CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2172

Chapter 281, Laws of 2001
(partial veto)
57th Legislature
2001 Regular Legislative Session

SPECIALTY PLUMBER’S CERTIFICATE OF COMPETENCY--BACKFLOW PREVENTION ASSEMBLIES

EFFECTIVE DATE:  7/22/01

Passed by the House April 19, 2001
Yeas 94  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

CLYDE BALLARD
Speaker of the House of Representatives

Passed by the Senate April 10, 2001
Yeas 45  Nays 3

BRAD OWEN
President of the Senate

Approved May 11, 2001, with the exception of section 4, which is vetoed.

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 2172 as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

CYNTHIA ZEHNDER
Chief Clerk

FILED
May 11, 2001 - 10:13 a.m.

GARY LOCKE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to the repair and maintenance of backflow prevention assemblies; amending RCW 18.106.010 and 18.106.040; adding a new section to chapter 18.106 RCW; and adding a new section to chapter 19.27 RCW.

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

Sec. 1. RCW 18.106.010 and 1997 c 326 s 2 are each amended to read as follows:

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

1. "Advisory board" means the state advisory board of plumbers;
2. "Department" means the department of labor and industries;
3. "Director" means the director of department of labor and industries;
4. "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;
5. "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;

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(6) "Medical gas piping installer" means a journeyman plumber who has been issued a medical gas piping installer endorsement;

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

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

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

(b) Maintenance and repair of backflow prevention assemblies.

Sec. 2. RCW 18.106.040 and 1977 ex.s. c 149 s 4 are each amended to read as follows:

(1) Upon receipt of the application and evidence set forth in RCW 18.106.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination:

(a) Each applicant for a journeyman plumber’s certificate of competency shall furnish written evidence that he or she has ((either)) completed a course of study in the plumbing trade in the armed services of the United States or at a school ((accredited)) licensed by the ((coordinating council on occupational education;)) work force training and education coordinating board, or ((that he)) has had four or more years of experience under the direct supervision of a licensed journeyman plumber.

(b) Each applicant for a specialty plumber’s certificate of competency under RCW 18.106.010(8)(a) shall furnish written evidence that he or she has ((either)) completed a course of study in the plumbing trade in the armed services of the United States or at a school ((accredited)) licensed by the ((commission for vocational education or its designee)) work force training and education coordinating board under chapter 28C.10 RCW, or that he or she has had at least three years practical experience in ((his)) the specialty. ((No other requirement for eligibility may be imposed.))

(c) Each applicant for a specialty plumber’s certificate of competency under RCW 18.106.010(8)(b) shall furnish written evidence
that he or she is eligible to take the examination. These eligibility
requirements shall be adopted by rule by the director pursuant to
subsection (2)(b) of this section.

(2)(a) The director shall establish reasonable rules ((and
regulations)) for the examinations to be given applicants for
certificates of competency. In establishing ((said)) the rules,
((regulations, and criteria,)) the director shall consult with the
state advisory board of plumbers as established in RCW 18.106.110.

(b) The director shall establish reasonable criteria by rule for
determining an applicant’s eligibility to take an examination for the
certificate of competency for specialty plumbers under subsection
(1)(c) of this section. In establishing the criteria, the director
shall consult with the state advisory board of plumbers as established
in RCW 18.106.110. These rules must take effect by July 1, 2002.

(3) Upon determination that the applicant is eligible to take the
examination, the director shall so notify ((him)) the applicant,
indicating the time and place for taking the same.

(4) No other requirement for eligibility may be imposed.

NEW SECTION. Sec. 3. A new section is added to chapter 18.106 RCW
to read as follows:

(1) Those actively certified by the department of health on or
before July 1, 2001, as backflow assembly testers and registered as a
contractor under chapter 18.27 RCW or employed by a registered
contractor, may perform maintenance and repair of backflow prevention
assemblies, without being a certified plumber under this chapter, until
January 1, 2003. For the purposes of this section, "maintenance and
repair" include cleaning and replacing internal parts of an assembly,
but do not include installing or replacing backflow prevention
assemblies.

(2) After January 1, 2003, backflow assembly testers exempted under
subsection (1) of this section are required to meet the eligibility
requirements for a specialty plumber’s certificate of competency under
RCW 18.106.040(1)(c).

*NEW SECTION. Sec. 4. A new section is added to chapter 19.27 RCW
to read as follows:

The owner of a building classified as a group R, division 3
occupancy, as defined in the state building code adopted under this

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chapter, shall have the backflow prevention assembly tested by a
department of health certified backflow assembly tester:
(1) At the time of installation, repair, or relocation, if required
by the local official, board, department, or agency authorized to
administer and enforce the provisions of the uniform plumbing code as
adopted under this chapter; or
(2) When such official, board, department, or agency finds that
cross-connection control within the property lines of the premises may
fail to prevent pollution or contamination of the domestic water
supply.
*Sec. 4 was vetoed. See message at end of chapter.

Passed the Senate April 10, 2001.
Approved by the Governor May 11, 2001, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State May 11, 2001.

Note: Governor’s explanation of partial veto is as follows:
"I am returning herewith, without my approval as to section 4,
Engrossed Substitute House Bill No. 2172 entitled:
"AN ACT Relating to the repair and maintenance of backflow
prevention assemblies;"

Engrossed Substitute House Bill No. 2172 creates a specialty
plumber’s certificate of competency for the maintenance and repair of
backflow prevention assemblies. This bill will make it easier and more
cost effective to conduct annual inspections of backflow prevention
assemblies by increasing the number of available inspectors.

Section 4 of the bill would have repealed the requirement that
backflow prevention devices in residential dwellings be annually
inspected. Such action would compromise the health and safety of
Washington residents and the integrity of our state’s potable water.
Without a state inspection requirement, local governments would likely
impose their own requirements, resulting in a multitude of differing
standards.

For these reasons I have vetoed section 4 of Engrossed Substitute
House Bill No. 2172.

With the exception of section 4, Engrossed Substitute House Bill
No. 2172 is approved."