CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1055

Chapter 36, Laws of 2009

61st Legislature
2009 Regular Session

CONSTRUCTION CONTRACTORS--DISPLAY OF LICENSES

EFFECTIVE DATE: 07/26/09

Passed by the House February 23, 2009
Yeas 95  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 31, 2009
Yeas 33  Nays 15

BRAD OWEN
President of the Senate

Approved April 9, 2009, 2:13 p.m.

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1055 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
April 10, 2009

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to requiring workers to have licenses, certificates, or permits in their possession when performing work in certain construction trades; amending RCW 18.106.020, 18.106.070, 18.106.090, 18.106.170, 19.28.271, 19.28.211, 19.28.231, 70.87.230, and 70.87.250; reenacting and amending RCW 19.28.161; and creating a new section.

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

NEW SECTION. Sec. 1. (1) The legislature finds that dishonest construction contractors sometimes hire workers without proper licenses, certificates, permits, and endorsements to do electrical, plumbing, and conveyance work. This practice gives these contractors an unfair competitive advantage and leaves workers and customers vulnerable.

(2) The legislature intends that electricians, plumbers, and conveyance workers be required to have their licenses, certificates, permits, and endorsements and photo identification in their possession while working. The legislature further intends that the department of labor and industries be authorized to require electricians, plumbers, and conveyance workers to wear and visibly display their licenses,
certificates, permits, and endorsements while working, and to include photo identification on these documents. These requirements will help address the problems of the underground economy in the construction industry, level the playing field for honest contractors, and protect workers and consumers.

**Sec. 2.** RCW 18.106.020 and 2006 c 185 s 11 are each amended to read as follows:

(1) No person may engage in or offer to engage in the trade of plumbing without having a journeyman certificate, specialty certificate, temporary permit, or trainee certificate and photo identification in his or her possession. The department may establish by rule a requirement that the person also wear and visibly display his or her certificate or permit. A trainee must be supervised by a person who has a journeyman certificate, specialty certificate, or temporary permit, as specified in RCW 18.106.070. No contractor may employ a person to engage in or offer to engage in the trade of plumbing unless the person employed has a journeyman certificate, specialty certificate, temporary permit, or trainee certificate. This section does not apply to a contractor who is contracting for work on his or her own residence. Until July 1, 2007, the department shall issue a written warning to any specialty plumber defined by RCW 18.106.010(10)(c) not having a valid plumber certification. The warning will state that the individual must apply for a plumber training certificate or be qualified for and apply for plumber certification under the requirements in RCW 18.106.040 within thirty calendar days of the warning. Only one warning will be issued to any individual. If the individual fails to comply with this section, the department shall issue a penalty or penalties as authorized by this chapter.

(2) No person may engage in or offer to engage in medical gas piping installation without having a certificate of competency as a journeyman plumber and a medical gas piping installer endorsement and photo identification in his or her possession. The department may establish by rule a requirement that the person also wear and visibly display his or her endorsement. A trainee may engage in medical gas piping installation if he or she has a training certificate and is supervised by a person with a medical gas piping installer endorsement.
No contractor may employ a person to engage in or offer to engage in medical gas piping installation unless the person employed has a certificate of competency as a journeyman plumber and a medical gas piping installer endorsement.

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

(4) Violation of this section is an infraction. Each day in which a person engages in the trade of plumbing in violation of this section or employs a person in violation of this section is a separate infraction. Each worksite at which a person engages in the trade of plumbing in violation of this section or at which a person is employed in violation of this section is a separate infraction.

(5) Notices of infractions for violations of this section may be issued to:
   (a) The person engaging in or offering to engage in the trade of plumbing in violation of this section;
   (b) The contractor in violation of this section; and
   (c) The contractor's employee who authorized the work assignment of the person employed in violation of this section.

**Sec. 3.** RCW 18.106.070 and 2006 c 185 s 10 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate may include a photograph of the holder. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder, except for specialty plumbers defined by RCW 18.106.010(10)(c) who also have an electrical certification issued jointly as provided by RCW 18.106.050(3) in which case their certificate shall be renewable every three years on or before the birthdate of the holder. The department shall renew a certificate of competency if the applicant: (a) Pays the renewal fee assessed by the department; and (b) during the past two years has completed sixteen hours of continuing education approved by the department with the advice of the advisory board, including four
hours related to electrical safety. For holders of the specialty
plumber certificate under RCW 18.106.010(10)(c), the continuing
education may comprise both electrical and plumbing education with a
minimum of twelve of the required twenty-four hours of continuing
education in plumbing. If a person fails to renew the certificate by
the renewal date, he or she must pay a doubled fee. If the person does
not renew the certificate within ninety days of the renewal date, he or
she must retake the examination and pay the examination fee.

The journeyman plumber and specialty plumber certificates of
competency, the medical gas piping installer endorsement, and the
temporary permit provided for in this chapter grant the holder the
right to engage in the work of plumbing as a journeyman plumber,
specialty plumber, or medical gas piping installer, in accordance with
their provisions throughout the state and within any of its political
subdivisions on any job or any employment without additional proof of
competency or any other license or permit or fee to engage in the work.
This section does not preclude employees from adhering to a union
security clause in any employment where such a requirement exists.

(2) A person who is indentured in an apprenticeship program
approved under chapter 49.04 RCW for the plumbing construction trade or
who is learning the plumbing construction trade may work in the
plumbing construction trade if supervised by a certified journeyman
plumber or a certified specialty plumber in that plumber's specialty.
All apprentices and individuals learning the plumbing construction
trade shall obtain a plumbing training certificate from the department.
The certificate shall authorize the holder to learn the plumbing
construction trade while under the direct supervision of a journeyman
plumber or a specialty plumber working in his or her specialty. The
certificate may include a photograph of the holder. The holder of the
plumbing training certificate shall renew the certificate annually. At
the time of renewal, the holder shall provide the department with an
accurate list of the holder's employers in the plumbing construction
industry for the previous year and the number of hours worked for each
employer. An annual fee shall be charged for the issuance or renewal
of the certificate. The department shall set the fee by rule. The fee
shall cover but not exceed the cost of administering and enforcing the
trainee certification and supervision requirements of this chapter.

((Apprentices and individuals learning the plumbing construction trade

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shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request.))

(3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) Not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and (b) not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the workforce training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(4) An individual who has a current training certificate and who has successfully completed or is currently enrolled in a medical gas piping installer training course approved by the department may work on medical gas piping systems if the individual is under the direct supervision of a certified medical gas piping installer who holds a medical gas piping installer endorsement one hundred percent of a working day on a one-to-one ratio.

(5) The training to become a certified plumber must include not less than sixteen hours of classroom training established by the director with the advice of the advisory board. The classroom training must include, but not be limited to, electrical wiring safety,
grounding, bonding, and other related items plumbers need to know to work under RCW 19.28.091.

(6) All persons who are certified plumbers before January 1, 2003, are deemed to have received the classroom training required in subsection (5) of this section.

Sec. 4. RCW 18.106.090 and 1985 c 7 s 78 are each amended to read as follows:

The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever a plumber coming into the state of Washington from another state requests the department for a temporary permit to engage in the trade of plumbing as a journeyman plumber or as a specialty plumber during the period of time between filing of an application for a certificate as provided in RCW 18.106.030 as now or hereafter amended and taking the examination provided for in RCW 18.106.050((: PROVIDED, That)). The temporary permit may include a photograph of the plumber. No temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency;

(2) Any applicant under this section who has not furnished the department with such evidence required under RCW 18.106.030;

(3) To any apprentice plumber.

Sec. 5. RCW 18.106.170 and 1983 c 124 s 6 are each amended to read as follows:

An authorized representative of the department may investigate alleged or apparent violations of this chapter. An authorized representative of the department upon presentation of credentials may inspect sites at which a person is doing plumbing work for the purpose of determining whether that person has a certificate or permit issued by the department in accordance with this chapter ((or is supervised by a person who has such a certificate or permit)). Upon request of the authorized representative of the department, a person doing plumbing work shall produce ((evidence that the person has a)) his or her certificate or permit ((issued by the department in accordance with this chapter or is supervised by a person who has such a certificate or permit)) and photo identification.
Sec. 6. RCW 19.28.271 and 2001 c 211 s 20 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to employ an individual for purposes of RCW 19.28.161 through 19.28.271 who has not been issued a certificate of competency, a temporary permit, or a training certificate. It is unlawful for any individual to engage in the electrical construction trade or to maintain or install any electrical equipment or conductors without having in his or her possession a certificate of competency, a temporary permit, or a training certificate under RCW 19.28.161 through 19.28.271, and photo identification. The department may establish by rule a requirement that the individual also wear and visibly display his or her certificate or permit.

(2) Any person, firm, partnership, corporation, or other entity found in violation of RCW 19.28.161 through 19.28.271 shall be assessed a penalty of not less than fifty dollars or more than five hundred dollars. The department shall set by rule a schedule of penalties for violating RCW 19.28.161 through 19.28.271. An appeal may be made to the board as is provided in RCW 19.28.131. The appeal shall be filed within twenty days after the notice of the penalty is given to the assessed party by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department. Any equipment maintained or installed by any person who does not possess a certificate of competency under RCW 19.28.161 through 19.28.271 shall not receive an electrical work permit and electrical service shall not be connected or maintained to operate the equipment. Each day that a person, firm, partnership, corporation, or other entity violates RCW 19.28.161 through 19.28.271 is a separate violation.

((42+)) (3) A civil penalty shall be collected in a civil action brought by the attorney general in the county wherein the alleged violation arose at the request of the department if any of RCW 19.28.161 through 19.28.271 or any rules adopted under RCW 19.28.161 through 19.28.271 are violated.

Sec. 7. RCW 19.28.161 and 2006 c 224 s 2 and 2006 c 185 s 6 are each reenacted and amended to read as follows:

(1) No person may engage in the electrical construction trade
without having a valid master journeyman electrician certificate of competency, journeyman electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair. Until July 1, 2007, the department of labor and industries shall issue a written warning to any specialty pump and irrigation or domestic pump electrician not having a valid electrician certification. The warning will state that the individual must apply for an electrical training certificate or be qualified for and apply for electrician certification under the requirements in RCW 19.28.191(1)(g) within thirty calendar days of the warning. Only one warning will be issued to any individual. If the individual fails to comply with this section, the department shall issue a penalty as defined in RCW 19.28.271 to the individual.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified master journeyman electrician, journeyman electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The certificate may include a photograph of the holder. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer, and proof of sixteen hours of approved classroom electrical continuing
education courses covering this chapter, the national electrical code, or electrical theory, or the equivalent electrical training courses taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(h). This education requirement is effective July 1, 2007. A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journeymen electricians, journeymen electricians, master specialty electricians, or specialty electricians on any one job site is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that
electrician's specialty, master journeyman electrician, or journeyman
electrician working as a specialty electrician to no more than four
students enrolled in and working as part of an electrical construction
program at public community or technical colleges, or not-for-profit
nationally accredited trade or technical schools licensed by the
workforce training and education coordinating board under chapter
28C.10 RCW. In meeting the ratio requirements for students enrolled in
an electrical construction program at a trade school, a trade school
may receive input and advice from the electrical board; and
(b) When working as a journeyman electrician, not more than one
noncertified individual for every certified master journeyman
electrician or journeyman electrician, except that the ratio
requirements shall be one certified master journeyman electrician or
journeyman electrician to no more than four students enrolled in and
working as part of an electrical construction program at public
community or technical colleges, or not-for-profit nationally
accredited trade or technical schools licensed by the workforce
training and education coordinating board under chapter 28C.10 RCW. In
meeting the ratio requirements for students enrolled in an electrical
construction program at a trade school, a trade school may receive
input and advice from the electrical board.

An individual who has a current training certificate and who has
successfully completed or is currently enrolled in an approved
apprenticeship program or in an electrical construction program at
public community or technical colleges, or not-for-profit nationally
accredited technical or trade schools licensed by the workforce
training and education coordinating board under chapter 28C.10 RCW, may
work without direct on-site supervision during the last six months of
meeting the practical experience requirements of this chapter.
(5) For the residential (as specified in WAC 296-46B-920(2)(a)),
pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as
specified in WAC 296-46B-920(2)(d)), limited energy (as specified in
WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC
296-46B-920(2)(g)), restricted nonresidential maintenance as determined
by the department in rule, or other new nonresidential specialties, not
including appliance repair, as determined by the department in rule,
either a master journeyman electrician, journeyman electrician, master
specialty electrician working in that electrician's specialty, or
specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(g)(ii). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

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

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor.

Sec. 8. RCW 19.28.211 and 2006 c 185 s 12 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 19.28.201, and who have complied with RCW 19.28.161 through 19.28.271 and the rules adopted under this chapter. The certificate may include a photograph of the holder. The certificate shall bear the date of issuance, and shall expire on the holder's birthday. The certificate shall be renewed every three years, upon application, on or before the holder's birthdate. A fee shall be assessed for each certificate and for each annual renewal.

(2) If the certificate holder demonstrates to the department that he or she has satisfactorily completed an annual eight-hour continuing education course, the certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. For pump and irrigation or domestic pump specialty electricians, the continuing education course may combine both electrical and plumbing education provided that there is a minimum of four hours of electrical training in the course.

(a) The contents and requirements for satisfactory completion of
the continuing education course shall be determined by the director and
approved by the board.

(b) The department shall accept proof of a certificate holder's
satisfactory completion of a continuing education course offered in
another state as meeting the requirements for maintaining a current
Washington state certificate of competency if the department is
satisfied the course is comparable in nature to that required in
Washington state for maintaining a current certificate of competency.

(3) If the certificate is not renewed before the expiration date,
the individual shall pay twice the usual fee. The department shall set
the fees by rule for issuance and renewal of a certificate of
competency. The fees shall cover but not exceed the costs of issuing
the certificates and of administering and enforcing the electrician
certification requirements of this chapter.

(4) The certificates of competency and temporary permits provided
for in this chapter grant the holder the right to work in the
electrical construction trade as a master electrician, journeyman
electrician, or specialty electrician in accordance with their
provisions throughout the state and within any of its political
subdivisions without additional proof of competency or any other
license, permit, or fee to engage in such work.

Sec. 9. RCW 19.28.231 and 2001 c 211 s 16 are each amended to read
as follows:

The department is authorized to grant and issue temporary permits
in lieu of certificates of competency whenever an electrician coming
into the state of Washington from another state requests the department
for a temporary permit to engage in the electrical construction trade
as an electrician during the period of time between filing of an
application for a certificate as provided in RCW 19.28.181 and the date
the results of taking the examination provided for in RCW 19.28.201 are
furnished to the applicant. The temporary permit may include a
photograph of the holder. The department is authorized to enter into
reciprocal agreements with other states providing for the acceptance of
such states' journeyman and specialty electrician certificate of
competency or its equivalent when such states requirements are equal to
the standards set by this chapter. No temporary permit shall be issued
to:
Any person who has failed to pass the examination for a certificate of competency, except that any person who has failed the examination for competency under this section shall be entitled to continue to work under a temporary permit for ninety days if the person is enrolled in a journeyman electrician refresher course and shows evidence to the department that he or she has not missed any classes. The person, after completing the journeyman electrician refresher course, shall be eligible to retake the examination for competency at the next scheduled time.

(2) Any applicant under this section who has not furnished the department with such evidence required under RCW 19.28.181.

(3) To any apprentice electrician.

Sec. 10. RCW 70.87.230 and 2003 c 143 s 1 are each amended to read as follows:

(1) Except as provided in RCW 70.87.270, a person may not perform conveyance work within the state unless he or she is an elevator mechanic who is regularly employed by and is working: ((1)) (a) For an owner exempt from licensing requirements under RCW 70.87.270 and performing maintenance; ((2)) (b) for a public agency performing maintenance; or ((3)) (c) under the direct supervision of an elevator contractor. A person, firm, public agency, or company is not required to be an elevator contractor for removing or dismantling conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the building is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

(2) When performing conveyance work, an elevator mechanic must have his or her license and photo identification in his or her possession. The elevator mechanic must produce his or her license and identification upon request of an authorized representative of the department. The department may establish by rule a requirement that the mechanic also wear and visibly display his or her license.

Sec. 11. RCW 70.87.250 and 2003 c 143 s 21 are each amended to read as follows:

(1) Upon approval of an application, the department may issue a
license that is biennially renewable. Each license may include a photograph of the licensee. The fee for the license and for any renewal shall be set by the department in rule.

(2) The department may issue temporary elevator mechanic licenses. These temporary elevator mechanic licenses will be issued to those certified as qualified and competent by licensed elevator contractors. The company shall furnish proof of competency as the department may require. Each license may include a photograph of the licensee. Each license must recite that it is valid for a period of thirty days from the date of issuance and for such particular conveyance or geographical areas as the department may designate, and otherwise entitles the licensee to the rights and privileges of an elevator mechanic license issued in this chapter. A temporary elevator mechanic license may be renewed by the department and a fee as established in rule must be charged for any temporary elevator mechanic license or renewal.

(3) The renewal of all licenses granted under this section is conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing rules of the department. The course must consist of not less than eight hours of instruction that must be attended and completed within one year immediately preceding any license renewal.

(4) The courses must be taught by instructors through continuing education providers that may include, but are not limited to, association seminars and labor training programs. The department must approve the continuing education providers. All instructors must be approved by the department and are exempt from the requirements of subsection (3) of this section with regard to his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

(5) A licensee who is unable to complete the continuing education course required under this section before the expiration of his or her license due to a temporary disability may apply for a waiver from the department. This will be on a form provided by the department and signed under the pains and penalties of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee must submit to the department a certified
statement from the same physician, if practicable, attesting to the termination of the temporary disability. At which time a waiver sticker, valid for ninety days, must be issued to the licensee and affixed to his or her license.

(6) Approved training providers must keep uniform records, for a period of ten years, of attendance of licensees and these records must be available for inspection by the department at its request. Approved training providers are responsible for the security of all attendance records and certificates of completion. However, falsifying or knowingly allowing another to falsify attendance records or certificates of completion constitutes grounds for suspension or revocation of the approval required under this section.

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