

SENATE BILL REPORT

ESHB 2626

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, FEBRUARY 25, 1994

**Brief Description:** Providing for the enforcement of plumbing certificate of competency requirements.

**SPONSORS:** House Committee on Commerce & Labor (originally sponsored by Representatives Mastin and Grant)

**HOUSE COMMITTEE ON COMMERCE & LABOR**

**HOUSE COMMITTEE ON APPROPRIATIONS**

**SENATE COMMITTEE ON LABOR & COMMERCE**

**Majority Report:** Do pass as amended.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

**Staff:** Blaine Gibson (786-7375)

**Hearing Dates:** February 25, 1994

**BACKGROUND:**

A person may not engage in plumbing work unless he or she has a certificate of competency, a temporary permit, or a training certificate. The Department of Labor and Industries assesses certification fees that are deposited in the plumbing certification fund.

Each day that a person engages in plumbing work without the required certificate or permit is a separate infraction. Persons who have committed infractions are subject to a \$100 penalty. Citations for infractions of the plumbing certificate requirements are issued by the department and enforced in district court.

**SUMMARY:**

The Department of Labor and Industries must establish a pilot project in which it will enter into an agreement with a city to permit enforcement of the plumbing certificates of competency laws. The pilot project will be in Eastern Washington. Under the agreement, the city will submit declarations of noncompliance to the department for the department's enforcement action, with reimbursement to the city at an established fee.

A person may not offer to engage in the plumbing trade unless he or she has a certificate of competency or other required certificate or permit. An employer may not employ a person in

the plumbing trade unless the person has the required certificate or permit.

Infractions may be issued to an employer who employs, or a supervisor who authorized the work assignment of, a person who is working in the plumbing trade without the required certificate or permit. The employer or supervisor is subject to an infraction for each day that a person is employed in plumbing work without the required certificate or permit.

The minimum penalty for a violation of the plumbing certificate of competency requirements is increased from \$100 to \$250 for the first infraction, and no more than \$1,000 for a second or subsequent infraction. The department is required to adopt a schedule of penalties.

Infractions will be enforced in an administrative hearing with an administrative law judge. Penalties collected will be deposited in the plumbing certificate fund.

**SUMMARY OF PROPOSED COMMITTEE AMENDMENT:**

Infractions may be issued to a plumbing, construction, or electrical contractor who hires an uncertified plumber as part of his trade or business. It would not apply to a homeowner or contractor contracting for work on his or her own home.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** January 25, 1994

**Effective Date:** July 1, 1994

**TESTIMONY FOR:**

The pilot program will enable the state to effectively enforce plumbing certification requirements. The bill will also allow the department to fine a contracting firm that is hiring uncertified plumbers.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Larry Stevens, USA (pro); Joe Brewer, Department of Labor and Industries (pro); Brian Garver, Mechanical Contractors Association (pro)