

SHB 1876 - S AMD 493

By Senator Kohl-Welles

1       Strike everything after the enacting clause and insert the  
2 following:

3       "NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this  
4 section apply throughout this chapter unless the context clearly  
5 requires otherwise.

6       (1) "Air conditioning and heating equipment" means equipment  
7 necessary for any system that heats, cools, conditions, ventilates,  
8 filters, humidifies, or dehumidifies environmental air for residential,  
9 industrial, or commercial use. Air conditioning and heating equipment  
10 includes both oil and fuel gas furnaces. It does not include duct  
11 work.

12       (2) "Air conditioning and heating work" means to design, construct,  
13 install, modify, service, repair, and replace air conditioning and  
14 heating equipment and systems. It does not mean to fabricate and  
15 install duct systems.

16       (3) "Board" means the HVAC/R board established in section 30 of  
17 this act.

18       (4) "Boiler" means a closed vessel in which water is heated, steam  
19 is generated, steam is superheated, or a combination thereof, under  
20 pressure or vacuum by the application of heat, electricity, or nuclear  
21 energy. "Boiler" also includes fired units for heating or vaporizing  
22 liquids other than water where these systems are complete within  
23 themselves.

24       (5) "BTUH" means British thermal units per hour.

25       (6) "CFM" means cubic feet per minute.

26       (7) "Contractor" means any person, corporate or otherwise, who is  
27 registered as a contractor by the department under section 2 of this  
28 act.

29       (8) "Department" means the department of labor and industries.

1 (9) "Director" means the director of the department or the  
2 director's designee.

3 (10) "Gas piping" means pipes, valves, or fittings used to convey  
4 fuel gas installed on a premise or in a building. "Gas piping" does  
5 not include service piping.

6 (11) "Gas piping work" means to design, fabricate, construct,  
7 install, modify, or repair gas piping and ventilation related to gas  
8 piping.

9 (12) "HVAC/R" means heating, ventilating, air conditioning, and  
10 refrigeration.

11 (13) "HVAC/R contractor" means any person, corporate or otherwise,  
12 who engages in, or offers or advertises to engage in, any HVAC/R work  
13 covered by the provisions of this chapter by way of trade or business,  
14 or any person, corporate or otherwise, who employs anyone, or offers or  
15 advertises to employ anyone, to engage in any HVAC/R work covered by  
16 the provisions of this chapter.

17 (14)(a) "HVAC/R equipment" means mechanical equipment necessary for  
18 any system that heats, cools, conditions, ventilates, filters,  
19 humidifies, or dehumidifies environmental air for residential,  
20 industrial, or commercial use. HVAC/R equipment includes oil furnaces,  
21 fuel gas furnaces, and duct systems.

22 (b) "HVAC/R equipment and systems" does not include: (i) Single,  
23 stand-alone line voltage equipment or components, such as heat cables,  
24 wall heaters, radiant panel heaters, baseboard heaters, contactors,  
25 motor starters, and similar equipment unless the equipment or component  
26 is exclusively controlled by the HVAC/R system and requires an  
27 additional external connection to a mechanical system, or contains an  
28 HVAC/R mechanical system within the equipment; (ii) solid fuel burning  
29 devices, such as wood stoves and coal stoves; (iii) mechanical piping  
30 other than that necessary to deliver fuel; or (iv) boilers.

31 (15) "HVAC/R service" means to repair, modify, service, and perform  
32 other work required for the normal continued performance of an HVAC/R  
33 system. "HVAC/R service" does not mean to install or replace a system.

34 (16) "HVAC/R work" means to design, fabricate, construct, install,  
35 modify, or repair HVAC/R equipment.

36 (17) "Indirect system" means a system in which a secondary coolant,  
37 cooled or heated by the refrigeration system, is circulated to the air  
38 or other substance to be cooled or heated.

1 (18) "Mechanic" means a person who has been issued a certificate of  
2 competency by the department under section 14 of this act or a  
3 temporary permit under section 19 of this act to perform work under  
4 this chapter.

5 (19) "Property management company" means a company that is  
6 operating in compliance with state real estate licensing rules and is  
7 under contract with the property owner to manage the buildings.

8 (20) "Refrigeration system" means a combination of interconnected  
9 refrigerant-containing parts constituting one closed refrigerant  
10 circuit in which a refrigerant is circulated for the purpose of  
11 extracting heat. "Refrigeration system" includes not only the direct  
12 system but also the indirect system.

13 (21) "Refrigeration work" means to design, fabricate, construct,  
14 install, modify, service, replace, or repair refrigeration systems.

15 (22) "Sheet metal work" means to design, fabricate, construct,  
16 install, modify, service, replace, repair or test, or adjust and  
17 balance HVAC/R equipment and systems. "Sheet metal work" includes the  
18 fabrication and installation of duct systems.

19 (23) "Technical college" means a public community or technical  
20 college, or a not-for-profit nationally accredited technical or trade  
21 school licensed by the workforce training and education coordinating  
22 board under chapter 28C.10 RCW.

23 (24) "Trainee" means a person who has been issued a training  
24 certificate by the department under section 15 of this act or chapter  
25 19.28 RCW to perform work under this chapter or chapter 19.28 RCW.

26 (25) "Valid" means not expired, revoked, or suspended.

27 NEW SECTION. **Sec. 2.** CONTRACTOR REGISTRATION AND MECHANIC  
28 CERTIFICATION--REQUIREMENTS. (1) Except as provided in this chapter,  
29 it is unlawful for:

30 (a) Any person, firm, partnership, corporation, or other entity to  
31 advertise, offer to do work, submit a bid, engage in, conduct, or carry  
32 on the business of performing HVAC/R work without having a valid  
33 registration as a contractor under chapter 18.27 RCW;

34 (b) Any person, firm, or company to advertise, offer to do, or do  
35 the business of an HVAC/R contractor as defined in this chapter, within  
36 the state, unless they have been issued an HVAC/R contractor  
37 registration from the department. The department shall prescribe an

1 application form to be used to apply for a contractor registration  
2 under this chapter and shall require the HVAC/R contractor to also be  
3 a registered general or specialty contractor under chapter 18.27 RCW  
4 prior to being issued an HVAC/R contractor registration. The document  
5 issued by the department indicating the person, firm, partnership,  
6 corporation, or other entity is registered as an HVAC/R contractor  
7 under this chapter and a registered contractor under chapter 18.27 RCW  
8 shall be the same document. Regardless of when the HVAC/R contractor  
9 registration was issued, it shall be suspended, be revoked, expire, or  
10 be renewed at the same time as the contractor registration under  
11 chapter 18.27 RCW;

12 (c) On and after January 1, 2009, any person, firm, partnership,  
13 corporation, or other entity to employ a person to perform or offer to  
14 perform HVAC/R work who has not been issued a certificate or temporary  
15 permit by the department under this chapter; and

16 (d) On and after January 1, 2009, any person to perform HVAC/R work  
17 without having in his or her possession a certificate or permit issued  
18 by the department under this chapter.

19 (2) No political subdivision shall require a person possessing a  
20 certificate or permit issued by the department under this chapter to  
21 demonstrate any additional proof of competency, obtain any license, or  
22 pay any fee to perform HVAC/R work.

23 (3) An HVAC/R sheet metal manufacturer or fabricator, and its  
24 employees, may opt out of the HVAC/R certification requirement of this  
25 section. For purposes of this section, a "sheet metal manufacturer or  
26 fabricator" means an entity that produces duct work for installation  
27 on-site. The term "manufacturer" does not include bidding the product  
28 or installing or subcontracting the installation.

29 NEW SECTION. **Sec. 3.** CERTIFICATE REQUIRED. (1) No person may  
30 engage in or offer to engage in the trade of HVAC/R without having an  
31 HVAC/R certificate, specialty certificate, temporary permit, or trainee  
32 certificate. A trainee must be supervised by a person who has an  
33 HVAC/R certificate, specialty certificate, or temporary permit as  
34 specified in this chapter. No contractor may employ a person to engage  
35 in or offer to engage in the trade of HVAC/R unless the contractor is  
36 a registered HVAC/R contractor and the person performing the HVAC/R

1 work has an HVAC/R certificate, specialty certificate, temporary  
2 permit, or trainee certificate. This section does not apply to a  
3 contractor who is contracting for work on his or her own residence.

4 (2) No contractor may advertise, offer to do work, submit a bid, or  
5 perform any work under this chapter without being registered as an  
6 HVAC/R contractor under this chapter and chapter 18.27 RCW.

7 NEW SECTION. **Sec. 4.** HVAC/R CONTRACTOR. No contractor may employ  
8 a person to engage in or offer to engage in HVAC/R work unless the  
9 contractor is an HVAC/R contractor as defined in this chapter and the  
10 person performing the HVAC/R work has an HVAC/R mechanic's certificate,  
11 a specialty certificate, temporary permit, or trainee certificate under  
12 this chapter. Trainees must be supervised under the requirements of  
13 section 17 of this act.

14 NEW SECTION. **Sec. 5.** PROPERTY MANAGEMENT COMPANIES. A property  
15 management company that employs, in the regular course of business, an  
16 HVAC/R operator certified under section 13 of this act need not  
17 register as an HVAC/R contractor under this chapter.

18 NEW SECTION. **Sec. 6.** NATIONAL CERTIFICATION. The department,  
19 with approval of the HVAC/R board, may recognize a national  
20 certification in exchange for any required certification under this  
21 chapter for propane gas.

22 NEW SECTION. **Sec. 7.** SCOPE OF WORK. The scope of work that may  
23 be performed by a person certified in accordance with this chapter is  
24 as follows:

25 (1) HVAC/R mechanic I. A holder of this certificate has acquired  
26 the necessary experience and passed the appropriate examination(s) for  
27 the following:

28 (a) Gas piping. This specialty may perform gas piping and  
29 ventilation related to gas piping work on fuel burning appliances with  
30 a maximum capacity of five hundred thousand BTUH.

31 (b) Sheet metal. This specialty may perform HVAC/R work on HVAC/R  
32 equipment of seven and one-half tons or less for air conditioning and  
33 three thousand three hundred seventy-five CFM or less. This specialty

1 does not include the installation of refrigeration piping and gas  
2 piping.

3 (c) Refrigeration. This specialty may perform refrigeration and  
4 other mechanical work required for normal continued performance on a  
5 refrigeration system not exceeding ninety thousand BTUH per compressor  
6 using class A1 refrigerants.

7 (d) Air conditioning and heating. This specialty may perform air  
8 conditioning and heating work on air conditioning and heating equipment  
9 of seven and one-half tons or less for air conditioning and three  
10 thousand three hundred seventy-five CFM or less. This specialty does  
11 not include the fabrication and installation of duct work.

12 (2) HVAC/R mechanic II. A holder of this certificate has acquired  
13 the necessary experience and passed the appropriate examination(s) for  
14 the following:

15 (a) Gas piping. This specialty may perform gas piping and  
16 ventilation related to gas piping work on fuel burning appliances with  
17 a maximum capacity of five hundred thousand BTUH.

18 (b) Sheet metal. This specialty may perform HVAC/R work on HVAC/R  
19 equipment of twenty tons or less for air conditioning and nine thousand  
20 CFM or less. This specialty does not include the installation of  
21 refrigeration and gas piping.

22 (c) Refrigeration. This specialty may perform refrigeration and  
23 other mechanical work, except for installation, required for normal  
24 continued performance on a refrigeration system with one or more  
25 compressors not exceeding three hundred thousand BTUH per compressor  
26 using class A1 refrigerants. A refrigeration mechanic II may install  
27 or replace a self-contained refrigeration system up to three hundred  
28 thousand BTUH.

29 (d) Air conditioning and heating. This specialty may perform air  
30 conditioning and heating work on air conditioning and heating equipment  
31 of twenty tons or less for air conditioning and nine thousand CFM or  
32 less. This specialty does not include the fabrication and installation  
33 of duct work.

34 (3) HVAC/R mechanic III. A holder of this certificate has acquired  
35 the necessary experience and passed the appropriate examination(s) for  
36 the following:

37 (a) Gas piping. This specialty may perform all gas piping work on  
38 fuel burning appliances and systems.

1 (b) Sheet metal. This specialty may perform all sheet metal work  
2 on HVAC/R equipment and systems. This specialty does not include the  
3 installation of refrigeration or gas piping.

4 (c) Refrigeration. This specialty may perform refrigeration work  
5 on any refrigeration system using any refrigerant.

6 (d) Air conditioning and heating. This specialty may perform air  
7 conditioning and heating work on all air conditioning and heating  
8 equipment. This specialty does not include the fabrication and  
9 installation of duct systems.

10 NEW SECTION. **Sec. 8.** APPLICATION. (1) A person seeking a  
11 certificate of competency or any specialty under this chapter shall  
12 deliver evidence in a form prescribed by the department affirming that  
13 he or she has met the qualifications required under section 9 of this  
14 act.

15 (2) An HVAC/R mechanic from another state or country applying for  
16 a certificate of competency or any specialty must provide evidence in  
17 a form prescribed by the department affirming that the person has the  
18 equivalent qualifications to those required under section 12 of this  
19 act.

20 NEW SECTION. **Sec. 9.** ELIGIBILITY FOR EXAMINATION. (1) Upon  
21 receipt of an application for certification under this chapter, the  
22 department shall review the application and determine whether the  
23 applicant is eligible to take an examination for an HVAC/R certificate  
24 of competency or specialty as follows:

25 (a) HVAC/R mechanic I. To be eligible to take the examination for  
26 an HVAC/R mechanic I certificate of competency, or any associated  
27 specialty, the applicant must have:

28 (i) Performed HVAC/R work for a minimum of one thousand hours under  
29 the supervision of a certified HVAC/R mechanic for one hundred percent  
30 of the one thousand hours;

31 (ii) Performed HVAC/R work for a minimum of two thousand hours  
32 under the supervision of a certified HVAC/R mechanic for seventy-five  
33 percent of the two thousand hours; or

34 (iii) Successfully completed an apprenticeship program approved  
35 under chapter 49.04 RCW that meets the requirements of this  
36 certification or any associated specialties.

1 (b) Once the applicant has passed the HVAC/R mechanic I exam and  
2 performed the required HVAC/R work under (a)(i) of this subsection he  
3 or she may work unsupervised for the remaining one thousand hours of  
4 required work experience, but may not supervise other trainees until  
5 the applicant has received his or her certification after completion of  
6 the full two thousand hours of on-the-job training.

7 (c) HVAC/R mechanic II. To be eligible to take the examination for  
8 an HVAC/R mechanic II certificate of competency, or any associated  
9 specialty, the applicant must have:

10 (i) Performed HVAC/R work for a minimum of four thousand hours  
11 under the supervision of a certified HVAC/R mechanic for seventy-five  
12 percent of the four thousand hours; or

13 (ii) Successfully completed an apprenticeship program approved  
14 under chapter 49.04 RCW that meets the requirements of this  
15 certification or any associated specialties.

16 (d) The applicant for the mechanic II exam under (c) of this  
17 subsection must complete the four thousand hours of work experience  
18 before he or she is eligible to take the appropriate exams.

19 (e) HVAC/R mechanic III. To be eligible to take the examination  
20 for an HVAC/R mechanic III certificate of competency, or any associated  
21 specialties, the applicant must have:

22 (i) Performed HVAC/R work for a minimum of six thousand hours under  
23 the supervision of a certified HVAC/R mechanic for seventy-five percent  
24 of the six thousand hours;

25 (ii) Performed HVAC/R work for a minimum of eight thousand hours  
26 under the supervision of a certified HVAC/R mechanic for seventy-five  
27 percent of the eight thousand hours; or

28 (iii) Successfully completed an apprenticeship program under  
29 chapter 49.04 RCW that meets the requirements of this certification or  
30 any associated specialties.

31 (f) Once the applicant has passed the HVAC/R mechanic III exam and  
32 performed the required HVAC/R work under (e)(i) of this subsection he  
33 or she may work unsupervised for the remaining two thousand hours of  
34 required work experience, but may not supervise other trainees until  
35 the applicant receives his or her certification after completion of the  
36 full eight thousand hours of on-the-job training.

37 (2) Any on-the-job training under the proper supervision as

1 required by this chapter, and by an individual holding all proper  
2 approved trainee cards, will count toward all required on-the-job  
3 training hours for the HVAC/R mechanic and all associated specialties.

4 (3) Upon determining that the applicant is eligible to take the  
5 examination, the department shall so notify the applicant, indicating  
6 the time and place for taking the examination.

7 (4) No noncertified individual may work unsupervised more than one  
8 year beyond the date when the trainee would be eligible to take the  
9 exam for a certificate of competency if working on a full-time basis  
10 after original application for the training certificate. For the  
11 purposes of this section, "full-time basis" means two thousand hours  
12 per year.

13 NEW SECTION. **Sec. 10.** ALTERNATIVES TO WORK EXPERIENCE. (1) An  
14 applicant for a certificate of competency who has successfully  
15 completed a board-approved program in HVAC/R work at a public community  
16 or technical college, or a not-for-profit nationally accredited  
17 technical or trade school licensed by the workforce training and  
18 education coordinating board under chapter 28C.10 RCW, may substitute  
19 hours of the program for hours of work experience as follows:

	Type of Certificate	Substitution for Work Experience	
20			
21	(a)	HVAC/R Mechanic I	Up to 1,000 hours of technical college program may be substituted for up to 1,000 hours of work experience.
22			
23	(b)	HVAC/R Mechanic II	Up to 2,000 hours of technical college program may be substituted for up to 2,000 hours of work experience, so long as the applicant obtains the additional 2,000 hours of work experience prior to beginning, or after completing, the technical school program.
24			
25			
26			
27			
28	(c)	HVAC/R Mechanic III	Up to 4,000 hours of technical college program may be substituted for up to 4,000 hours of work experience, so long as the applicant obtains the additional 4,000 hours of work experience prior to beginning, or after completing, the technical school program.
29			
30			
31			
32			

33 (2) Any applicant who has received training in HVAC/R work in the  
34 armed forces of the United States may be eligible to apply armed forces

1 work experience towards eligibility to take an examination for a  
2 certificate of competency.

3 (3) The department shall determine whether hours of training and  
4 experience in a technical college program or the armed forces are in  
5 HVAC/R work and appropriate as a substitute for hours of work  
6 experience.

7 NEW SECTION. **Sec. 11. EXAMINATION.** (1) The department, with  
8 advice from the board, shall prepare an examination to be administered  
9 to applicants for certificates of competency or associated specialties  
10 under this chapter. There will be separate exams for the air  
11 conditioning and heating specialty, gas piping specialty, refrigeration  
12 specialty, and sheet metal specialty. A person may take all exams in  
13 one testing session including those administered under chapter 19.28  
14 RCW. A person seeking a full HVAC/R mechanic certificate shall pass  
15 all four specialty examinations. The department shall adopt rules to  
16 implement this section.

17 (2) The department, with advice from the board, may enter into a  
18 contract with a professional testing agency to develop, administer, and  
19 score HVAC/R mechanic certification and specialty examinations. The  
20 department may set the examination fee by contract with the  
21 professional testing agency.

22 (3) The department must, at least four times annually, administer  
23 the examination to persons eligible to take it under section 9 of this  
24 act. The examination fee the department charges must cover, but not  
25 exceed, the costs of preparing and administering the examination.

26 (4) The department must certify the results of the examination upon  
27 the terms and after such a period of time as the department, with the  
28 advice of the board, deems necessary and proper.

29 (5) The examinations shall be constructed to determine:

30 (a) Whether the applicant possesses general knowledge of the  
31 technical information and practical procedures that are identified with  
32 the relevant scope of work; and

33 (b) Whether the applicant is familiar with the applicable  
34 mechanical codes and administrative rules of the department pertaining  
35 to the relevant scope of work.

36 (6) A person may take the examination as many times as necessary

1 without limit. All applicants must, before taking the examination, pay  
2 the required examination fee to the agency administering the  
3 examination.

4 (7) The department, with the advice of the board, shall adopt  
5 policies and procedures to make examinations available in alternative  
6 languages or formats to accommodate all applicants who qualify under  
7 this chapter.

8 NEW SECTION. **Sec. 12.** CERTIFICATION WITHOUT EXAMINATION. (1)

9 Effective April 1, 2008, an applicant may apply for an HVAC/R mechanic  
10 I certificate of competency, or any associated specialty, without  
11 examination so long as the applicant provides the department with  
12 evidence of at least two thousand hours of HVAC/R work experience  
13 performed after January 1, 1996. Two thousand hours of this work  
14 experience must be:

15 (a) HVAC/R work performed with a general or specialty HVAC/R  
16 contractor registered or licensed under chapter 18.27 or 19.28 RCW, or  
17 a person regularly employed by a public entity or an exempt entity  
18 under chapter 19.28 or 18.27 RCW;

19 (b) HVAC/R work with a registered general or specialty HVAC/R  
20 contractor, or the equivalent, which was accrued in another state or  
21 country;

22 (c) HVAC/R work experience in the United States armed forces; or

23 (d) Any combination of at least two thousand hours of HVAC/R work  
24 experience as described in (a) through (c) of this subsection.

25 (2) Effective April 1, 2008, a person may apply for an HVAC/R  
26 mechanic II certificate of competency without examination, so long as  
27 the applicant provides the department with evidence of at least four  
28 thousand hours of HVAC/R work experience performed after January 1,  
29 1996. Four thousand hours of this work experience must be:

30 (a) HVAC/R work with a general or specialty HVAC/R contractor  
31 registered or licensed under chapter 18.27 or 19.28 RCW, or person  
32 regularly employed by a public entity or an exempt entity under chapter  
33 19.28 or 18.27 RCW;

34 (b) HVAC/R work with a general or specialty HVAC/R contractor, or  
35 the equivalent, which was accrued in another state or country;

36 (c) HVAC/R work experience in the United States armed forces; or

1 (d) Any combination of at least four thousand hours of HVAC/R work  
2 experience as described in (a) through (c) of this subsection.

3 (3) Effective April 1, 2008, a person may apply for an HVAC/R  
4 mechanic III certificate of competency without examination, so long as  
5 the applicant provides the department with evidence of at least eight  
6 thousand hours of HVAC/R work experience performed after January 1,  
7 1996. Eight thousand hours of this work experience must be:

8 (a) HVAC/R work with a general or specialty HVAC/R contractor  
9 registered or licensed under chapter 18.27 or 19.28 RCW or a person  
10 regularly employed by a public entity or an exempt entity under chapter  
11 19.28 or 18.27 RCW;

12 (b) HVAC/R work with a general or specialty HVAC/R contractor, or  
13 the equivalent, which was accrued in another state, country, or  
14 province;

15 (c) HVAC/R work experience in the United States armed forces; or

16 (d) Any combination of at least eight thousand hours of HVAC/R work  
17 experience as described in (a) through (c) of this subsection.

18 (4) The department may not accept applications for certification  
19 without examination submitted on or after December 31, 2008. The  
20 department may not extend this deadline.

21 (5) Effective April 1, 2008, a person may apply for an HVAC/R  
22 mechanic III certificate of competency without examination, so long as  
23 the applicant provides the department with evidence that he or she has  
24 completed an apprenticeship program under chapter 49.04 RCW or an  
25 equivalent apprenticeship program from another state or country.

26 (6) Notwithstanding subsection (7) of this section, any person  
27 holding a current journey refrigeration mechanic license issued by the  
28 city of Seattle shall be issued a refrigeration and an air conditioning  
29 and heating mechanic III certificate without meeting any additional  
30 requirements.

31 (7) The department shall include the hours a building or stationary  
32 operating engineer that does not currently hold a journey refrigeration  
33 mechanic license issued by the city of Seattle or another local  
34 jurisdiction has logged up to the maximum required for an HVAC/R  
35 mechanic III certification provided the engineer submits an affidavit  
36 of experience. If the engineer has the requisite number of hours for  
37 a refrigeration and an air conditioning and heating mechanic III  
38 certification, the department shall grant that certification without

1 prior examination. If the engineer does not have the requisite number  
2 of hours for an HVAC/R mechanic II certification, he or she must obtain  
3 a trainee card and accrue the remaining hours under the supervision of  
4 an HVAC/R mechanic III. Once the engineer has accrued the requisite  
5 number of hours, he or she may take the examination at the appropriate  
6 level as determined by rule.

7 (8) Effective April 1, 2008, a person may apply for certification  
8 as a gas piping mechanic without examination, so long as he or she  
9 provides the department with evidence that he or she:

10 (a) Performed at least one thousand hours of gas piping work on or  
11 after January 1, 1996; or

12 (b) Was licensed as a gas piping fitter, installer, or mechanic by  
13 Kennewick, Seattle, Spokane, Tacoma, Vancouver, or Yakima on July 1,  
14 2007.

15 NEW SECTION. **Sec. 13.** HVAC/R OPERATOR CERTIFICATION. (1) An  
16 HVAC/R operator certification is created with no limits on tonnage.

17 (2) The scope of work for this certification includes preventive  
18 maintenance such as filter changing, belt replacement, bearing  
19 lubrication, and equipment logging. A person holding this  
20 certification may not perform major repairs, sealed system work, or  
21 equipment replacement.

22 (3) A person who installs, alters, or repairs an HVAC/R system  
23 containing six pounds or less of any refrigerant and actuated by a  
24 motor or engine having a standard rating of one-quarter horsepower or  
25 less, or an absorption system having a rating of one-quarter ton of  
26 refrigeration effect is exempt from having to obtain a certificate  
27 under this section.

28 (4) Any person holding a valid refrigeration operating engineer  
29 license issued by the city of Seattle shall be issued an HVAC/R  
30 operator certificate without meeting any additional requirements. For  
31 purposes of this section, "refrigeration operating engineer" means a  
32 full-time employee who spends a substantial portion of time in the  
33 maintenance and operation of a refrigeration system in a building, or  
34 portion thereof, used for occupant comfort, manufacturing, processing,  
35 or storage of materials or products including, among others, chemicals,  
36 food, candy, and ice cream factories, ice-making plants, meat packing  
37 plants, refineries, perishable food warehouses, hotels, hospitals,

1 restaurants, and similar occupancies and equipped with a refrigeration  
2 system and whose duty it is to operate, maintain, and keep safe and in  
3 serviceable condition all of the employer's refrigeration systems and  
4 equipment.

5 (5) The department shall develop an examination that the applicant  
6 must pass before a person can be issued a certificate under this  
7 section. The exam shall be comparable to the current refrigeration  
8 operating engineer license test used by the city of Seattle.

9 (6) The hours logged as an HVAC/R operator under this section count  
10 towards the hours required to obtain an HVAC/R mechanic I certificate  
11 as long as the operator is supervised during those hours by a certified  
12 HVAC/R mechanic I, II, or III, and holds a current trainee card.

13 NEW SECTION. **Sec. 14.** CERTIFICATES OF COMPETENCY. (1) The  
14 department shall issue a certificate of competency to an applicant who  
15 passes the examination as provided in section 11 of this act, and has  
16 complied with this chapter and rules adopted under this chapter. The  
17 department may deny an application for a certificate for up to two  
18 years if the applicant's previous certificate has been revoked.

19 (2) The department shall renew a certificate of competency issued  
20 to a mechanic who applies for renewal not more than ninety days after  
21 the certificate expires, and has complied with the continuing education  
22 requirement in section 16 of this act. The department may not renew a  
23 certificate that has been revoked or suspended. The department may  
24 deny renewal of a certificate if the applicant for renewal owes  
25 outstanding penalties for a final judgment under this chapter.

26 (3) A certificate of competency is valid for three years, unless  
27 revoked or suspended, and expires on the mechanic's birth date. The  
28 certificate shall include the expiration date.

29 (4) The department shall create a single document and establish a  
30 single expiration date for a mechanic who holds two or more  
31 certificates or specialties under chapters 18.106 and 19.28 RCW and  
32 this chapter. The document shall list all of the mechanic's  
33 certificates of competency and specialties.

34 NEW SECTION. **Sec. 15.** TRAINING CERTIFICATES. (1) The department  
35 shall issue a training certificate to an applicant who is registered in

1 an apprenticeship program approved under chapter 49.04 RCW for HVAC/R  
2 work or is otherwise learning to perform HVAC/R work.

3 (2) The department shall renew a training certificate issued to a  
4 trainee who provides the department with an accurate list of the  
5 trainee's employers in the HVAC/R industry for the previous two-year  
6 period and the number of hours worked for each employer, and has  
7 complied with the continuing education requirement in section 16 of  
8 this act.

9 (3) A trainee shall have his or her training certificate in his or  
10 her possession when performing HVAC/R mechanic or operator work. The  
11 trainee shall show the certificate to an authorized representative of  
12 the department at the representative's request.

13 (4) A training certificate is valid for two years, and expires on  
14 the trainee's birth date. The certificate shall include the expiration  
15 date.

16 NEW SECTION. **Sec. 16.** CONTINUING EDUCATION. (1) A certified  
17 mechanic must demonstrate satisfactory completion of twenty-four hours  
18 of continuing education in the three-year period prior to renewing his  
19 or her certificate.

20 (2) A trainee must demonstrate satisfactory completion of sixty  
21 hours of related supplemental instruction or equivalent training  
22 courses or courses taken as part of an apprenticeship program approved  
23 under chapter 49.04 RCW prior to renewing his or her certificate.

24 (3) The department, with the advice of the board, shall determine  
25 the contents of continuing education courses and establish the  
26 requirements for satisfactory completion of such courses. If the  
27 department determines that a continuing education course offered in  
28 another state is comparable to courses offered in Washington, the  
29 department shall accept proof of satisfactory completion of the course  
30 as meeting the continuing education requirement in this section.

31 NEW SECTION. **Sec. 17.** TRAINEE SUPERVISION RATIOS. (1) Except as  
32 provided in subsection (2) of this section, an HVAC and an HVAC/R  
33 specialty trainee may perform HVAC/R work, but only when the trainee is  
34 on the same job site and under the control of a certified mechanic.  
35 The percentage of the working day that the mechanic is on the same job  
36 site as the trainee must not be less than the supervision requirement

1 in this subsection and section 9 of this act. The ratio of trainees to  
 2 mechanics on the same job site must not be greater than the ratio  
 3 requirement in this subsection.

	<b>Trainee is working as a --</b>	<b>Mechanic must be minimally certified as a --</b>	<b>Ratio requirement for trainees not in a technical college program</b>	<b>Ratio requirement for trainees in a technical college program</b>
7 (a)	HVAC/R mechanic I	HVAC/R mechanic I, II, or III	2 trainees to 1 mechanic	4 trainees to 1 mechanic
9 (b)	HVAC/R mechanic II	HVAC/R mechanic II or III	2 trainees to 1 mechanic	4 trainees to 1 mechanic
10 (c)	HVAC/R mechanic III	HVAC/R mechanic III	2 trainees to 1 mechanic	4 trainees to 1 mechanic

12 (2) When the ratio of certified HVAC/R mechanics to trainees on a  
 13 job site is one certified HVAC/R mechanic to three or four trainees,  
 14 the certified HVAC/R mechanic must:

15 (a) Directly supervise and instruct the trainees and the certified  
 16 HVAC/R mechanic may not directly make or engage in HVAC/R installation;  
 17 and

18 (b) Be on the same job site as the trainees for a minimum of one  
 19 hundred percent of each working day.

20 (3) Subsection (1) of this section does not apply to a trainee who:

21 (a) Successfully completed or is currently enrolled in an approved  
 22 apprenticeship program or a technical college, or in an HVAC/R program  
 23 at a not-for-profit nationally accredited technical or trade school  
 24 licensed by the workforce training and education coordinating board  
 25 under chapter 28C.10 RCW. The trainee may work without direct on-site  
 26 supervision during the last six months of meeting the practical  
 27 experience requirements of this chapter; or

28 (b) Performs HVAC/R service work while on the same job site as a  
 29 mechanic. The percentage of the working day that the mechanic is on  
 30 the same job site as the trainee must not be less than the supervision  
 31 requirement specified in rule.

32 NEW SECTION. **Sec. 18.** TRAINEE HOURS. (1)(a) Each contractor  
 33 shall report to the department the names and certificate numbers of  
 34 trainees who worked on behalf of the contractor and the hours worked by

1 each of the trainees, and shall attest that all of the reported hours  
2 worked by trainees were in compliance with the supervision and ratio  
3 requirements in section 17 of this act.

4 (b) In order for hours to count toward all electrical and HVAC/R  
5 mechanic certifications, the contractor must be licensed as an  
6 electrical contractor under chapter 19.28 RCW and as an HVAC/R  
7 contractor under this chapter.

8 (c) In order to count hours for an HVAC/R certificate or specialty,  
9 the trainee must be supervised by a certified HVAC/R mechanic. The  
10 mechanic may be employed by a contractor registered or licensed under  
11 chapter 18.27 or 19.28 RCW, provided the contractor also registers  
12 under this chapter.

13 (d) Notwithstanding (c) of this subsection, a trainee regularly  
14 employed by a public entity, a property management company, or an  
15 exempt entity under chapter 18.27 or 19.28 RCW may count hours for an  
16 HVAC/R certificate or specialty if the trainee is supervised by a  
17 certified HVAC/R mechanic.

18 (e) In order for hours to count for HVAC/R electrical work under  
19 chapter 19.28 RCW, the trainee must be supervised by an appropriately  
20 certified electrician. The electrician must be employed by a  
21 contractor licensed under chapter 19.28 RCW or a person regularly  
22 employed by a public entity or an exempt entity under chapter 18.27 or  
23 19.28 RCW. Experience towards an HVAC/R mechanic certificate may be  
24 obtained at the same time the trainee is meeting the experience  
25 required by RCW 19.28.191.

26 (f) Each contractor shall also report to the department the names  
27 and certificate numbers of supervising mechanics.

28 (2) The department may audit the records of a contractor who  
29 reported hours worked by a trainee under subsection (1) of this section  
30 in the following circumstances: (a) Excessive hours were reported; (b)  
31 hours were reported outside the normal course of the contractor's  
32 business; (c) the type of hours reported do not reasonably match the  
33 type of permits purchased; or (d) for other similar circumstances in  
34 which the department demonstrates a likelihood of excessive hours being  
35 reported. The department shall limit the audit to records necessary to  
36 verify hours.

37 (3) Information obtained from a contractor under this section is

1 confidential and is not open to public inspection under chapter 42.56  
2 RCW.

3 NEW SECTION. **Sec. 19.** TEMPORARY PERMITS. (1) The department may  
4 issue a ninety-day temporary permit in lieu of a certificate of  
5 competency to a mechanic from another state or country. A mechanic  
6 with a temporary permit may perform HVAC/R work from the date the  
7 mechanic submits an application to the department for a certificate of  
8 competency and the date the department furnishes to the applicant the  
9 results of the examination for the certificate.

10 (2) The department may not issue a temporary permit to any  
11 applicant who is not eligible to take the examination for a certificate  
12 of competency or failed the examination for the certificate.

13 (3) A mechanic with a temporary permit who fails the examination  
14 for a certificate of competency is entitled to continue to perform  
15 HVAC/R work under the temporary permit for ninety days if the mechanic  
16 is enrolled in a department-approved mechanic refresher course. After  
17 completing the mechanic refresher course, the mechanic may retake the  
18 examination.

19 NEW SECTION. **Sec. 20.** RECIPROACITY. The department may enter into  
20 a reciprocity agreement with another state whose certification  
21 requirements are equal to the standards set under this chapter. The  
22 reciprocity agreement shall provide for the acceptance of Washington  
23 and the other state's mechanic certificate of competency or its  
24 equivalent by Washington and the other state.

25 NEW SECTION. **Sec. 21.** SUSPENSION AND REVOCATION. (1) The  
26 department may revoke a certificate of competency if the department  
27 determines that the mechanic or operator: (a) Obtained his or her  
28 certificate through error or fraud; (b) is incompetent to perform  
29 HVAC/R work; or (c) committed a violation of this chapter or rules  
30 adopted under this chapter that presents imminent danger to the public.

31 (2) The department shall immediately suspend the certificate of a  
32 person who has been certified pursuant to RCW 74.20A.320 by the  
33 department of social and health services as a person who is not in  
34 compliance with a support order. If the person has continued to meet  
35 all other requirements for reinstatement during the suspension,

1 reissuance of the certificate shall be automatic upon the department's  
2 receipt of a release issued by the department of social and health  
3 services stating that the person is in compliance with the order.

4 NEW SECTION. **Sec. 22.** EXEMPTIONS. (1) This chapter does not  
5 apply to:

6 (a) A person cleaning or replacing air filters, lubricating  
7 bearings, replacing fan belts, cleaning evaporators or condensers, or  
8 cleaning cooling towers;

9 (b) A person installing, altering, or repairing an HVAC/R system  
10 containing six pounds or less of any refrigerant and actuated by a  
11 motor or engine having a standard rating of one-quarter horsepower or  
12 less, or absorption system having a rating of one-quarter ton or less  
13 refrigeration effect;

14 (c) A person installing a wood, pellet, or gas-fueled hearth  
15 appliance that has a visual presence in the living space of a home,  
16 including connecting the appliance with an approved flexible gas supply  
17 line not to exceed forty-eight inches in length and not to include  
18 installation of ventilation duct work or other duct work;

19 (d) A person setting oil tanks and piping to the furnace;

20 (e) A person setting propane tanks and piping outside a building;

21 (f) A person performing HVAC/R work at his or her residence, farm,  
22 place of business, or on other property owned by him or her unless the  
23 HVAC/R work is on the construction of a new building intended for rent,  
24 sale, or lease;

25 (g) A person performing HVAC/R work on his or her own property or  
26 to regularly employed employees working on the premises of their  
27 employer, unless the HVAC/R work is on the construction of a new  
28 building intended for rent, sale, or lease;

29 (h) A person performing work for or on behalf of a natural gas  
30 utility, including the installation, repair, and maintenance of gas  
31 piping when such work is incidental to the business of delivering  
32 natural gas to the premises. For the purposes of this chapter,  
33 "natural gas utility" means a gas company, as defined under RCW  
34 80.04.010;

35 (i) An architect licensed under chapter 18.08 RCW or an engineer  
36 licensed under chapter 18.43 RCW who is designing HVAC/R systems, but  
37 who is not otherwise performing HVAC/R work;

1 (j) A person making a like-in-kind replacement of a household  
2 appliance; or

3 (k) A person installing wood or pellet stoves.

4 (2) Nothing precludes any person who is exempt from the  
5 certification requirements of this chapter under this section from  
6 obtaining a mechanic certificate of competency if they otherwise meet  
7 the requirements of this chapter.

8 NEW SECTION. **Sec. 23.** CIVIL PENALTIES. Any person, firm,  
9 partnership, corporation, or other entity found in violation of this  
10 chapter shall be assessed a penalty not to exceed five thousand  
11 dollars. The department shall set by rule a schedule of penalties for  
12 violating this chapter. Each day that a person, firm, partnership,  
13 corporation, or other entity violates this chapter is a separate  
14 violation. Any penalties collected by the department under this  
15 chapter shall be deposited into the plumbing and HVAC/R certificate  
16 fund.

17 NEW SECTION. **Sec. 24.** APPLICATION OF ADMINISTRATIVE PROCEDURE  
18 ACT. The proceedings for denying applications, suspending or revoking  
19 certificates, and imposing civil penalties or other remedies issued  
20 pursuant to this chapter and any appeal from those proceedings or  
21 review of those proceedings shall be governed by the provisions of the  
22 administrative procedure act, chapter 34.05 RCW.

23 NEW SECTION. **Sec. 25.** FEES. (1) The department shall charge fees  
24 for the issuance, renewal, and reinstatement of all certificates,  
25 permits, specialties, and examinations required by this chapter. The  
26 department shall set the fee amounts by rule.

27 (2) The fees collected under this chapter shall cover the full  
28 costs of issuing contractor registrations under this chapter, the  
29 certificates and permits, devising and administering the examinations,  
30 and administering and enforcing this chapter and chapter 18.106 RCW.

31 NEW SECTION. **Sec. 26.** DEPOSITS. All moneys received by the  
32 department from certificates, permits, specialties, examinations, or  
33 other sources under this chapter shall be paid to the state treasurer  
34 as ex officio custodian thereof and placed in a special fund designated

1 as the "plumbing and HVAC/R certificate fund." The treasurer shall pay  
2 out upon vouchers duly and regularly issued therefore and approved by  
3 the director. The treasurer shall keep an accurate record of payments  
4 into the fund, and of all disbursements from the fund. The fund shall  
5 be charged with its pro rata share of the cost of administering the  
6 fund.

7 **Sec. 27.** RCW 18.106.125 and 1983 c 124 s 17 are each amended to  
8 read as follows:

9 The department shall charge fees for issuance, renewal, and  
10 reinstatement of all certificates and permits and for examinations  
11 required by this chapter. The department shall set the fees by rule.

12 The fees collected under this act and this chapter shall cover the  
13 full cost of issuing the certificates and permits, devising and  
14 administering the examinations, and administering and enforcing this  
15 chapter and this act. The costs shall include travel, per diem, and  
16 administrative support costs.

17 **Sec. 28.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006  
18 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and  
19 amended to read as follows:

20 (1) All earnings of investments of surplus balances in the state  
21 treasury shall be deposited to the treasury income account, which  
22 account is hereby established in the state treasury.

23 (2) The treasury income account shall be utilized to pay or receive  
24 funds associated with federal programs as required by the federal cash  
25 management improvement act of 1990. The treasury income account is  
26 subject in all respects to chapter 43.88 RCW, but no appropriation is  
27 required for refunds or allocations of interest earnings required by  
28 the cash management improvement act. Refunds of interest to the  
29 federal treasury required under the cash management improvement act  
30 fall under RCW 43.88.180 and shall not require appropriation. The  
31 office of financial management shall determine the amounts due to or  
32 from the federal government pursuant to the cash management improvement  
33 act. The office of financial management may direct transfers of funds  
34 between accounts as deemed necessary to implement the provisions of the  
35 cash management improvement act, and this subsection. Refunds or

1 allocations shall occur prior to the distributions of earnings set  
2 forth in subsection (4) of this section.

3 (3) Except for the provisions of RCW 43.84.160, the treasury income  
4 account may be utilized for the payment of purchased banking services  
5 on behalf of treasury funds including, but not limited to, depository,  
6 safekeeping, and disbursement functions for the state treasury and  
7 affected state agencies. The treasury income account is subject in all  
8 respects to chapter 43.88 RCW, but no appropriation is required for  
9 payments to financial institutions. Payments shall occur prior to  
10 distribution of earnings set forth in subsection (4) of this section.

11 (4) Monthly, the state treasurer shall distribute the earnings  
12 credited to the treasury income account. The state treasurer shall  
13 credit the general fund with all the earnings credited to the treasury  
14 income account except:

15 (a) The following accounts and funds shall receive their  
16 proportionate share of earnings based upon each account's and fund's  
17 average daily balance for the period: The capitol building  
18 construction account, the Cedar River channel construction and  
19 operation account, the Central Washington University capital projects  
20 account, the charitable, educational, penal and reformatory  
21 institutions account, the Columbia river basin water supply development  
22 account, the common school construction fund, the county criminal  
23 justice assistance account, the county sales and use tax equalization  
24 account, the data processing building construction account, the  
25 deferred compensation administrative account, the deferred compensation  
26 principal account, the department of retirement systems expense  
27 account, the developmental disabilities community trust account, the  
28 drinking water assistance account, the drinking water assistance  
29 administrative account, the drinking water assistance repayment  
30 account, the Eastern Washington University capital projects account,  
31 the education construction fund, the education legacy trust account,  
32 the election account, the emergency reserve fund, the energy freedom  
33 account, The Evergreen State College capital projects account, the  
34 federal forest revolving account, the freight mobility investment  
35 account, the freight mobility multimodal account, the health services  
36 account, the public health services account, the health system capacity  
37 account, the personal health services account, the state higher  
38 education construction account, the higher education construction

1 account, the highway infrastructure account, the high-occupancy toll  
2 lanes operations account, the plumbing and HVAC/R certificate fund, the  
3 industrial insurance premium refund account, the judges' retirement  
4 account, the judicial retirement administrative account, the judicial  
5 retirement principal account, the local leasehold excise tax account,  
6 the local real estate excise tax account, the local sales and use tax  
7 account, the medical aid account, the mobile home park relocation fund,  
8 the multimodal transportation account, the municipal criminal justice  
9 assistance account, the municipal sales and use tax equalization  
10 account, the natural resources deposit account, the oyster reserve land  
11 account, the pension funding stabilization account, the perpetual  
12 surveillance and maintenance account, the public employees' retirement  
13 system plan 1 account, the public employees' retirement system combined  
14 plan 2 and plan 3 account, the public facilities construction loan  
15 revolving account beginning July 1, 2004, the public health  
16 supplemental account, the public works assistance account, the Puyallup  
17 tribal settlement account, the real estate appraiser commission  
18 account, the regional mobility grant program account, the resource  
19 management cost account, the rural Washington loan fund, the site  
20 closure account, the small city pavement and sidewalk account, the  
21 special wildlife account, the state employees' insurance account, the  
22 state employees' insurance reserve account, the state investment board  
23 expense account, the state investment board commingled trust fund  
24 accounts, the supplemental pension account, the Tacoma Narrows toll  
25 bridge account, the teachers' retirement system plan 1 account, the  
26 teachers' retirement system combined plan 2 and plan 3 account, the  
27 tobacco prevention and control account, the tobacco settlement account,  
28 the transportation infrastructure account, the transportation  
29 partnership account, the tuition recovery trust fund, the University of  
30 Washington bond retirement fund, the University of Washington building  
31 account, the volunteer fire fighters' and reserve officers' relief and  
32 pension principal fund, the volunteer fire fighters' and reserve  
33 officers' administrative fund, the Washington fruit express account,  
34 the Washington judicial retirement system account, the Washington law  
35 enforcement officers' and fire fighters' system plan 1 retirement  
36 account, the Washington law enforcement officers' and fire fighters'  
37 system plan 2 retirement account, the Washington public safety  
38 employees' plan 2 retirement account, the Washington school employees'

1 retirement system combined plan 2 and 3 account, the Washington state  
2 health insurance pool account, the Washington state patrol retirement  
3 account, the Washington State University building account, the  
4 Washington State University bond retirement fund, the water pollution  
5 control revolving fund, and the Western Washington University capital  
6 projects account. Earnings derived from investing balances of the  
7 agricultural permanent fund, the normal school permanent fund, the  
8 permanent common school fund, the scientific permanent fund, and the  
9 state university permanent fund shall be allocated to their respective  
10 beneficiary accounts. All earnings to be distributed under this  
11 subsection (4)(a) shall first be reduced by the allocation to the state  
12 treasurer's service fund pursuant to RCW 43.08.190.

13 (b) The following accounts and funds shall receive eighty percent  
14 of their proportionate share of earnings based upon each account's or  
15 fund's average daily balance for the period: The aeronautics account,  
16 the aircraft search and rescue account, the county arterial  
17 preservation account, the department of licensing services account, the  
18 essential rail assistance account, the ferry bond retirement fund, the  
19 grade crossing protective fund, the high capacity transportation  
20 account, the highway bond retirement fund, the highway safety account,  
21 the motor vehicle fund, the motorcycle safety education account, the  
22 pilotage account, the public transportation systems account, the Puget  
23 Sound capital construction account, the Puget Sound ferry operations  
24 account, the recreational vehicle account, the rural arterial trust  
25 account, the safety and education account, the special category C  
26 account, the state patrol highway account, the transportation 2003  
27 account (nickel account), the transportation equipment fund, the  
28 transportation fund, the transportation improvement account, the  
29 transportation improvement board bond retirement account, and the urban  
30 arterial trust account.

31 (5) In conformance with Article II, section 37 of the state  
32 Constitution, no treasury accounts or funds shall be allocated earnings  
33 without the specific affirmative directive of this section.

34 NEW SECTION. **Sec. 29.** LIABILITY. (1) This chapter may not be  
35 construed to relieve from or lessen the responsibility or liability of  
36 any person for injury or damage to person or property caused by or  
37 resulting from any HVAC/R work performed by the person.

1 (2) The state of Washington, and its officers, agents, and  
2 employees may not be held liable for any acts performed pursuant to  
3 this chapter.

4 NEW SECTION. **Sec. 30.** HVAC/R BOARD. (1) An HVAC/R board is  
5 established.

6 (2) The board shall consist of thirteen members to be appointed by  
7 the governor with the advice of the director.

8 (a) Four members shall be HVAC/R mechanics, of which at least one,  
9 but not more than two, shall be an HVAC/R mechanic performing work east  
10 of the crest of the Cascade mountains.

11 (b) Four members shall be HVAC/R contractors, of which at least  
12 one, but not more than two, shall be a contractor doing business east  
13 of the crest of the Cascade mountains.

14 (c) One member shall be from the general public and be familiar  
15 with HVAC/R work.

16 (d) One member shall be a building operator representing the  
17 commercial property management industry.

18 (e) One member shall be from the stationary operating engineers.

19 (f) One member shall be from a technical college or an approved  
20 apprenticeship training program.

21 (g) One member shall be a building official familiar with  
22 enforcement of HVAC/R work.

23 (3) Except as provided in this subsection, the term of each member  
24 shall be three years. The term of each initial member shall expire as  
25 follows: (a) The terms of the first HVAC/R mechanic and the first  
26 HVAC/R contractor shall expire July 1, 2008; (b) the terms of the  
27 second HVAC/R mechanic, the second HVAC/R contractor, and the public  
28 member shall expire July 1, 2009; and (c) the terms of the third HVAC/R  
29 mechanic and the third HVAC/R contractor shall expire July 1, 2010. To  
30 ensure that the board may continue to act, a member whose term expires  
31 shall continue to serve until his or her replacement is appointed. In  
32 the case of any vacancy on the board for any reason, the governor shall  
33 appoint a new member to serve out the term of the person whose position  
34 has become vacant.

35 (4) The board shall, at its first meeting, elect one of its members  
36 to serve as chair.

1 (5) The board shall meet at least quarterly in accordance with a  
2 schedule established by the board.

3 (6) The board shall:

4 (a) Conduct proceedings for denying applications, suspending or  
5 revoking certificates, and imposing civil penalties or other remedies.  
6 Such proceedings shall be conducted in accordance with chapter 34.05  
7 RCW;

8 (b) Review and make recommendations to adopt, amend, or repeal any  
9 rules under this chapter. The director may not adopt, amend, or repeal  
10 any rules until the board has conducted its review and made its  
11 recommendations;

12 (c) Approve expenditures from the plumbing and HVAC/R certificate  
13 fund; and

14 (d) Advise the department on all other matters relative to this  
15 chapter.

16 (7) The members of the board are entitled to be reimbursed for  
17 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

18 NEW SECTION. **Sec. 31.** ADVISORY COMMITTEE. The department, with  
19 advice from the electrical board, shall convene an advisory committee  
20 that shall include representatives of stakeholders affected by this  
21 chapter, to review the electrical licenses and certifications required  
22 under chapter 19.28 RCW in relation to the certificates required under  
23 this chapter. The advisory committee shall review the scope of work  
24 for the HVAC/R work, the process for certification of hours,  
25 supervision requirements, and testing requirements to determine if  
26 modifications are needed to provide for the safety of the public and of  
27 the worker, protection of the consumer, and to provide a reasonable  
28 career path for workers in the HVAC/R industry.

29 NEW SECTION. **Sec. 32.** ADMINISTRATION. (1) The director may adopt  
30 rules necessary for the administration of this chapter.

31 (2) The department shall administer this chapter in conjunction  
32 with its administration of chapter 18.106 RCW.

33 (3) In the administration of this chapter, the department shall not  
34 enter any controversy arising over work assignments with respect to the  
35 trades involved in the construction industry.

1        NEW SECTION.    **Sec. 33.**    EFFECT ON OTHER LAWS.    (1) Nothing in this  
2 chapter shall be construed to modify chapter 18.106 or 19.28 RCW.

3        (2) Nothing in this chapter prohibits or restricts an individual  
4 who is certified under chapter 18.106 or 19.28 RCW from engaging in the  
5 trade in which he or she is certified.

6        (3) Nothing in this chapter shall be construed to regulate plumbing  
7 work defined in chapter 18.106 RCW and applicable rules or electrical  
8 work defined in chapter 19.28 RCW and applicable rules in the scope of  
9 work defined in this chapter.

10        **Sec. 34.**    RCW 18.27.060 and 2006 c 185 s 14 are each amended to  
11 read as follows:

12        GENERAL AND SPECIALITY CONTRACTOR REGISTRATION.    (1) A certificate  
13 of registration shall be valid for two years and shall be renewed on or  
14 before the expiration date.    The department shall issue to the  
15 applicant a certificate of registration upon compliance with the  
16 registration requirements of this chapter.

17        (2) If the department approves an application, it shall issue a  
18 certificate of registration to the applicant.

19        (3) If a contractor's surety bond or other security has an  
20 unsatisfied judgment against it or is canceled, or if the contractor's  
21 insurance policy is canceled, the contractor's registration shall be  
22 automatically suspended on the effective date of the impairment or  
23 cancellation.    The department shall mail notice of the suspension to  
24 the contractor's address on the certificate of registration by  
25 certified and by first class mail within two days after suspension.

26        (4) Renewal of registration is valid on the date the department  
27 receives the required fee and proof of bond and liability insurance, if  
28 sent by certified mail or other means requiring proof of delivery.    The  
29 receipt or proof of delivery shall serve as the contractor's proof of  
30 renewed registration until he or she receives verification from the  
31 department.

32        (5) The department shall immediately suspend the certificate of  
33 registration of a contractor who has been certified by the department  
34 of social and health services as a person who is not in compliance with  
35 a support order or a visitation order as provided in RCW 74.20A.320.  
36 The certificate of registration shall not be reissued or renewed unless  
37 the person provides to the department a release from the department of

1 social and health services stating that he or she is in compliance with  
2 the order and the person has continued to meet all other requirements  
3 for certification during the suspension.

4 (6) For a contractor who employs plumbers, as described in RCW  
5 18.106.010(10)(c), and is also required to be licensed as an electrical  
6 contractor as required in RCW 19.28.041, while doing pump and  
7 irrigation or domestic pump work described in rule as authorized by RCW  
8 19.28.251, the department shall establish a single  
9 registration/licensing document for those who qualify for both general  
10 contractor registration as defined by this chapter and an electrical  
11 contractor license as defined by chapter 19.28 RCW.

12 (7) For a contractor who qualifies for two or more registrations or  
13 licenses under this chapter, chapter 18.-- (sections 1 through 26, 29  
14 through 33, and 35 through 39 of this act), and 19.28 RCW, the  
15 department shall establish a single registration/licensing document.  
16 The document shall list all of the contractor's registrations and  
17 licenses.

18 NEW SECTION. Sec. 35. COMPLIANCE INSPECTORS. (1) The director  
19 shall appoint compliance inspectors to investigate alleged or apparent  
20 violations of this chapter. The director, or authorized compliance  
21 inspector, upon presentation of appropriate credentials, may inspect  
22 and investigate job sites at which an HVAC/R contractor had bid or  
23 presently is working to determine whether the HVAC/R contractor is  
24 registered and their employees are certified and working in accordance  
25 with this chapter or the rules adopted under this chapter or whether  
26 there is a violation of this act. Upon request of the compliance  
27 inspector, an HVAC/R contractor or an employee of the contractor shall  
28 provide information identifying the HVAC/R contractor and those  
29 employees working on-site.

30 (2) If the employee of an unregistered contractor is cited by a  
31 compliance inspector, that employee is cited as the agent of the  
32 employer, and issuance of the infraction to the employee is notice to  
33 the unregistered employer contractor that the contractor is in  
34 violation of this chapter. An employee who is cited by a compliance  
35 inspector shall not be liable for any of the alleged violations  
36 contained in the citation unless the employee is also the unregistered

1 contractor or the employee is performing work that requires a  
2 certification under this chapter without proper proof of the  
3 certification.

4 NEW SECTION. **Sec. 36.** NOTICE OF INFRACTION. The department may  
5 issue a notice of infraction if the department reasonably believes that  
6 the HVAC/R contractor or the employees have committed an infraction  
7 under this chapter. A notice of infraction issued under this section  
8 shall be personally served on the contractor or their employee named in  
9 the notice by the department's compliance inspectors or service can be  
10 made by certified mail directed to the contractor or their employee  
11 named in the notice of infraction at the last known address as provided  
12 to the department.

13 NEW SECTION. **Sec. 37.** NOTICE OF INFRACTION FORM. The form of the  
14 notice of infraction issued under this chapter shall include the  
15 following:

16 (1) A statement that the notice represents a determination that the  
17 infraction has been committed by the contractor or the individual named  
18 in the notice and that the determination shall be final unless  
19 contested as provided in this chapter;

20 (2) A statement that the infraction is a noncriminal offense for  
21 which imprisonment shall not be imposed as a sanction;

22 (3) A statement of the violation that necessitated issuance of the  
23 infraction;

24 (4) A statement of penalty involved if the infraction is  
25 established;

26 (5) A statement of the options provided in this chapter for  
27 responding to the notice and the procedures necessary to exercise these  
28 options;

29 (6) A statement that at any hearing to contest the notice of  
30 infraction the state has the burden of proving, by a preponderance of  
31 the evidence, that the infraction was committed; and that the  
32 contractor or individual may subpoena witnesses, including the  
33 compliance inspector of the department who issued and served the notice  
34 of infraction;

35 (7) A statement that at any hearing to contest the notice of

1 infraction against an unregistered contractor, the uncertified  
2 individual has the burden of proving that the infraction did not occur;

3 (8) A statement that the contractor or individual must respond to  
4 the notice of infraction in one of the ways provided in this chapter;  
5 and

6 (9) A statement that a contractor or individual failure to timely  
7 select one of the options for responding to the notice of infraction  
8 after receiving a statement of the options provided in this chapter for  
9 responding to the notice of infraction and the procedures necessary to  
10 exercise these options is guilty of a gross misdemeanor and may be  
11 punished by a fine or imprisonment in jail.

12 NEW SECTION. **Sec. 38.** VIOLATIONS. A violation designated as an  
13 infraction under this chapter shall be heard and determined by an  
14 administrative law judge of the office of administrative hearings. If  
15 a party desires to contest the notice of infraction, the party shall  
16 file a notice of appeal with the department specifying the grounds of  
17 the appeal within twenty days of service of the infraction in a manner  
18 provided by this chapter. The appeal must be accompanied by a  
19 certified check for two hundred dollars, which shall be returned to the  
20 assessed party if the decision of the department is not sustained  
21 following the final decision in the appeal. If the final decision  
22 sustains the decision of the department, the department must apply the  
23 two hundred dollars to the payment of the expenses of the appeal,  
24 including costs charged by the office of administrative hearings. The  
25 administrative law judge shall conduct hearings in these cases at  
26 locations in the county where the infraction occurred.

27 NEW SECTION. **Sec. 39.** RESPONSE TO NOTICE OF INFRACTION. (1) A  
28 contractor or individual who is issued a notice of infraction shall  
29 respond within twenty days of the date of issuance of the notice of  
30 infraction.

31 (2) If the contractor or individual named in the notice of  
32 infraction does not elect to contest the notice of infraction, then the  
33 contractor or individual shall pay to the department, by check or money  
34 order, the amount of the penalty prescribed for the infraction. When  
35 a response that does not contest the notice of infraction is received

1 by the department with the appropriate penalty, the department shall  
2 make the appropriate entry in its records.

3 (3) If the contractor or individual named in the notice of  
4 infraction elects to contest the notice of infraction, the contractor  
5 or individual shall respond by filing with the department specifying  
6 the appeal to the department in the manner specified in this chapter.

7 (4) If any contractor or individual issued a notice of infraction  
8 fails to respond within the prescribed response period, the contractor  
9 or individual shall be guilty of a misdemeanor and prosecuted in the  
10 county where the infraction occurred.

11 (5) After final determination by an administrative law judge that  
12 an infraction has been committed, a contractor or individual who fails  
13 to pay a monetary penalty within thirty days, that is not waived  
14 pursuant to this chapter, and who fails to file an appeal, shall be  
15 guilty of a misdemeanor and be prosecuted in the county where the  
16 infraction occurred.

17 (6) A contractor or individual who fails to pay a monetary penalty  
18 within thirty days after exhausting appellate remedies shall be guilty  
19 of a misdemeanor and be prosecuted in the county where the infraction  
20 occurred.

21 (7) If a contractor or individual who is issued a notice of  
22 infraction is a contractor or individual who has failed to register or  
23 be certified as a contractor or individual under this chapter, the  
24 contractor or individual is subject to a monetary penalty per  
25 infraction as provided in the schedule of penalties established by the  
26 department, and each day the person works without becoming registered  
27 or certified is a separate infraction.

28 **Sec. 40.** RCW 18.106.130 and 1973 1st ex.s. c 175 s 13 are each  
29 amended to read as follows:

30 All moneys received from certificates, permits, or other sources,  
31 shall be paid to the state treasurer as ex officio custodian thereof  
32 and by him placed in a special fund designated as the "plumbing and  
33 HVAC/R certificate fund". He shall pay out upon vouchers duly and  
34 regularly issued therefor and approved by the director. The treasurer  
35 shall keep an accurate record of payments into said fund, and of all  
36 disbursement therefrom. Said fund shall be charged with its pro rata  
37 share of the cost of administering said fund.

