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HOUSE BILL 2113

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Short, Buys, Shea, and Scott

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1 AN ACT Relating to modifying the exemption from contractor  
2 registration requirements for work that is casual, minor, or  
3 inconsequential; and amending RCW 18.27.090.

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

5 **Sec. 1.** RCW 18.27.090 and 2013 c 23 s 13 are each amended to read  
6 as follows:

7 The registration provisions of this chapter do not apply to:

8 (1) An authorized representative of the United States government,  
9 the state of Washington, or any incorporated city, town, county,  
10 township, irrigation district, reclamation district, or other municipal  
11 or political corporation or subdivision of this state;

12 (2) Officers of a court when they are acting within the scope of  
13 their office;

14 (3) Public utilities operating under the regulations of the  
15 utilities and transportation commission in construction, maintenance,  
16 or development work incidental to their own business;

17 (4) Any construction, repair, or operation incidental to the  
18 discovering or producing of petroleum or gas, or the drilling, testing,

1 abandoning, or other operation of any petroleum or gas well or any  
2 surface or underground mine or mineral deposit when performed by an  
3 owner or lessee;

4 (5) The sale of any finished products, materials, or articles of  
5 merchandise that are not fabricated into and do not become a part of a  
6 structure under the common law of fixtures;

7 (6) Any construction, alteration, improvement, or repair of  
8 personal property performed by the registered or legal owner, or by a  
9 mobile/manufactured home retail dealer or manufacturer licensed under  
10 chapter 46.70 RCW who shall warranty service and repairs under chapter  
11 46.70 RCW;

12 (7) Any construction, alteration, improvement, or repair carried on  
13 within the limits and boundaries of any site or reservation under the  
14 legal jurisdiction of the federal government;

15 (8) Any person who only furnished materials, supplies, or equipment  
16 without fabricating them into, or consuming them in the performance of,  
17 the work of the contractor;

18 (9) Any work or operation on one undertaking or project by one or  
19 more contracts, the aggregate contract price of which for labor and  
20 materials and all other items is less than (~~five~~) one thousand two  
21 hundred dollars, such work or operations being considered as of a  
22 casual, minor, or inconsequential nature. The exemption prescribed in  
23 this subsection does not apply in any instance wherein the work or  
24 construction is only a part of a larger or major operation, whether  
25 undertaken by the same or a different contractor, or in which a  
26 division of the operation is made into contracts of amounts less than  
27 (~~five~~) one thousand two hundred dollars for the purpose of evasion of  
28 this chapter or otherwise. The exemption prescribed in this subsection  
29 does not apply to a person who advertises or puts out any sign or card  
30 or other device which (~~might indicate to the public~~) states that he  
31 or she is a contractor(~~, or that he or she is qualified to engage in~~  
32 ~~the business of contractor~~));

33 (10) Any construction or operation incidental to the construction  
34 and repair of irrigation and drainage ditches of regularly constituted  
35 irrigation districts or reclamation districts; or to farming, dairying,  
36 agriculture, viticulture, horticulture, or stock or poultry raising; or  
37 to clearing or other work upon land in rural districts for fire

1 prevention purposes; except when any of the above work is performed by  
2 a registered contractor;

3 (11) An owner who contracts for a project with a registered  
4 contractor, except that this exemption shall not deprive the owner of  
5 the protections of this chapter against registered and unregistered  
6 contractors. The exemption prescribed in this subsection does not  
7 apply to a person who performs the activities of a contractor for the  
8 purpose of leasing or selling improved property he or she has owned for  
9 less than twelve months;

10 (12) Any person working on his or her own property, whether  
11 occupied by him or her or not, and any person working on his or her  
12 personal residence, whether owned by him or her or not but this  
13 exemption shall not apply to any person who performs the activities of  
14 a contractor on his or her own property for the purpose of selling,  
15 demolishing, or leasing the property;

16 (13) An owner who performs maintenance, repair, and alteration work  
17 in or upon his or her own properties, or who uses his or her own  
18 employees to do such work;

19 (14) A licensed architect or civil or professional engineer acting  
20 solely in his or her professional capacity, an electrician certified  
21 under the laws of the state of Washington, or a plumber certified under  
22 the laws of the state of Washington or licensed by a political  
23 subdivision of the state of Washington while operating within the  
24 boundaries of such political subdivision. The exemption provided in  
25 this subsection is applicable only when the person certified is  
26 operating within the scope of his or her certification;

27 (15) Any person who engages in the activities herein regulated as  
28 an employee of a registered contractor with wages as his or her sole  
29 compensation or as an employee with wages as his or her sole  
30 compensation;

31 (16) Contractors on highway projects who have been prequalified as  
32 required by RCW 47.28.070, with the department of transportation to  
33 perform highway construction, reconstruction, or maintenance work;

34 (17) A mobile/manufactured home dealer or manufacturer who  
35 subcontracts the installation, set-up, or repair work to actively  
36 registered contractors. This exemption only applies to the  
37 installation, set-up, or repair of the mobile/manufactured homes that

1 were manufactured or sold by the mobile/manufactured home dealer or  
2 manufacturer;

3 (18) An entity who holds a valid electrical contractor's license  
4 under chapter 19.28 RCW that employs a certified journey level  
5 electrician, a certified residential specialty electrician, or an  
6 electrical trainee meeting the requirements of chapter 19.28 RCW to  
7 perform plumbing work that is incidentally, directly, and immediately  
8 appropriate to the like-in-kind replacement of a household appliance or  
9 other small household utilization equipment that requires limited  
10 electric power and limited waste and/or water connections. An  
11 electrical trainee must be supervised by a certified electrician while  
12 performing plumbing work.

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