plumbing contractors shall be deposited in the
29 plumbing certificate fund established in RCW 18.106.130 and shall be
30 used to cover the cost of issuing certificates and permits under this
31 chapter and chapter 18.106 RCW, filing papers and notices,
32 administering and enforcing this chapter and chapter 18.106 RCW, and
33 devising and administering examinations under chapter 18.106 RCW.

34 **Sec. 3.** RCW 18.106.010 and 2001 c 281 s 1 are each amended to read
35 as follows:

1 Unless a different meaning is plainly required by the context, the
2 following words and phrases as hereinafter used in this chapter shall
3 have the following meaning:

4 (1) "Advisory board" means the state advisory board of plumbers;

5 (2) "Contractor" means any person, corporate or otherwise, who
6 engages in, or offers or advertises to engage in, any work covered by
7 the provisions of this chapter by way of trade or business, or any
8 person, corporate or otherwise, who employs anyone, or offers or
9 advertises to employ anyone, to engage in any work covered by the
10 provisions of this chapter;

11 (3) "Department" means the department of labor and industries;

12 ~~((+3))~~ (4) "Director" means the director of department of labor
13 and industries;

14 ~~((+4))~~ (5) "Journeyman plumber" means any person who has been
15 issued a certificate of competency by the department of labor and
16 industries as provided in this chapter;

17 ~~((+5))~~ (6) "Medical gas piping" means oxygen, nitrous oxide, high
18 pressure nitrogen, medical compressed air, and medical vacuum systems;

19 ~~((+6))~~ (7) "Medical gas piping installer" means a journeyman
20 plumber who has been issued a medical gas piping installer endorsement;

21 ~~((+7))~~ (8) "Plumbing" means that craft involved in installing,
22 altering, repairing and renovating potable water systems, liquid waste
23 systems, and medical gas piping systems within a building.
24 Installation in a water system of water softening or water treatment
25 equipment is not within the meaning of plumbing as used in this
26 chapter;

27 ~~((+8))~~ (9) "Specialty plumber" means anyone who has been issued a
28 specialty certificate of competency limited to:

29 (a) Installation, maintenance, and repair of the plumbing of
30 single-family dwellings, duplexes, and apartment buildings that do not
31 exceed three stories; or

32 (b) Maintenance and repair of backflow prevention assemblies.

33 **Sec. 4.** RCW 18.106.020 and 1997 c 326 s 3 are each amended to read
34 as follows:

35 (1) No person may engage in or offer to engage in the trade of
36 plumbing without having a journeyman certificate, specialty
37 certificate, temporary permit, or trainee certificate. A trainee must
38 be supervised by a person who has a journeyman certificate, specialty

1 certificate, or temporary permit, as specified in RCW 18.106.070. No
2 contractor may employ a person to engage in or offer to engage in the
3 trade of plumbing unless the person employed has a journeyman
4 certificate, specialty certificate, temporary permit, or trainee
5 certificate. (~~For the purposes of this section, "contractor" means~~
6 ~~any person or body of persons, corporate or otherwise, engaged in any~~
7 ~~work covered by the provisions of this chapter, chapter 18.27 RCW, or~~
8 ~~chapter 19.28 RCW, by way of trade or business. However, in no case~~
9 ~~shall~~) This section does not apply to a contractor who is contracting
10 for work on his or her own residence.

11 (2) No person may engage in or offer to engage in medical gas
12 piping installation without having a certificate of competency as a
13 journeyman plumber and a medical gas piping installer endorsement. A
14 trainee may engage in medical gas piping installation if he or she has
15 a training certificate and is supervised by a person with a medical gas
16 piping installer endorsement. No contractor may employ a person to
17 engage in or offer to engage in medical gas piping installation unless
18 the person employed has a certificate of competency as a journeyman
19 plumber and a medical gas piping installer endorsement.

20 (3) No contractor may advertise, offer to do work, submit a bid, or
21 perform any work under this chapter without being registered as a
22 contractor under chapter 18.27 RCW.

23 (4) Violation of (~~subsection (1) or (2) of~~) this section is an
24 infraction. Each day in which a person engages in the trade of
25 plumbing in violation of (~~subsection (1) or (2) of~~) this section or
26 employs a person in violation of (~~subsection (1) or (2) of~~) this
27 section is a separate infraction. Each worksite at which a person
28 engages in the trade of plumbing in violation of (~~subsection (1) or~~
29 ~~(2) of~~) this section or at which a person is employed in violation of
30 (~~subsection (1) or (2) of~~) this section is a separate infraction.

31 (~~(4)~~) (5) Notices of infractions for violations of (~~subsection~~
32 ~~(1) or (2) of~~) this section may be issued to:

33 (a) The person engaging in or offering to engage in the trade of
34 plumbing in violation of (~~subsection (1) or (2) of~~) this section;

35 (b) The contractor in violation of (~~subsection (1) or (2) of~~)
36 this section; and

37 (c) The contractor's employee who authorized the work assignment of
38 the person employed in violation of (~~subsection (1) or (2) of~~) this
39 section.

1 **Sec. 5.** RCW 18.106.180 and 2000 c 171 s 27 are each amended to
2 read as follows:

3 An authorized representative of the department may issue a notice
4 of infraction as specified in RCW 18.106.020(~~((+4))~~) if a person who is
5 doing plumbing work or who is offering to do plumbing work, or who
6 employs anyone or offers or advertises to employ anyone to do plumbing
7 work, fails to produce evidence of having a certificate or permit
8 issued by the department in accordance with this chapter (~~((or))~~), of
9 being supervised by a person who has such a certificate or permit, or
10 of being registered as a contractor under chapter 18.27 RCW. An
11 authorized representative of the department may issue a notice of
12 infraction to a contractor for a violation of section 7 of this act.
13 A notice of infraction issued under this section shall be personally
14 served on the person named in the notice by an authorized
15 representative of the department or sent by certified mail to the last
16 known address provided to the department of the person named in the
17 notice.

18 **Sec. 6.** RCW 18.106.250 and 2000 c 171 s 28 are each amended to
19 read as follows:

20 (1) The administrative law judge shall conduct notice of infraction
21 cases under this chapter pursuant to chapter 34.05 RCW.

22 (2) The burden of proof is on the department to establish the
23 commission of the infraction by a preponderance of the evidence. The
24 notice of infraction shall be dismissed if the defendant establishes
25 that, at the time the notice was issued:

26 (a) The defendant who was issued a notice of infraction authorized
27 by RCW 18.106.020(~~((+4))~~) (5)(a) had a certificate or permit issued by
28 the department in accordance with this chapter, was supervised by a
29 person who has such a certificate or permit, or was exempt from this
30 chapter under RCW 18.106.150; or

31 (b) For the defendant who was issued a notice of infraction
32 authorized by RCW 18.106.020(~~((+4))~~) (5) (b) or (c), the person employed
33 or supervised by the defendant has a certificate or permit issued by
34 the department in accordance with this chapter, was supervised by a
35 person who had such a certificate or permit, (~~((or))~~) was exempt from
36 this chapter under RCW 18.106.150, or is registered as a contractor
37 under chapter 18.27 RCW.

1 (3) After consideration of the evidence and argument, the
2 administrative law judge shall determine whether the infraction was
3 committed. If it has not been established that the infraction was
4 committed, an order dismissing the notice shall be entered in the
5 record of the proceedings. If it has been established that the
6 infraction was committed, the administrative law judge shall issue
7 findings of fact and conclusions of law in its decision and order
8 determining whether the infraction was committed.

9 (4) An appeal from the administrative law judge's determination or
10 order shall be to the superior court. The decision of the superior
11 court is subject only to discretionary review pursuant to Rule 2.3 of
12 the Rules of Appellate Procedure.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.106 RCW
14 to read as follows:

15 (1) Contractors shall accurately verify and attest to the trainee
16 hours worked by plumbing trainees on behalf of the contractor and that
17 all training hours were under the supervision of a certified plumber
18 and within the proper ratio, and shall provide the supervising
19 plumber's name and certificate number.

20 (2) The department may audit the records of a contractor that has
21 verified the hours of experience submitted by a plumbing trainee to the
22 department under RCW 18.106.030 in the following circumstances:
23 Excessive hours were reported; hours were reported outside the normal
24 course of the contractor's business; or for other similar circumstances
25 in which the department demonstrates a likelihood of excessive or
26 improper hours being reported. The department shall limit the audit to
27 records necessary to verify hours. The department shall adopt rules
28 implementing audit procedures. Information obtained from a contractor
29 under the provisions of this section is confidential and is not open to
30 public inspection under chapter 42.17 RCW.

31 (3) Violation of this section by a contractor is an infraction.

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