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HOUSE BILL 1153

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Blake and Wilcox

Read first time 01/14/15. Referred to Committee on Local Government.

1            AN ACT Relating to lumber grading; and adding a new chapter to  
2 Title 76 RCW.

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

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

7            (1) "Department" means the department of labor and industries.

8            (2) "License" or "native lumber grading license" means the native  
9 lumber grading license issued by the department in accordance with  
10 this chapter.

11           (3) "Native lumber" means lumber that has been inspected, graded,  
12 and certified to meet or exceed the standards established by the  
13 department and Washington State University in accordance with the  
14 provisions of this chapter, and for which a certificate of native  
15 lumber has been issued.

16           (4) "Sawmill" means a stationary or portable machine used to  
17 convert logs into lumber or other wood products.

18           (5) "Sawmill operator" means a person who operates a sawmill for  
19 commercial or personal purposes.

1        NEW SECTION.    **Sec. 2.**    Native lumber shall be deemed, for all  
2    intents and purposes, equivalent to lumber that has been graded,  
3    grade marked, or inspected by an agency approved by an accreditation  
4    body that complies with the national institute of standards and  
5    technology voluntary product standard PS 20-10, American softwood  
6    lumber standard, developed under procedures published by the United  
7    States department of commerce. Native lumber satisfies all lumber  
8    grading and stamping requirements of the state building code as  
9    adopted by reference in RCW 19.27.031, adopted and amended by the  
10   state building code council, or adopted and amended by any applicable  
11   city, town, or county legislative authority.

12       NEW SECTION.    **Sec. 3.**    (1) No person may certify native lumber  
13   without a valid native lumber grading license.

14       (2) A sawmill operator with a valid native lumber grading license  
15   is authorized to certify native lumber. The license holder must  
16   process, inspect, grade, and certify the lumber.

17       (3) To certify native lumber, a licensed sawmill operator must  
18   create and sign a native lumber certificate using a form prescribed  
19   by the department that states:

20       (a) The name and license number of the sawmill operator;

21       (b) The name of the sawmill or woodworking operation, if any;

22       (c) The wood species of the lumber;

23       (d) The quantity of lumber;

24       (e) Whether the lumber is green or seasoned;

25       (f) That all standards established by the department in rule  
26   under section 4 of this act for inspecting, grading, and certifying  
27   native lumber are satisfied;

28       (g) That the quality and safe working stresses of the lumber are  
29   equal to or better than number 2 grade for structural lumber in  
30   accordance with the national institute of standards and technology  
31   voluntary product standard PS 20-10, American softwood lumber  
32   standard, developed under procedures published by the United States  
33   department of commerce, and the national grade rule for dimension  
34   lumber;

35       (h) That the quality and safe working stresses of the lumber, if  
36   it is to be used in load bearing walls, are equal to or better than  
37   stud grade in accordance with the national institute of standards and  
38   technology voluntary product standard PS 20-10, American softwood  
39   lumber standard, developed under procedures published by the United

1 States department of commerce, and the national grade rule for  
2 dimension lumber; and

3 (i) The date of sale, if any.

4 (4) A sawmill operator may stamp lumber in addition to certifying  
5 it under subsection (3) of this section.

6 NEW SECTION. **Sec. 4.** (1) The department, in collaboration with  
7 Washington State University, shall create and administer the native  
8 lumber grading program to provide training for inspecting, grading,  
9 certifying, and stamping native lumber.

10 (2) In creating and administering the native lumber grading  
11 program, the department and Washington State University shall:

12 (a) Establish and amend, as necessary, standards for inspecting,  
13 grading, certifying, and stamping native lumber. The adopted  
14 standards must, at a minimum, ensure that:

15 (i) The quality and safe working stresses of native lumber used  
16 in building construction are equal to or better than number 2 grade  
17 for structural lumber in accordance with the national institute of  
18 standards and technology voluntary product standard PS 20-10,  
19 American softwood lumber standard, developed under procedures  
20 published by the United States department of commerce, and the  
21 national grade rule for dimension lumber; and

22 (ii) The quality and safe working stresses of lumber, if it is to  
23 be used in load bearing walls, are equal to or better than stud grade  
24 in accordance with the national institute of standards and technology  
25 voluntary product standard PS 20-10, American softwood lumber  
26 standard, developed under procedures published by the United States  
27 department of commerce, and the national grade rule for dimension  
28 lumber;

29 (b) Design and administer a native lumber grading course that  
30 provides training to participants on inspecting, grading, certifying,  
31 and stamping native lumber, and a proficiency exam that tests  
32 participants' competency and skill with respect to the course  
33 material and procedures; and

34 (c) Charge a fee to program participants in an amount reasonably  
35 necessary to recover the costs of the program, and quarterly, remit  
36 moneys collected from the fee to the state treasury. No remittance is  
37 required under this section until a minimum of fifty dollars has  
38 accumulated.

1 (3) The native lumber grading program must be offered as a one-  
2 day course in person, and may also be offered as an online course.

3 (4) The department and Washington State University shall issue a  
4 certificate of completion to each program participant who satisfies  
5 the requirements of the native lumber grading program.

6 NEW SECTION. **Sec. 5.** The native lumber grading program account  
7 is created in the state treasury. All receipts from appropriations  
8 and fees charged to native lumber grading program participants in  
9 accordance with section 4 of this act must be deposited into the  
10 account. Moneys in the native lumber grading program account may be  
11 spent only after appropriation. Expenditures from the account may be  
12 used only for purposes of the native lumber grading program.

13 NEW SECTION. **Sec. 6.** (1) The department shall issue native  
14 lumber grading licenses to sawmill operators who submit complete  
15 license applications. License applications must include:

16 (a) An application on forms prescribed by the department  
17 providing:

18 (i) The name, mailing address, and telephone number of the  
19 applicant;

20 (ii) The location of the applicant's sawmill or woodworking  
21 operation, and the type of sawmills used, including whether they are  
22 stationary or portable;

23 (iii) The species, volumes, and states of origin of wood  
24 harvested and timber processed, purchased, or sold by the applicant;  
25 and

26 (iv) Any other information required under rules adopted by the  
27 department;

28 (b) A copy of the certificate of completion issued by the  
29 department and Washington State University in accordance with section  
30 4 of this act, showing that the applicant satisfactorily completed  
31 and demonstrated proficiency in the native lumber grading program;  
32 and

33 (c) A license fee in an amount determined by the department to  
34 recover the costs of licensure, but which may not exceed one hundred  
35 forty dollars for an initial application or seventy-five dollars for  
36 an application to renew the license.

37 (2) Licenses expire five years from their date of issuance and  
38 may be renewed for additional five year periods.

1 (3) License fees collected by the department may only be used to  
2 recover the costs of native lumber grading licensure, including any  
3 necessary inspections, and enforcement of this chapter.

4 (4) Each sawmill operator issued a native lumber grading license  
5 shall annually update the information provided to the department in  
6 accordance with subsection (1) of this section.

7 (5) The department may suspend or revoke the license of any  
8 person who violates the provisions of this chapter or the rules  
9 adopted by the department in accordance with this chapter.

10 NEW SECTION. **Sec. 7.** (1) A qualified building code enforcement  
11 official may waive, in accordance with subsection (2) of this  
12 section, lumber grading and stamping requirements of the state  
13 building code as it is adopted by reference in RCW 19.27.031, adopted  
14 and amended by the state building code council, or adopted and  
15 amended by any applicable city, town, or county legislative  
16 authority.

17 (2) Lumber grading and stamping requirements of the state or  
18 local building code may only be waived if:

19 (a) At the time of applying for a building permit, the applicant  
20 submits an application for waiver of grading and stamping  
21 requirements for lumber that will be used to construct buildings or  
22 structures under the building permit; and

23 (b) A qualified building code enforcement official inspects the  
24 lumber for which waiver of the requirements is sought and finds that:

25 (i) The standards adopted by the department and Washington State  
26 University under section 4(2)(a) of this act are satisfied;

27 (ii) The quality and safe working stresses of the lumber are  
28 equal to or better than number 2 grade for structural lumber in  
29 accordance with the national institute of standards and technology  
30 voluntary product standard PS 20-10, American softwood lumber  
31 standard, developed under procedures published by the United States  
32 department of commerce, and the national grade rule for dimension  
33 lumber; and

34 (iii) The quality and safe working stresses of the lumber, if it  
35 is to be used in load bearing walls, are equal to or better than stud  
36 grade in accordance with the national institute of standards and  
37 technology voluntary product standard PS 20-10, American softwood  
38 lumber standard, developed under procedures published by the United

1 States department of commerce, and the national grade rule for  
2 dimension lumber.

3 (3) For purposes of this section, a "qualified building code  
4 enforcement official" means a building code enforcement official who  
5 has completed the native lumber grading program and holds a valid  
6 certificate of completion issued under section 4(4) of this act.

7 NEW SECTION. **Sec. 8.** The department shall adopt rules by July  
8 31, 2016, to implement the provisions of this chapter.

9 NEW SECTION. **Sec. 9.** This chapter may be known and cited as the  
10 native lumber act.

11 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act  
12 constitute a new chapter in Title 76 RCW.

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