

WSR 21-09-087
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 21, 2021, 10:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-06-104.

Title of Rule and Other Identifying Information: Amendments to the plumber rules, chapter 296-400A WAC, Plumber certification rules.

Hearing Location(s): On May 25, 2021, at 9:00 a.m., virtual and telephonic hearing only. Access the Zoom meeting at <https://us02web.zoom.us/j/89186112107>, Meeting ID 891 8611 2107, Passcode plumber2!, or dial by your location +1 253 215 8782 US (Tacoma), Meeting ID 891 8611 2107, Passcode 416874989. The virtual/telephonic hearing starts at 9:00 a.m. and will continue until all oral comments are received.

Date of Intended Adoption: May 28, 2021.

Submit Written Comments to: Beverly Clark, P.O. Box 44470, Olympia, WA 98504-4470, email Beverly.Clark@Lni.wa.gov, fax 360-902-5292, by 5:00 p.m. on May 25, 2021.

Assistance for Persons with Disabilities: Beverly Clark, phone 360-902-6272, fax 360-902-5292, email Beverly.Clark@Lni.wa.gov, by 5:00 p.m. on May 21, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of labor and industries (L&I) is proposing rules to amend chapter 296-400A WAC, Plumber certification rules, in order to implement the legislative changes made within 2020's Plumbing Act (chapter 153, Laws of 2020, SB 6170) that will address the following:

- Adjusting fees related to journey level and specialty plumber certification;
- Modifying how plumbing contractor's license, renew, and reinstate their license; and
- Adding and amending definitions.

Reasons Supporting Proposal: This rule is the result of the entire industry working together for several years. It addresses issues in the plumbing industry that have not been updated for thirty-five years. There is a current shortage of service plumbers due to high training hour requirements, workforce aging, and an increasing need for that work. This creates a vacuum where the industry is flooded with untrained and uncertified people working in homes. The rule maintains the House Bill Report page 5, SB 6170 integrity of the existing law while ensuring that qualified workers are put into people's homes. The definition of plumbing is limited to work within a building and the rule is limited to work that certified plumbers do. The industry is prepared to handle any added costs through options such as fees.

Statutory Authority for Adoption: Chapter 153, Laws of 2020; SB 6170.

Statute Being Implemented: Chapter 153, Laws of 2020; SB 6170.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Dean Simpson, Tumwater, Washington, 360-902-5571.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required in accordance with RCW 34.05.328 (5)(b)(iii), as these rules are adopting or incorporating by reference without material change state and federal regulations; RCW 34.05.328 (5)(b)(iv) making housekeeping changes; and RCW 34.05.328 (5)(b)(v) as the content of these rules are explicitly and specifically dictated by statute; and lastly RCW 34.05.328 (5)(b)(vi) adjusting certain fees.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: Portions of the proposed rule are being adopted to conform with 29 C.F.R. Part 30. Failure to conform with may result in derecognition of Washington's authority to certify apprenticeship programs for federal purposes.

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

April 21, 2021
Joel Sacks
Director

OTS-2919.5

AMENDATORY SECTION (Amending WSR 20-16-141, filed 8/4/20, effective 8/4/20)

WAC 296-400A-005 What definitions do I need to know to understand these rules? Unless a different meaning is clearly required by the context, the following terms and definitions are important:

"Administrative law judge (ALJ)" is a person appointed by the chief administrative law judge pursuant to chapter 34.12 RCW to con-

duct or preside over hearings convened under chapter 18.106 RCW and this chapter.

"Advisory board" is the state advisory board of plumbers.

"Appeal bond" is a certified check in the amount prescribed under RCW 18.106.200 made payable to the Washington state department of labor and industries.

"Appeal hearing" is any proceeding in which an administrative law judge is empowered to determine legal rights, duties, or privileges of specific parties on behalf of the director.

"Applicant" is any person, firm, corporation or other entity applying to become a licensed plumbing contractor according to chapter 18.106 RCW and this chapter. Applicant includes all principal officer(s), members, partners of a partnership, firm, corporation, or other entity named on the application.

"Assist" means a friend, neighbor, or other person (including a certified plumber) may assist a householder, at his or her residence, in the performance of plumbing work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

"Audit" means an assessment, evaluation, examination or investigation of, plumbing contractor's accounts, books and records for the purpose of verifying the plumbing contractor's compliance with RCW 18.106.320.

"Backflow assembly" or **"backflow prevention assembly"** or **"backflow preventer"** is a device as described in the *Uniform Plumbing Code* used to prevent the undesired reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"Backflow assembly tester" is an individual certified by the department of health to perform tests to backflow assemblies.

"Calendar day" means each day of the week, including weekends and holidays.

"Continuing education" is approved plumbing and electrical courses for journey level, domestic pump specialty plumbers, and residential specialty plumbers, to meet the requirements to maintain their plumbing certification and for trainees or individuals to become certified plumbers in Washington.

"Continuing education course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide continuing education training for journey level, domestic pump specialty plumbers, residential specialty plumbers, and trainees. All training course providers must comply with the requirements in WAC 296-400A-028.

"Continuity affidavit" is a form developed by the department that is used to verify whether medical gas pipe installation work (brazing process) has been performed biannually. This form is provided to the department at the time of renewal by the person holding the medical gas piping installer endorsement and requires the notarized signature of the employer of the medical gas piping installer or another qualified verifier as determined by the department. Continuity is a visual examination by the employer of the brazing that was performed. The medical gas installer must also review the current medical gas code and sign the affidavit stating that they have done so.

~~(**"Contractor"** means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by~~

~~the provisions of chapter 18.106 RCW by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and is registered as a contractor under chapter 18.27 RCW.)~~)

"Control" means that the journey level plumber, specialty plumber, or temporary permit plumber is physically on-site at the start of each day and each and every job site to diagnose, direct, and lay out the plumbing work the trainee is to perform.

"Course of study" means classroom training and practical work experience in the plumbing industry as defined in WAC 296-400A-100.

"Department" is the department of labor and industries.

"Director" is the director of the department of labor and industries or designee.

"Dispatcher" means the contractor's employee who authorized the work assignment of the person employed in violation of chapter 18.106 RCW.

"Final judgment" means any money that is owed to a claimant as a result of court action against or settlement with a plumbing contractor and/or plumbing contractor's bond or assigned savings account with the department or any money that is owed the department as a result of a plumbing contractor's unsuccessful appeal of an infraction. Final judgment also includes any penalties assessed against the plumbing contractor and owed the department as a result of an infraction or notice of correction that has not been appealed, final tax warrants or any delinquent fees or penalties due.

"Journey level plumber" is anyone who has learned the commercial plumbing trade and has been issued a journey level certificate of competency by the department. A journey level plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

"Medical gas piping installer" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

"Medical gas piping systems" are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and other medical gas or equipment including, but not limited to, medical vacuum systems.

"Multiunit" is a multi-single family residence contained in a building or group of buildings that do not exceed three stories on any portion of the building.

"Plumbing" is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems, including multipurpose or passive purge fire sprinkler systems in the footprint of a building. Potable water systems, liquid waste systems, and medical gas piping systems are defined by the current *Uniform Plumbing Code* (UPC) and amendments adopted by the state building code council. All piping, fixtures, pumps and plumbing appurtenances that are used for rain water catchment and a reclaimed water system are included in the definition of liquid waste systems.

"Plumbing contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any plumbing work covered by the provisions of this chapter by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any plumbing work as defined in this section. The plumbing contractor is responsi-

ble for ensuring the plumbing business is operated in accordance with rules adopted under this chapter.

"Records" include, but are not limited to, all bids, invoices, billing receipts, time cards and payroll records that show the work was performed, advertised, or bid.

"Reinstatement" or **"reinstated"** means the reinstatement of a plumbing contractor's license after the license has expired, or has been suspended, or been revoked.

"Relicense" means an update to a plumbing contractor's license because of business structure change or name change.

"Renewal" or **"renewed"** means the renewal of a plumbing contractor's license before it expires.

"Residential service" is limited to performing residential service plumbing in single-family dwellings and duplexes and can only repair or replace previously existing fixtures, piping, and fittings that are outside the interior wall or above the floor.

"Secured contractor" is a plumbing contractor who has complied with RCW 18.106.410 by assigning to the department a savings account held in a Washington state bank, or by filing with the department a surety bond.

"Security" is a savings account held in a Washington state branch of a financial institution and assigned to the department in lieu of a surety bond.

"Specialty plumber" is anyone who has been issued a specialty plumbers certificate of competency by the department limited to:

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

(b) Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies.

(c) "Domestic pump specialty" means the installation, maintenance, and repair of a domestic water pumping system consisting of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment; if appropriate, a pitless adapter; along with valves, transducers, and other plumbing components that:

(i) Are used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes, including irrigation, to:

(A) A single-family dwelling, duplex, or other similar place of residence;

(B) A public water system, as defined in RCW 70.119.020 and as limited under RCW 70.119.040; or

(C) A farm owned and operated by a person whose primary residence is located within thirty miles of any part of the farm;

(ii) Are located within the interior space including, but not limited to, an attic, basement, crawl space, or garage, of a residential structure, which space is separated from the living area of the residence by a lockable entrance and fixed walls, ceiling, or floor;

(iii) If located within the interior space of a residential structure, are connected to a plumbing distribution system supplied and installed into the interior space by either:

(A) A person who, pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary permit or certificate of competency as a

journey level plumber, specialty plumber, or trainee, as defined in this chapter; or

(B) A person exempt from the requirement to obtain a certified plumber to do such plumbing work under RCW 18.106.150.

For the purposes of the domestic pump specialty, residential structure includes any improvement to real property where that property is primarily used as a residence.

"Story" ~~((is))~~ as defined by the ~~((current))~~ Washington state adopted building codes and amendments ~~((adopted by the state building code council which))~~. Also includes basements or garages.

"Supervision" for the purpose of these rules means within sight and sound. Supervision requirements are met when the supervising plumber is on the premises and within sight and sound of the individual who is being trained. **"Exception"** for remote service trainee supervision available via mobile phone or a similar device on a residential structure and meeting all other requirements under RCW 18.106.070 and the requirements for service plumbing under RCW 18.106.010.

"Trainee plumber" is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a journey level plumber or specialty plumber working in their specialty.

"Training course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

[Statutory Authority: 2020 c 153. WSR 20-16-141, § 296-400A-005, filed 8/4/20, effective 8/4/20. Statutory Authority: Chapter 18.106 RCW and Uniform Plumbing Code. WSR 16-08-100, § 296-400A-005, filed 4/5/16, effective 5/16/16. Statutory Authority: RCW 18.106.040 and 18.106.140. WSR 10-06-051, § 296-400A-005, filed 2/24/10, effective 4/1/10; WSR 09-10-080, § 296-400A-005, filed 5/5/09, effective 6/5/09; WSR 06-24-040, § 296-400A-005, filed 11/30/06, effective 12/31/06. Statutory Authority: RCW 19.103.040, 18.106.140, and chapter 18.106 RCW. WSR 05-11-061, § 296-400A-005, filed 5/17/05, effective 6/30/05. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. WSR 04-12-046, § 296-400A-005, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 18.106.040, 18.106.140, 2001 c 281, and chapter 18.106 RCW. WSR 02-14-074, § 296-400A-005, filed 6/28/02, effective 7/1/02. Statutory Authority: Chapter 18.106 RCW. WSR 98-13-126, § 296-400A-005, filed 6/17/98, effective 7/20/98. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. WSR 97-11-052, § 296-400A-005, filed 5/20/97, effective 6/30/97.]

AMENDATORY SECTION (Amending WSR 20-16-141, filed 8/4/20, effective 8/4/20)

WAC 296-400A-010 Plumbing certificate types and scope of work.

(1) **Journey level plumber (PL01):** A journey level plumber may work on all phases of plumbing projects including residential, commercial and industrial worksite locations.

(2) **Residential specialty plumber (PL02):** Installation, maintenance and repair of all phases of plumbing for single-family dwell-

ings, duplexes and apartment buildings which do not exceed three stories.

(3) **"Residential service plumber (PL04)"** is limited to performing residential service in single-family dwellings and duplexes and can only repair or replace previously existing fixtures, piping, and fittings that are outside the interior wall or above the floor. Does not include the removal or reconnection of 120/240 electrical wiring for like-in-kind replacement of household appliances or (~~other small utilization equipment that requires limited electric power and limited waste and/or water connections~~) utilization equipment for the residential service plumber (PL04) or an unsupervised or remote supervised trainee.

(4) **Backflow specialty plumber (PL30):** Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies. A plumber trainee must have a PT31 certificate in order to work as a backflow specialty plumber under the supervision of a certified backflow specialty plumber, certified residential specialty plumber or certified journey level plumber. PT31 trainee requires one hundred percent supervision.

(5) **Pump and irrigation specialty plumber (PL03):** Installation, maintenance and repair of equipment that is used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes, including irrigation or to a domestic water pumping system consisting of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment. For the purposes of this subsection, if located within the interior space of a residential structure as stated in RCW 18.106.010 (14)(c), only the equipment and piping defined by RCW 18.106.010 (14)(c) are included in this specialty and other parts of the system must be worked on by the appropriate certification.

(6) **Limited volume domestic pump specialty plumber (PL03A):** Installation, maintenance and repair of equipment that is used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes on pumping systems not exceeding one hundred gallons per minute. A domestic water pumping system consisting of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment. For the purposes of this subsection, if located within the interior space of a residential structure as stated in RCW 18.106.010 (14)(c), only the equipment and piping to stated equipment in this locked room can be worked on by this certification; other parts of the system must be worked on by the appropriate certification.

(7) **Plumber trainee (PT00 and PT31):** Is an individual learning the trade or craft of plumbing. Trainees are required to have and maintain a valid plumber's training certificate. Trainees will be accredited for those hours worked within the scope of their supervising plumber. Any plumber trainee may perform plumbing work within the scope of their supervising journey level or specialty plumber. A trainee must keep a record of the hours worked as a trainee as required by WAC 296-400A-120(3).

(8) **Certified journey level electricians, certified residential specialty electricians, or electrical trainees (EL01 and EL02):** Ac-

ording to RCW 18.106.150 (2)(b), a current plumbing certificate of competency or plumber trainee card is not required for: Certified journey level electricians, certified residential specialty electricians, or electrical trainees working for a general or residential specialty electrical contractor (EC01 or EC02) and performing exempt work under RCW (~~18.27.090(18)~~) 18.106.150(8). A plumber trainee must have an electrical trainee (ET00) certificate in order to work with a journey level electrician or residential specialty electrician.

The plumbing work must be directly and immediately appropriate to the like-in-kind replacement of a household fixture or its component(s) that requires limited power and waste/water connections.

An example would be replacing the heating element (a component) of an electric hot water heater. An electrician performing a like-in-kind replacement of an electric hot water tank could only disconnect and then reconnect the water supply lines to the tank and drain line from the temperature and pressure relief valve. Gas hot water tanks are not part of the electrician's exemption.

[Statutory Authority: 2020 c 153. WSR 20-16-141, § 296-400A-010, filed 8/4/20, effective 8/4/20. Statutory Authority: Chapter 18.106 RCW and Uniform Plumbing Code. WSR 16-08-100, § 296-400A-010, filed 4/5/16, effective 5/16/16. Statutory Authority: RCW 18.106.040 and 18.106.140. WSR 09-10-080, § 296-400A-010, filed 5/5/09, effective 6/5/09; WSR 06-24-040, § 296-400A-010, filed 11/30/06, effective 12/31/06.]

NEW SECTION

WAC 296-400A-011 How does a plumbing contractor become licensed, renew, and reinstate their license? (1) A plumbing contractor may license/renew/relicense/reinstate if it:

(a) Complete an application for plumbing contractor licensing, have it notarized, and submit it to the department as required by RCW 18.106.400;

(b) Satisfies one of the following:

(i) Obtains a continuous surety bond in the total amount specified in WAC 296-400A-012 and submits the original bond to the department or submits the bond information through the department of labor and industries' electronic bond and insurance policy system (EBIPS) (see RCW 18.106.410); or

(ii) Assigns, to the department, a security deposit in the form of a savings account held in a Washington state bank on a department issued form in the amounts specified in WAC 296-400A-012;

(c) Obtains public liability and property damage insurance and submits the original insurance certificate to the department or submits the insurance information through the department of labor and industries' electronic bond and insurance policy system (EBIPS) (see RCW 18.106.420); and

(d) Pays the issuance/renewal/relicensing/reinstatement fee shown in WAC 296-400A-045.

(2) A plumbing contractor may renew its license if it submits, to the department, a completed plumbing contractor license renewal notice and the material required in subsection (1)(b) and (c) of this section and pays the renewal fee shown in WAC 296-400A-045. No more than forty-five days before the plumbing contractor's license expires, the department must send a renewal notice to the plumbing contractor's last

recorded address with the plumbing contractor licensing program. It is the responsibility of the plumbing contractor to notify the department within ten days and in writing of a change in address.

(3) The plumbing contractor must submit all required documents to the department in a manner approved by the department as set forth in this subsection:

(a) Include, on each document, the name exactly as it appears on the plumbing contractor license application or renewal notice;

(b) Include, if renewing a license, the plumbing contractor's license number on each of the documents;

(c) Include a copy of the certificate or document (when required) by the secretary of state for the contractor to do business in the state of Washington; and

(d) Have and maintain an active and valid unified business identifier (certificate of registration) with the department of revenue.

(4) The department will not license, renew, or reinstate the license of a plumbing contractor if:

(a) Any of the required documents are missing, false, or are incomplete;

(b) The documents do not have the legal name of the plumbing contractor as documented on official governmental issued photo identification;

(c) In the case of a renewal, the documents do not include the license number or UBI number; or

(d) The applicant or person pursuant to RCW 18.106.400 has an unsatisfied final judgment based on work which is subject to chapter 18.106 RCW and this chapter.

(5) The plumbing contractor may request, in a letter filed with the application or renewal materials, that the license period end on a particular day. However, the license period cannot exceed two years.

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NEW SECTION

WAC 296-400A-012 How much are the surety bond or savings account amounts? (1) The continuous surety bond or savings account amounts for applicants of plumbing contractor license: Six thousand dollars for the plumbing contractor license.

(2) The surety bond or savings account amounts for applicants of plumbing contractors with final judgments involving a residential single-family dwelling in the previous five years can be required a bond up to three times the normal amount: Per RCW 18.106.410(11).

Final Judgments	Bond or Savings Account Amount per Registration Cycle
Up to 3	\$18,000.00

(3) At the time of relicensing, renewal, or reinstatement the department shall only consider final judgments from the previous five years which will be used to determine the bond or savings account amount according to subsection (2) of this section.

(4) A plumbing contractor's required bond or savings account amount may only be reviewed for reduction to a lower level at their next regular renewal. The increased bond requirement must remain in

effect during the entire license cycle even if reinstatement or relicensing occurs.

(5) For purposes of this section, final judgment does not include infractions.

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NEW SECTION

WAC 296-400A-013 What can cause the suspension of a plumbing contractor's license? (1) A plumbing contractor's license will be suspended if the following impairments, cancellations, noncompliance, or errors occur:

(a) A surety bond or other security has an unsatisfied final judgment against it or becomes otherwise impaired.

(b) A surety bond is canceled.

(c) An insurance policy on file is expired, canceled, revoked, or the insurer is withdrawn from the insurance policy.

(d) The plumbing contractor has an unsatisfied final judgment against it under chapter 18.106 RCW and this chapter.

(e) The department has notice that the plumbing contractor is a sole proprietor or an owner, principal, or officer of a licensed plumbing contractor that has an unsatisfied final judgment against it for work within the scope of chapter 18.106 RCW and this chapter.

(f) The department finds that the plumbing contractor has provided false or misleading information or has otherwise been licensed in error.

(g) The plumbing contractor fails to comply with a penalty payment plan agreement.

(h) The plumbing contractor has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service conditional scholarship.

(i) The plumbing contractor does not maintain an active and valid unified business identifier number with the department of revenue.

(j) The plumbing contractor does not provide the department with updated information or forms as necessary to validate their information.

(2) The plumbing contractor's license will be automatically suspended on the effective date of the impairment or cancellation. The department must mail a notice of the suspension to the plumbing contractor's last recorded address with the plumbing contractor licensing program within two days after suspension.

(3) A plumbing contractor must not advertise, offer to do work, submit a bid, or perform any work as a plumbing contractor while its license is suspended. To continue to operate as a plumbing contractor while its license is suspended is a violation of chapter 18.106 RCW and subject to infractions.

(4) The department shall not deny an application or suspend a license because of an unsatisfied final judgment if the applicant's or licensee's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

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NEW SECTION

WAC 296-400A-014 When will the department deny an application for licensure, renewal, or reinstatement? The department shall deny an application for licensure, renewal, or reinstatement if:

- (1) The applicant does not submit the required documents on the forms required by the department.
- (2) The documents are false or incomplete.
- (3) The documents do not have the legal name of the plumbing contractor as documented on official governmental issued photo identification.
- (4) The applicant does not have a valid unified business identifier number, if required by the department of revenue.
- (5) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment.
- (6) The applicant was an owner, principal, or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment.
- (7) The applicant has not complied with a department of social and health services support enforcement division support enforcement order.
- (8) The plumbing contractor does not employ a full-time individual who currently possesses a valid journey level plumber's certificate of competency or specialty plumber's certificate of competency in the specialty for the scope of work performed.

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NEW SECTION

WAC 296-400A-015 What requirements must be met if a plumbing contractor changes its business structure, name or address? (1) If a plumbing contractor changes its business structure (for example, from a partnership to a corporation or if the partners in a partnership change or change in designated plumber), the plumbing contractor must:

- (a) Apply for a new plumbing license as required in WAC 296-400A-011; and
 - (b) Pay the plumbing license fee shown in WAC 296-400A-045.
- (2) Failure to relicense after a change in business structure may invalidate the plumbing contractor's license. See RCW 18.106.410.
- (3) If a licensed plumbing contractor changes its name, it must:
- (a) Notify the department, in writing, of the change; and
 - (b) Pay the relicensing fee shown in WAC 296-400A-045; and
 - (c) Submit to the department a name change rider or a new bond in the new name and a certificate of insurance in the new name.
- (4) If a licensed plumbing contractor changes its address, it must notify the department in writing.

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NEW SECTION

WAC 296-400A-016 What procedures must be followed when surety bonds and/or insurance policies are canceled? (1) Insurance and bonding companies must send cancellation notices to the department.

(2) Cancellation notices must contain the following information:

(a) The name of the plumbing contractor exactly as it appears in the plumbing contractor's licensing file;

(b) The plumbing contractor's license number;

(c) The plumbing contractor's business address;

(d) The names of the owners, partners, or officers of the plumbing contractor;

(e) The bond or insurance policy number; and

(f) The effective date of the bond or insurance policy.

(3) The cancellation of a surety bond or insurance policy shall be considered effective immediately after the department receives a cancellation notice unless a later specific date is provided.

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NEW SECTION

WAC 296-400A-017 What procedures must be followed when surety bonds and/or other securities approved by the department become impaired? (1) Once the department has been notified that the surety bond or other security approved by the department has been impaired by a final judgment or reduced by payment to an amount less than is required by WAC 296-400A-012, the plumbing contractor's license will automatically be suspended and the department will mail a letter to the plumbing contractor within two days.

(2) Once the unsatisfied final judgment has been satisfied, the plumbing contractor may reapply according to the requirements of this chapter.

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NEW SECTION

WAC 296-400A-018 When will the department release a security deposit? (1) The department will release a security deposit two years after the plumbing contractor's last plumbing license has expired unless there is an unsatisfied final judgment or ongoing claim against the plumbing contractor.

(2) The department will release a security deposit in less than two years after the plumbing contractor's last license has expired if the plumbing contractor provides a surety bond covering both the previous and current registration periods.

[]

NEW SECTION

WAC 296-400A-019 How is a suit filed against a plumbing contractor? (1) A civil suit against a plumbing contractor must be filed in the superior court of the county in which the work was done or of any county in which jurisdiction of the plumbing contractor may be had. Unless the suit is filed in a superior court, the department will not be able to direct payment on an unsatisfied final judgment against a secured contractor.

(2) Notice that a suit has been filed (a summons and complaint) against a plumbing contractor, the plumbing contractor's bond, and/or the plumbing contractor's deposit must be exclusively delivered to the department by registered or certified mail to: P.O. Box 44470, Olympia, Washington 98504-4470. The notice must be addressed to the department and must include three copies of the summons and complaint filed against the plumbing contractor, the plumbing contractor's bond and/or the plumbing contractor's deposit. The person filing the suit must pay the required service fee to the department in WAC 296-400-045.

(3) The summons and complaint against a plumbing contractor must include the following information:

(a) The name of the plumbing contractor exactly as it appears in the plumbing contractor's licensing file;

(b) The plumbing contractor's business address;

(c) The names of the owners, partners, or officers of the plumbing contractor if known; and

(d) The plumbing contractor's license number.

(4) If the suit joins a bonding company, the summons and complaint should also include:

(a) The name of the bonding company that issued the plumbing contractor's bond;

(b) The bond number; and

(c) The effective date of the bond.

(5) If the suit is against a plumbing contractor using an assigned account in lieu of a bond, the complaint must also include:

(a) The name of the institution where the assigned account is held;

(b) The account number; and

(c) The date the assigned account was opened.

(6) Service is not considered complete until the department receives the documents in Tumwater with the service fee required by WAC 296-400A-045 and three copies of the summons and complaint.

(7) Within two days of receiving a summons and complaint, the department must mail a copy of the summons and complaint to the licensee at the address listed on the licensee's application or at their last known address provided to the department and to the licensee's surety.

(8) The department will return a summons and complaint without it being served, if the department cannot readily identify either the contractor or bonding company being sued, if the action did not arise under chapter 18.106 RCW, or if the fee and three copies of the summons and complaint are not received.

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AMENDATORY SECTION (Amending WSR 20-16-141, filed 8/4/20, effective 8/4/20)

WAC 296-400A-022 What procedure is required for renewal of a journey level medical gas endorsement? (1) Maintain an active Washington state journey level certification.

(2) Submit affidavit of continuity verifying that brazing has been performed every six months during the renewal cycle.

(3) Submit affidavit of review of current medical gas code adopted by the Washington state building code council.

(4) Pay the appropriate fee: If renewal occurs before expiration of current endorsement, the renewal fee shown in WAC 296-400A-045; if renewal occurs within ninety days of expiration of current endorsement, you must pay a double renewal fee; if the current endorsement has been expired for ninety-one days or more, you must take an examination relating to medical gas installation administered by the department and pay the examination application fee shown in WAC 296-400A-045. Medical gas endorsement is renewed every three years.

(5) Plumbing contractors must accurately verify and attest to brazing performed by the journey level plumber by sending an affidavit of continuity to the department or in lieu of the biannual braze requirement from the plumbing contractor, a performed brazed coupon test documenting that the coupon was certified as passing from a department approved medical gas training course provider would be accepted.

(6) If affidavit of continuity and/or affidavit of review are not received within ninety days of expiration, the applicant will be required to retake the examination and pay the appropriate fees prior to being placed in active status.

[Statutory Authority: 2020 c 153. WSR 20-16-141, § 296-400A-022, filed 8/4/20, effective 8/4/20. Statutory Authority: Chapter 18.106 RCW and Uniform Plumbing Code. WSR 16-08-100, § 296-400A-022, filed 4/5/16, effective 5/16/16. Statutory Authority: RCW 18.106.040 and 18.106.140. WSR 10-06-051, § 296-400A-022, filed 2/24/10, effective 4/1/10. Statutory Authority: RCW 19.103.040, 18.106.140, and chapter 18.106 RCW. WSR 05-11-061, § 296-400A-022, filed 5/17/05, effective 6/30/05.]

AMENDATORY SECTION (Amending WSR 16-08-100, filed 4/5/16, effective 5/16/16)

WAC 296-400A-024 How should a person performing plumbing wear or visibly display their certification, trainee card, or endorsement?

(1) The certificate must be immediately available for examination at all times.

(2) The individual must also have in their possession governmental issued photo identification.

(3) To work in the plumbing trade, an individual must possess, ((and is encouraged to)) wear, and visibly display on the front of the upper body a current, valid plumber certificate of competency, medical gas endorsement, or plumber trainee card.

(a) The certificate may be worn inside the outer layer of clothing when outer protective clothing (e.g., rain gear when outside in the rain, arc flash, welding gear, etc.), is required.

(b) The certificate may be worn inside the protective clothing so that when the protective clothing is removed, the certificate is visible. A cold weather jacket or similar apparel is not protective clothing.

(c) The certificate may be worn inside the outer layer of clothing when working in an attic or crawl space or when operating equipment where wearing the certificate may pose an unsafe condition for the individual.

[Statutory Authority: Chapter 18.106 RCW and Uniform Plumbing Code. WSR 16-08-100, § 296-400A-024, filed 4/5/16, effective 5/16/16.]

AMENDATORY SECTION (Amending WSR 20-16-141, filed 8/4/20, effective 8/4/20)

WAC 296-400A-045 What fees ((will I have to pay)) does the department charge for issuance, renewal, relicensing, and reinstatement of a plumbing contractor license and plumbing certificates? The following are the department's ((plumbers)) nonrefundable fees: Fees related to journey level and specialty plumber certification and exam application:

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
<u>Plumbing contractor</u>	<u>This registration is valid for two years from date of issuance, renewal or reregistration, or until it is suspended or revoked</u>	<u>\$139.10</u>
<u>For each issuance, renewal or reregistration of a license</u>		
<u>Assignment/unassignment of the designated plumber (nonrefundable)</u>		
<u>Examination application for journey level, residential specialty, residential service, backflow certification</u>	<u>Per examination the department's fee. Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department and are additional to the department's examination fees</u>	<u>(((\$160.85)) \$189.80</u>
<u>or</u>		
<u>Reexaminations of medical gas endorsements</u>		
<u>Domestic pump specialty application fee*****</u>	<u>Per application the department's fee. Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department and are additional to the department's examination fees</u>	<u>(((\$160.85)) \$189.80</u>
<u>Reciprocity application*</u>	<u>Per application</u>	<u>(((\$160.85)) \$189.80</u>
<u>Trainee certificate**</u>	<u>One year or when hours are updated</u>	<u>(((\$47.85)) \$56.40</u>
<u>Temporary permit (not applicable for backflow assembly maintenance and repair specialty)</u>	<u>One hundred twenty days</u>	<u>(((\$79.85)) \$94.20</u>
<u>Journey level, residential specialty, or residential service certificate renewal or 1st card***</u>	<u>Three years</u>	<u>(((\$193.15)) \$227.90</u>
<u>Domestic pump specialty plumber certificate renewal or 1st card***</u>	<u>Three years</u>	<u>(((\$193.25)) \$228.00</u>

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
Backflow assembly maintenance and repair specialty certificate renewal or 1st card***	Three years	((\$133.25) \$157.20
Medical gas endorsement application	Per application	((\$59.20) \$69.80
Medical gas endorsement renewal or 1st card***	Three years	((\$132.80) \$156.70
Medical gas endorsement examination fee****		See note below.
Medical gas endorsement training course fee*****		See note below.
Domestic pump specialty examination fee****		See note below.
<u>Reinstatement of a plumbing contractor license</u>		\$69.50
Reinstatement fee for residential and journey level certificates		((\$258.30) \$304.70
Reinstatement fee for backflow assembly maintenance and repair specialty certificates		((\$148.55) \$175.20
Reinstatement fee for domestic pump		((\$386.75) \$456.30
Replacement fee for all certificates <u>and licenses</u>		((\$21.70) \$25.60
Refund processing fee		((\$34.50) \$27.50
Unsupervised trainee endorsement		((\$34.50) \$40.70
Inactive status fee		((\$34.50) \$40.70
Certified letter fee/verification of licensure		((\$34.50) \$40.70
<u>Required to cover the costs for the service of process in an action against a plumbing contractor, the contractor's bond, or the deposit under RCW 18.106.410</u>		\$55.00
Documents copied from a plumber's, trainee or plumbing contractor file		((\$2.10) \$2.40 per page maximum copy charge ((\$31.75) \$37.40
Continuing education new course fee*****		((\$209.15) \$246.70
Continuing education renewal course fee*****		((\$104.40) \$123.10
Continuing education classes provided by the department		((\$12.70) \$14.90 per continuing education training hour ((\$8.45) \$9.90 per continuing education training hour for correspondence and internet courses

* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) with which the department has a reciprocity agreement. The reciprocity application is valid for one year.

** The trainee certificate will expire one year from the date of issuance and must be renewed on or before the date of expiration. Trainee update fee required when hours are submitted outside of renewal period.

- *** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birth date.
The ~~((two-year))~~ three-year renewal of a Medical Gas Piping Installer Endorsement must include a continuity affidavit verifying that brazing work has been performed every six months during the renewal cycle.
- **** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement or the domestic pump or pump and irrigation examination. **This fee is not paid to the department.**
- ***** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**
- ***** This fee is for a three-year period or code cycle.
- ***** The domestic pump specialty application is valid for one year.

[Statutory Authority: 2020 c 153. WSR 20-16-141, § 296-400A-045, filed 8/4/20, effective 8/4/20. Statutory Authority: Chapter 18.106 RCW and Uniform Plumbing Code. WSR 16-08-100, § 296-400A-045, filed 4/5/16, effective 5/16/16. Statutory Authority: Chapter 18.106 RCW and 2011 c 50. WSR 11-23-141, § 296-400A-045, filed 11/22/11, effective 12/31/11. Statutory Authority: RCW 18.106.040 and 18.106.140. WSR 10-06-051, § 296-400A-045, filed 2/24/10, effective 4/1/10; WSR 09-10-080, § 296-400A-045, filed 5/5/09, effective 6/5/09. Statutory Authority: Chapters 18.106, 43.22 RCW, 2008 c 285 and c 329. WSR 08-12-042, § 296-400A-045, filed 5/30/08, effective 6/30/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-400A-045, filed 5/22/07, effective 6/30/07. Statutory Authority: RCW 18.106.040, 18.106.140. WSR 06-24-040, § 296-400A-045, filed 11/30/06, effective 12/31/06. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-400A-045, filed 5/2/06, effective 6/30/06. Statutory Authority: RCW 19.103.040, 18.106.140, and chapter 18.106 RCW. WSR 05-11-061, § 296-400A-045, filed 5/17/05, effective 6/30/05. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. WSR 04-12-046, § 296-400A-045, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-400A-045, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 18.106.040, 18.106.140, 2001 c 281, and chapter 18.106 RCW. WSR 02-14-074, § 296-400A-045, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 18.106.125. WSR 99-07-101, § 296-400A-045, filed 3/23/99, effective 4/23/99. Statutory Authority: Chapter 18.106 RCW. WSR 98-13-126, § 296-400A-045, filed 6/17/98, effective 7/20/98. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. WSR 98-12-041, § 296-400A-045, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. WSR 97-11-052, § 296-400A-045, filed 5/20/97, effective 6/30/97.]

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-110 ((Does previous)) How does work experience count toward my trainee certificate? If your work experience was in plumbing construction in Washington state, you will be given credit for all verifiable hours that are properly submitted on the department's approved form. Plumber trainee hours accumulated in the state of Washington will be credited only if an active Washington state

trainee card was in place when the work occurred. (Refer to the definition of "plumbing" in WAC 296-400A-005.)

[Statutory Authority: Chapter 18.106 RCW. WSR 98-13-126, § 296-400A-110, filed 6/17/98, effective 7/20/98. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. WSR 97-11-052, § 296-400A-110, filed 5/20/97, effective 6/30/97.]

AMENDATORY SECTION (Amending WSR 20-16-141, filed 8/4/20, effective 8/4/20)

WAC 296-400A-120 What do I need to know about plumber trainee certificates? General.

(1) Journey level and specialty plumber original trainee certificates:

The department will issue an original trainee certificate when the trainee applicant submits a complete trainee certificate application including:

- (a) Date of birth, mailing address, Social Security number; and
- (b) All appropriate fees as listed in WAC 296-400A-045.
- (c) If an individual has previously held a plumbing trainee certificate, then that individual is not eligible for a subsequent original trainee certificate.
- (d) All applicants for a plumbing trainee certificate must be at least sixteen years of age and must follow requirements as defined in WAC 296-125-030.

(2) Renewal.

- (a) The department issues separate trainee certificates once a year.
- (b) The plumbing trainee may not apply for renewal more than ninety days prior to the expiration date. Plumber trainee certificates are valid for one year.
- (c) All applicants for trainee certificate of renewal must:
 - (i) Submit a complete renewal application;
 - (ii) Pay all appropriate fees; and
 - (iii) Completed the continuing education requirements described in chapter 296-400A WAC. Backflow trainees are exempt from continuing education requirements.
- (d) If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing trainee certificate, the individual's certificate may be suspended or revoked.
- (e) An individual who has not completed the required hours of continuing education can renew a trainee certificate; however, the training certificate will be placed in an inactive status. The inactive training certificate will be returned to active status upon validation by the department of the required continuing education.
- (f) If continuing education hours have not been met, trainee certificates will become expired/inactive and any plumbing work experience obtained by the trainee in expired/inactive status will not be credited.

(g) An individual may not renew a revoked trainee certificate.

(h) Apprentices registered in an approved program according to chapter 49.04 RCW who are obtaining classroom training consistent with the continuing education requirements under chapter 18.106 RCW and

this chapter, as approved by the department, are deemed to have met the continuing education requirements necessary to renew a trainee certificate. Included under this exemption are active trainees that are not in the formal approved program according to chapter 49.04 RCW but are attending all hours of required classroom training along with the apprentices and meeting the work experience as required under chapter 18.106 RCW and this chapter. The plumber craft training school will be required to supply the department the necessary documentation to prove there was full hourly attendance of these trainees as is required of the apprentices while they attend the classroom training.

(i) The trainee will not be issued a renewal or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.

(3) Ratio/supervision.

(a) Commercial/residential.

(i) A certified residential specialty plumber, residential service plumber, or domestic pump specialty plumber working on a commercial job site may work as a journey level trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.

(ii) On a job site, the ratio of certified plumbers to plumber((s)) trainees must be:

(A) One journey level plumber working on a commercial job site may supervise no more than one trainee or one residential specialty plumber who holds a current trainee certificate. Supervision must be a minimum of seventy-five percent of the time spent on each and every job site.

(B) One residential specialty plumber or journey level working on a residential plumbing job site may supervise no more than three trainees, until December 31, 2025, no more than two trainees can be supervised. Supervision must be a minimum of seventy-five percent of the time spent on each and every job site.

~~((B))~~ (C) One journey level (~~plumber working on a commercial job site~~), residential specialty, or residential service plumber performing residential service work on an existing residential structure by remote trainee supervision may supervise no more than one trainee (~~or one residential specialty plumber~~) who holds a current trainee certificate. In-person supervision must be a minimum of seventy-five percent of the time spent on each and every job site.

(b) Domestic pump.

One appropriate domestic pump specialty plumber or one journey level plumber working on a domestic pump system may supervise no more than three trainees, until December 31, 2025, no more than two trainees can be supervised. Supervision must be a minimum of seventy-five percent of the time spent on each and every job site.

(c) Medical gas.

A plumber trainee or specialty plumber who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping systems. Work may only occur when there is direct supervision by an active Washington state certified journey level plumber with an active medical gas piping installer endorsement issued by the department. Supervision must be one hundred percent of the time spent on each and every job site on a one-to-one ratio.

(d) Backflow.

A backflow specialty plumber, a journey level plumber on a commercial job site, or a residential specialty plumber on a residential job site must supervise one backflow trainee to perform maintenance and repair work on every backflow assembly on potable water systems inside every commercial or residential building. The ratio must be one to one for one hundred percent of the time on each and every job site.

(4) Affidavits of experience.

(a) At the time of renewal, the holder must provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous annual period. The individual must submit a completed, signed, and notarized affidavit(s) of experience. The affidavit of experience must accurately attest to:

(i) The plumbing installation work performed for each employer the individual worked for in the plumbing trade during the previous period;

(ii) The correct plumbing category the individual worked in; and

(iii) The actual number of hours worked in each category, worked under the proper supervision of a Washington certified journey level plumber, certified domestic pump specialty plumber, or residential specialty plumber.

(b) The trainee should ask each employer and/or apprenticeship-training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request.

(c) ~~((If))~~ Plumbing hours for previous ~~((period are not))~~ years are not to be submitted within ~~((the))~~ thirty days after ~~((renewing a))~~ the renewal date of the plumbing training certificate~~((7))~~; failure to submit within thirty days is a violation of chapter 18.106 RCW. The individual may not receive credit for these previous ~~((period))~~ plumbing hours and will result in nonrenewal of the trainee certificate and subject to an infraction under RCW 18.106.320. See RCW 18.106.070(2).

(d) Trainee hours will not be credited if the trainee owes outstanding penalties for violations of this chapter.

(e) Trainee hours will not be credited during periods of time when the trainee card is expired or inactive.

[Statutory Authority: 2020 c 153. WSR 20-16-141, § 296-400A-120, filed 8/4/20, effective 8/4/20. Statutory Authority: Chapter 18.106 RCW and Uniform Plumbing Code. WSR 16-08-100, § 296-400A-120, filed 4/5/16, effective 5/16/16. Statutory Authority: RCW 18.106.040 and 18.106.140. WSR 10-06-051, § 296-400A-120, filed 2/24/10, effective 4/1/10; WSR 09-10-080, § 296-400A-120, filed 5/5/09, effective 6/5/09; WSR 06-24-040, § 296-400A-120, filed 11/30/06, effective 12/31/06. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. WSR 04-12-046, § 296-400A-120, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 18.106.040, 18.106.140, 2001 c 281, and chapter 18.106 RCW. WSR 02-14-074, § 296-400A-120, filed 6/28/02, effective 7/1/02. Statutory Authority: Chapter 18.106 RCW. WSR 98-13-126, § 296-400A-120, filed 6/17/98, effective 7/20/98. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. WSR 97-11-052, § 296-400A-120, filed 5/20/97, effective 6/30/97.]

AMENDATORY SECTION (Amending WSR 20-16-141, filed 8/4/20, effective 8/4/20)

WAC 296-400A-121 What do I need to know about trainee experience and plumber examination requirements for the journey level and specialty plumber?

(1) You may take the journey level examination after completing 8,000 hours and not less than four years of documented training which must include 4,000 hours of commercial plumbing experience under direct supervision of a certified journey level plumber.

(2) You may take the residential specialty plumber examination after completing 6,000 hours and not less than three years of documented training under direct supervision of a certified residential specialty or journey level plumber.

(3) You may take the residential service plumbing examination after completing 4,000 hours and not less than two years of documented training. The first year and 2,000 hours of supervision must be under direct supervision of a certified journey level or residential specialty plumber. The second year and 2,000 hours of trainee could be under a residential service plumber.

(4) For domestic pump specialty plumbers:

(a) To be eligible for a limited volume domestic pump specialty plumbers examination defined by RCW 18.106.010 (14)(c), the trainee must complete one year and 2,000 hours practical experience working under the direct supervision of a certified limited volume domestic pump specialty plumber, a certified unrestricted domestic pump specialty plumber, or a journey level plumber on pumping systems not exceeding one hundred gallons per minute. The experience may be obtained at the same time the individual is meeting the experience required by RCW 19.28.191, or equivalent experience may be accepted as determined by rule by the department in consultation with the advisory board. Restricted domestic pump specialty trainees who have completed at least 720 hours of on-the-job training and passed the competency examination required by WAC 296-400A-020 may work unsupervised for the remainder of the time required for work experience to become a restricted domestic pump specialty plumber.

(b) To be eligible for an unrestricted domestic pump specialty plumbers examination defined by RCW 18.106.010 (14)(c), the trainee must complete 4,000 hours but not less than two years, of practical experience working under the direct supervision of a certified unrestricted domestic pump specialty plumber or a journey level plumber on pumping systems. The experience may be obtained at the same time the individual is meeting the experience required by RCW 19.28.191 or equivalent experience may be accepted as determined by rule by the department in consultation with the advisory board.

(5) To be eligible for a backflow assembly maintenance and repair specialty examination, the trainee must furnish written evidence that they have a valid backflow assembly tester certification administered and enforced by the department of health.

(6) Individuals are required to complete 16 hours of continuing education with a minimum of 4 hours of industry related electrical training prior to testing for journey level, domestic pump, or residential specialty plumber certification.

(7) ~~((Effective January 1, 2005, all plumber trainees will be required to meet the current hour requirements to test.~~

~~(8))~~ **Apprentice/trade school endorsement requirements.** An individual who has a current journey level plumber, domestic pump specialty plumber, or residential specialty plumber trainee 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 work force 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.

(a) In order to work without direct on-site supervision applicable to the type (residential or journey level) of training hours for which certification is being sought by the individual, this individual must obtain an apprentice/trade school trainee endorsement by submitting the applicable forms provided by the department and paying the applicable fees.

(b) This individual may work without direct on-site supervision until he or she receives the remaining hours required (~~to be eligible~~) to take the applicable examination.

(c) This individual may not supervise trainees. (See RCW 18.106.070.)

~~((9))~~ (8) **Any applicant** who fails an examination will be required to wait at least until the next scheduled examination date and location and work under the direct supervision of a certified plumber while holding an active trainee card, until they have passed the exam and their certificate of competency has been issued. Examinations are held the first Thursday of every month, unless that date falls on a holiday. Applications must be submitted and received by the plumbing certification program office two weeks before the next scheduled date.

~~((10))~~ (9) Failure to reschedule or appear on the scheduled exam date will result in forfeiture of the examination fee.

[Statutory Authority: 2020 c 153. WSR 20-16-141, § 296-400A-121, filed 8/4/20, effective 8/4/20. Statutory Authority: Chapter 18.106 RCW and Uniform Plumbing Code. WSR 16-08-100, § 296-400A-121, filed 4/5/16, effective 5/16/16. Statutory Authority: RCW 18.106.040, 18.106.140. WSR 06-24-040, § 296-400A-121, filed 11/30/06, effective 12/31/06. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. WSR 04-12-046, § 296-400A-121, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 18.106.040, 18.106.140, 2001 c 281, and chapter 18.106 RCW. WSR 02-14-074, § 296-400A-121, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. WSR 97-11-052, § 296-400A-121, filed 5/20/97, effective 6/30/97.]

AMENDATORY SECTION (Amending WSR 09-10-080, filed 5/5/09, effective 6/5/09)

WAC 296-400A-130 What if I make a false statement or a material misrepresentation on an application, an employment report or a trainee certificate? (1) A person making a false statement or material misrepresentation on an application, statement of hours, or signed statement to the department may be referred to the county prosecutor for criminal prosecution. The department may also file a civil action under chapter 18.106 RCW and may revoke or suspend a certificate under chapter 18.106 RCW.

(2) The department may file a civil action under chapter 18.106 RCW and may revoke or suspend a certificate of competency under chap-

ter 18.106 RCW for inaccurate or false reporting of continuing education hours.

(3) If the department determines that a course sponsor has issued an inaccurate or incomplete course application or attendance/completion roster, the department may suspend or revoke the course approval and deny future approval of a continuing education course(s) by the course sponsor.

(4) The department may file a civil action under chapter 18.106 RCW against both the trainee and the plumbing contractor, apprentice training director, or other entity verifying the training hours and may subtract the falsified hours of employment from a trainee's total hours if the department determines a false statement or material misrepresentation has been made in an affidavit of experience.

[Statutory Authority: RCW 18.106.040 and 18.106.140. WSR 09-10-080, § 296-400A-130, filed 5/5/09, effective 6/5/09. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. WSR 04-12-046, § 296-400A-130, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 18.106.040, 18.106.140, 2001 c 281, and chapter 18.106 RCW. WSR 02-14-074, § 296-400A-130, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. WSR 97-11-052, § 296-400A-130, filed 5/20/97, effective 6/30/97.]

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

WAC 296-400A-150 May the department audit the records of a plumbing contractor? Yes, for any reason (~~such as~~), but not limited to: Dispatching, ratio, supervision, excessive hours, and certification. The department may audit the records of plumbing contractors as authorized under RCW 18.106.320 when the department has reason to believe that a violation of the plumbing certification laws has occurred.

[Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. WSR 04-12-046, § 296-400A-150, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 09-10-080, filed 5/5/09, effective 6/5/09)

WAC 296-400A-155 What records must every plumbing contractor keep for quarterly reporting and audits of trainee hours. (1) The department, under RCW 18.106.320, may audit the employment records of the plumbing contractor or employer who verified the plumbing trainee hours.

(2) Every contractor must keep a record of trainee employment so the department may obtain the necessary information to verify plumbing trainee work experience.

(a) The plumbing contractor must keep the records of jobs performed for ((a)) at least ((five)) three years.

(b) Upon request, these records must be made available to the department for inspection within seven business days.

(3) The plumbing contractor must maintain (~~time cards or similar~~) records to verify:

(a) The number of hours the trainee worked as a supervised trainee by category(~~(-)~~);

(b) The type of plumbing work the trainee performed (e.g., commercial or residential).

(4) Any information obtained from the trainee's plumbing contractor (~~(or employer)~~) during the audit under the provisions of RCW 18.106.320 is confidential and is not open to public inspection under chapter 42.17 RCW.

(5) The department's audit may include, but will not be limited to, the following:

(a) An audit to determine whether the trainee and supervising plumber were employed by the same plumbing contractor (~~(or employer)~~) during the period for which the hours were submitted, the actual number of hours the trainee worked, and the category of plumbing work performed; and

(b) An audit covering a specific time period and examination of a plumbing contractor's (~~(or employer's)~~) books and records which may include their reporting of the trainee's payroll hours required for industrial insurance, employment security or prevailing wage purposes.

[Statutory Authority: RCW 18.106.040 and 18.106.140. WSR 09-10-080, § 296-400A-155, filed 5/5/09, effective 6/5/09. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. WSR 04-12-046, § 296-400A-155, filed 5/28/04, effective 6/30/04.]

NEW SECTION

WAC 296-400A-165 Is a city, town, or county required to verify a plumbing contractor license number? Before issuing a plumbing permit, a city, town, or county must verify the licensure of the plumbing contractor applying for the permit.

[]

NEW SECTION

WAC 296-400A-170 How does a city, town, or county verify a plumbing contractor's license? A city, town, or county may verify a plumbing contractor's license by checking the department's contractor registration internet website or by calling the department to confirm that the plumbing contractor is licensed.

[]

NEW SECTION

WAC 296-400A-175 Who is liable when a city, town, or county fails to verify a plumbing contractor's license? The city, town, or county that issues a building permit without verifying the contractor's registration may be liable for a maximum penalty amount of five thousand dollars. See RCW 18.106.440(1).

[]

AMENDATORY SECTION (Amending WSR 20-16-141, filed 8/4/20, effective 8/4/20)

WAC 296-400A-300 What procedures does the department follow when issuing a notice of infraction? (1) If an authorized representative of the department determines that an individual, employer, contractor, or plumbing contractor has violated plumber certification requirements, including medical gas piping installer endorsement requirements, and plumbing licensing requirements, the department must issue a notice of infraction describing the reasons for the infraction.

(2) For plumber certification violations, the department may issue a notice of infraction to:

(a) An individual who is plumbing without a current plumber certificate; and

(b) The plumbing contractor or employer of the individual who is plumbing without a current plumber certificate; and

(c) The plumbing contractor or employer's authorizing agent or foreman that made the work assignment to the individual who is plumbing without a current plumber certificate; and

(d) An individual for not having their department issued certification card and governmental issued photo identification in their possession and not visibly wearing their certification on the job site.

(3) For medical gas piping installer endorsement violations, the department may issue a notice of infraction to:

(a) An individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; and

(b) The plumbing contractor or employer of the individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; and

(c) The plumbing contractor or employer's authorizing agent or foreman that made the work assignment to the individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; and

(d) An individual for not having their department issued certification card and governmental issued photo identification in their possession and not visibly wearing their certification on the job site.

(4) The department may issue an infraction to ((a)) an individual, employer, contractor, or plumbing contractor advertising or performing work and is not properly licensed under this chapter or chapter ((18.27 RCW who is not properly registered under chapter 18.27)) 18.106 RCW.

(5) An individual, employer, contractor, or plumbing contractor may appeal a notice of infraction by complying with the appropriate provisions of RCW 18.106.220.

(6) If good cause is shown, the director may waive, reduce or suspend any monetary penalties resulting from the infraction.

(7) Any monetary penalties collected under this chapter, must be deposited in the plumbing certificate fund.

(8) The notice shall be accompanied by a certified check for two hundred dollars. The check shall be returned to the assessed party if the decision of the department is not sustained by the administrative law judge (ALJ). If the ALJ sustains the decision of the department, the amount of the check shall be applied by the department.

[Statutory Authority: 2020 c 153. WSR 20-16-141, § 296-400A-300, filed 8/4/20, effective 8/4/20. Statutory Authority: RCW 18.106.040 and 18.106.140. WSR 10-06-051, § 296-400A-300, filed 2/24/10, effective 4/1/10; WSR 09-10-080, § 296-400A-300, filed 5/5/09, effective 6/5/09. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. WSR 04-12-046, § 296-400A-300, filed 5/28/04, effective 6/30/04. Statutory Authority: Chapter 18.106 RCW. WSR 98-13-126, § 296-400A-300, filed 6/17/98, effective 7/20/98. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. WSR 97-11-052, § 296-400A-300, filed 5/20/97, effective 6/30/97.]

AMENDATORY SECTION (Amending WSR 20-16-141, filed 8/4/20, effective 8/4/20)

WAC 296-400A-400 What are the monetary penalties for violating certification requirements? (1) A person cited for an infraction under chapter 18.106 RCW or this chapter will be assessed a monetary penalty based upon the following schedule:

(a) Individual or dispatcher

First Infraction	\$100.00
Second Infraction	\$200.00
Third Infraction	\$500.00
Fourth Infraction	\$1,000.00
Fifth Infraction	\$2,000.00
Sixth Infraction	\$4,000.00
Seventh and each additional infraction	Not more than \$5,000.00

(b) Contractor, employer, or plumbing contractor

First Infraction	\$500.00
Second Infraction	\$1,000.00
Third Infraction	\$2,000.00
Fourth Infraction	\$4,000.00
Fifth and each additional infraction	Not more than \$5,000.00

(2) Each day a person is in violation is considered a separate infraction.

(3) Each job site at which a person is in violation is considered a separate infraction.

(4) A warning may be issued for first-time violation of chapter 18.106 RCW and this chapter (~~may be issued~~) to only individuals or

employees and only once (~~to an individual~~). Second or additional violations must be assessed a monetary penalty based on the escalating schedule; starting with the first infraction penalty amount under individual or dispatcher.

[Statutory Authority: 2020 c 153. WSR 20-16-141, § 296-400A-400, filed 8/4/20, effective 8/4/20. Statutory Authority: Chapter 18.106 RCW and Uniform Plumbing Code. WSR 16-08-100, § 296-400A-400, filed 4/5/16, effective 5/16/16. Statutory Authority: RCW 18.106.040 and 18.106.140. WSR 10-06-051, § 296-400A-400, filed 2/24/10, effective 4/1/10. Statutory Authority: RCW 18.106.040, 18.106.140, 2002 c 82, and 2003 c 399. WSR 04-12-046, § 296-400A-400, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. WSR 97-11-052, § 296-400A-400, filed 5/20/97, effective 6/30/97.]

AMENDATORY SECTION (Amending WSR 16-08-100, filed 4/5/16, effective 5/16/16)

WAC 296-400A-430 **If I am a certified backflow assembly maintenance and repair, journey level, or specialty plumber do I need to be a (~~registered~~) licensed plumbing contractor under chapter ((18.27)) 18.106 RCW?** Anyone who advertises, offers to do work, submits a bid, or performs any work under chapter 18.106 RCW and these rules must be a (~~registered~~) licensed plumbing contractor as required under chapter ((18.27)) 18.106 RCW, or an employee of such a (~~registered~~) licensed plumbing contractor, with wages as their sole compensation.

[Statutory Authority: Chapter 18.106 RCW and Uniform Plumbing Code. WSR 16-08-100, § 296-400A-430, filed 4/5/16, effective 5/16/16. Statutory Authority: RCW 18.106.040, 18.106.140, 2001 c 281, and chapter 18.106 RCW. WSR 02-14-074, § 296-400A-430, filed 6/28/02, effective 7/1/02.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-400A-028 What are the requirements for continuing education and classroom training?