

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6521

54th Legislature
1996 Regular Session

Passed by the Senate March 4, 1996
YEAS 42 NAYS 0

President of the Senate

Passed by the House February 29, 1996
YEAS 96 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6521** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6521

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Heavey and Sutherland; by request of Department of Labor & Industries)

Read first time 02/02/96.

1 AN ACT Relating to electrical administration procedures; amending
2 RCW 19.28.125, 19.28.210, 19.28.310, 19.28.510, and 19.28.550; and
3 adding new sections to chapter 19.28 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.28 RCW
6 to read as follows:

7 The department may deny renewal of a certificate or license issued
8 under this chapter, if the applicant for renewal owes outstanding
9 penalties for a final judgment under this chapter. The department
10 shall notify the applicant of the denial by registered mail, return
11 receipt requested, to the address on the application. The applicant
12 may appeal the denial within twenty days by filing a notice of appeal
13 with the department accompanied by a certified check for two hundred
14 dollars which shall be returned to the applicant if the decision of the
15 department is not upheld by the board. The office of administrative
16 hearings shall conduct the hearing under chapter 34.05 RCW. The
17 electrical board shall review the proposed decision at the next
18 regularly scheduled board meeting. If the board sustains the decision

1 of the department, the two hundred dollars must be applied to the cost
2 of the hearing.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.28 RCW
4 to read as follows:

5 The department may audit the records of an electrical contractor
6 that has verified the hours of experience submitted by an electrical
7 trainee to the department under RCW 19.28.510(2) in the following
8 circumstances: Excessive hours were reported; hours reported outside
9 the normal course of the contractor's business; the type of hours
10 reported do not reasonably match the type of permits purchased; or for
11 other similar circumstances in which the department demonstrates a
12 likelihood of excessive hours being reported. The department shall
13 limit the audit to records necessary to verify hours. The department
14 shall adopt rules implementing audit procedures. Information obtained
15 from an electrical contractor under the provisions of this section is
16 confidential and is not open to public inspection under chapter 42.17
17 RCW.

18 **Sec. 3.** RCW 19.28.125 and 1988 c 81 s 6 are each amended to read
19 as follows:

20 (1) Each applicant for an electrical contractor's license, other
21 than an individual, shall designate a supervisory employee or member of
22 the firm to take the required administrator's examination. Effective
23 July 1, 1987, a supervisory employee designated as the administrator
24 shall be a full-time supervisory employee. This person shall be
25 designated as administrator under the license. No person may qualify
26 as administrator for more than one contractor. If the relationship of
27 the administrator with the electrical contractor is terminated, the
28 contractor's license is void within ninety days unless another
29 administrator is qualified by the board. However, if the administrator
30 dies, the contractor's license is void within one hundred eighty days
31 unless another administrator is qualified by the board. A certificate
32 issued under this section is valid for two years from the nearest
33 birthdate of the administrator, unless revoked or suspended, and
34 further is nontransferable. The department may deny an application for
35 an administrator's certificate for up to two years if the applicant's
36 previous administrator's certificate has been revoked for a serious
37 violation and all appeals concerning the revocation have been

1 exhausted. For the purposes of this section only, a serious violation
2 is a violation that presents imminent danger to the public. The
3 certificate may be renewed for a two-year period without examination by
4 appropriate application unless the certificate has been revoked,
5 suspended, or not renewed within ninety days after the expiration date.
6 If the certificate is not renewed before the expiration date, the
7 individual shall pay twice the usual fee. An individual holding more
8 than one administrator's certificate under this chapter shall not be
9 required to pay annual fees for more than one certificate. A person
10 may take the administrator's test as many times as necessary without
11 limit.

12 (2) The administrator shall:

13 (a) Be a member of the firm or a supervisory employee and shall be
14 available during working hours to carry out the duties of an
15 administrator under this section;

16 (b) Ensure that all electrical work complies with the electrical
17 installation laws and rules of the state;

18 (c) Ensure that the proper electrical safety procedures are used;

19 (d) Ensure that all electrical labels, permits, and licenses
20 required to perform electrical work are used;

21 (e) See that corrective notices issued by an inspecting authority
22 are complied with; and

23 (f) Notify the department in writing within ten days if the
24 administrator terminates the relationship with the electrical
25 contractor.

26 (3) The department shall not by rule change the administrator's
27 duties under subsection (2) of this section.

28 **Sec. 4.** RCW 19.28.210 and 1992 c 240 s 2 are each amended to read
29 as follows:

30 (1) The director shall cause an inspector to inspect all wiring,
31 appliances, devices, and equipment to which this chapter applies.
32 Nothing contained in this chapter may be construed as providing any
33 authority for any subdivision of government to adopt by ordinance any
34 provisions contained or provided for in this chapter except those
35 pertaining to cities and towns pursuant to RCW 19.28.010(~~(+2)~~) (3).

36 (2) Upon request, electrical inspections will be made by the
37 department within forty-eight hours, excluding holidays, Saturdays, and
38 Sundays. If, upon written request, the electrical inspector fails to

1 make an electrical inspection within twenty-four hours, the serving
2 utility may immediately connect electrical power to the installation if
3 the necessary electrical work permit is displayed: PROVIDED, That if
4 the request is for an electrical inspection that relates to a mobile
5 home installation, the applicant shall provide proof of a current
6 building permit issued by the local government agency authorized to
7 issue such permits as a prerequisite for inspection approval or
8 connection of electrical power to the mobile home.

9 (3) Whenever the installation of any wiring, device, appliance, or
10 equipment is not in accordance with this chapter, or is in such a
11 condition as to be dangerous to life or property, the person, firm,
12 partnership, corporation, or other entity owning, using, or operating
13 it shall be notified by the department and shall within fifteen days,
14 or such further reasonable time as may upon request be granted, make
15 such repairs and changes as are required to remove the danger to life
16 or property and to make it conform to this chapter. The director,
17 through the inspector, is hereby empowered to disconnect or order the
18 discontinuance of electrical service to conductors or equipment that
19 are found to be in a dangerous or unsafe condition and not in
20 accordance with this chapter. Upon making a disconnection the
21 inspector shall attach a notice stating that the conductors have been
22 found dangerous to life or property and are not in accordance with this
23 chapter. It is unlawful for any person to reconnect such defective
24 conductors or equipment without the approval of the department, and
25 until the conductors and equipment have been placed in a safe and
26 secure condition, and in a condition that complies with this chapter.

27 (4) The director, through the electrical inspector, has the right
28 during reasonable hours to enter into and upon any building or premises
29 in the discharge of his or her official duties for the purpose of
30 making any inspection or test of the installation of new construction
31 or altered electrical wiring, electrical devices, equipment, or
32 material contained in or on the buildings or premises. No electrical
33 wiring or equipment subject to this chapter may be concealed until it
34 has been approved by the inspector making the inspection. At the time
35 of the inspection, electrical wiring or equipment subject to this
36 chapter must be sufficiently accessible to permit the inspector to
37 employ any testing methods that will verify conformance with the
38 national electrical code and any other requirements of this chapter.

1 (5) Persons, firms, partnerships, corporations, or other entities
2 making electrical installations shall obtain inspection and approval
3 from an authorized representative of the department as required by this
4 chapter before requesting the electric utility to connect to the
5 installations. Electric utilities may connect to the installations if
6 approval is clearly indicated by certification of the electrical work
7 permit required to be affixed to each installation or by equivalent
8 means, except that increased or relocated services may be reconnected
9 immediately at the discretion of the utility before approval if an
10 electrical work permit is displayed. The permits shall be furnished
11 upon payment of the fee to the department.

12 (6) The director, subject to the recommendations and approval of
13 the board, shall set by rule a schedule of license and electrical work
14 permit fees that will cover the costs of administration and enforcement
15 of this chapter. The rules shall be adopted in accordance with the
16 administrative procedure act, chapter 34.05 RCW. No fee may be charged
17 for plug-in mobile homes, recreational vehicles, or portable
18 appliances.

19 (7) Nothing in this chapter shall authorize the inspection of any
20 wiring, appliance, device, or equipment, or installations thereof, by
21 any utility or by any person, firm, partnership, corporation, or other
22 entity employed by a utility in connection with the installation,
23 repair, or maintenance of lines, wires, apparatus, or equipment owned
24 by or under the control of the utility. All work covered by the
25 national electric code not exempted by the 1981 edition of the national
26 electric code 90-2(B)(5) shall be inspected by the department.

27 **Sec. 5.** RCW 19.28.310 and 1988 c 81 s 10 are each amended to read
28 as follows:

29 The department has the power, in case of (~~continued~~) serious
30 noncompliance with the provisions of this chapter, to revoke or suspend
31 for such a period as it determines, any electrical contractor license
32 or electrical contractor administrator certificate issued under this
33 chapter. The department shall notify the holder of the license or
34 certificate of the revocation or suspension by certified mail. A
35 revocation or suspension is effective (~~fifteen~~) twenty days after the
36 holder receives the notice. Any revocation or suspension is subject to
37 review by an appeal to the board. The filing of an appeal stays the
38 effect of a revocation or suspension until the board makes its

1 decision. The appeal shall be filed within (~~fifteen~~) twenty days
2 after notice of the revocation or suspension is given by certified mail
3 sent to the address of the holder of the license or certificate as
4 shown on the application for the license or certificate, and shall be
5 effected by filing a written notice of appeal with the department,
6 accompanied by a certified check for two hundred dollars, which shall
7 be returned to the holder of the license or certificate if the decision
8 of the department is not sustained by the board. The hearing shall be
9 conducted in accordance with chapter 34.05 RCW. If the board sustains
10 the decision of the department, the two hundred dollars shall be
11 applied by the department to the payment of the per diem and expenses
12 of the members of the board incurred in the matter, and any balance
13 remaining after payment of per diem and expenses shall be paid into the
14 electrical license fund.

15 **Sec. 6.** RCW 19.28.510 and 1983 c 206 s 13 are each amended to read
16 as follows:

17 (1) No person may engage in the electrical construction trade
18 without having a current journeyman electrician certificate of
19 competency or a current specialty electrician certificate of competency
20 issued by the department in accordance with this chapter. Electrician
21 certificate of competency specialties include, but are not limited to:
22 Residential, domestic appliances, pump and irrigation, limited energy
23 system, signs, and nonresidential maintenance.

24 (2) A person who is indentured in an apprenticeship program
25 approved under chapter 49.04 RCW for the electrical construction trade
26 or who is learning the electrical construction trade may work in the
27 electrical construction trade if supervised by a certified journeyman
28 electrician or a certified specialty electrician in that electrician's
29 specialty. All apprentices and individuals learning the electrical
30 construction trade shall obtain an electrical training certificate from
31 the department. The certificate shall authorize the holder to learn
32 the electrical construction trade while under the direct supervision of
33 a journeyman electrician or a specialty electrician working in his or
34 her specialty. The holder of the electrical training certificate shall
35 renew the certificate annually. At the time of renewal, the holder
36 shall provide the department with an accurate list of the holder's
37 employers in the electrical construction industry for the previous year
38 and the number of hours worked for each employer. An annual fee shall

1 be charged for the issuance or renewal of the certificate. The
2 department shall set the fee by rule. The fee shall cover but not
3 exceed the cost of administering and enforcing the trainee
4 certification and supervision requirements of this chapter.
5 Apprentices and individuals learning the electrical construction trade
6 shall have their electrical training certificates in their possession
7 at all times that they are performing electrical work. They shall show
8 their certificates to an authorized representative of the department at
9 the representative's request.

10 (3) Any person who has been issued an electrical training
11 certificate under this chapter may work if that person is under
12 supervision. Supervision shall consist of a person being on the same
13 job site and under the control of either a journeyman electrician or an
14 appropriate specialty electrician who has an applicable certificate of
15 competency issued under this chapter. Either a journeyman electrician
16 or an appropriate specialty electrician shall be on the same job site
17 as the noncertified individual for a minimum of seventy-five percent of
18 each working day unless otherwise provided in this chapter. The ratio
19 of noncertified individuals to certified journeymen or specialty
20 electricians working on a job site shall be:

21 (a) From September 1, 1979, through December 31, 1982, not more
22 than three noncertified electricians working on any one job site for
23 every certified journeyman or specialty electrician;

24 (b) Effective January 1, 1983, not more than two noncertified
25 individuals working on any one job site for every specialty electrician
26 or journeyman electrician working as a specialty electrician;

27 (c) Effective January 1, 1983, not more than one noncertified
28 individual working on any one job site for every certified journeyman
29 electrician.

30 The ratio requirements do not apply to a trade school program in
31 the electrical construction trade established during 1946.

32 An individual who has a current training certificate and who has
33 successfully completed or is currently enrolled in an approved
34 apprenticeship program or in a technical school program in the
35 electrical construction trade in a school approved by the commission
36 for vocational education, may work without direct on-site supervision
37 during the last six months of meeting the practical experience
38 requirements of this chapter.

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

4 **Sec. 7.** RCW 19.28.550 and 1993 c 192 s 1 are each amended to read
5 as follows:

6 (1) The department shall issue a certificate of competency to all
7 applicants who have passed the examination provided in RCW 19.28.540,
8 and who have complied with RCW 19.28.510 through 19.28.620 and the
9 rules adopted under this chapter. The certificate shall bear the date
10 of issuance, and shall expire on (~~October 31st or April 30th, not less~~
11 ~~than six months nor more than three years immediately following the~~
12 ~~date of issuance~~)) the holder's birthday. The certificate shall be
13 renewed every three years, upon application, on or before the holder's
14 birthdate. A fee shall be assessed for each certificate and for each
15 annual renewal.

16 (2) If the certificate holder demonstrates to the department that
17 he or she has satisfactorily completed an annual eight-hour continuing
18 education course, the certificate may be renewed without examination by
19 appropriate application unless the certificate has been revoked,
20 suspended, or not renewed within ninety days after the expiration date.

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

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

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

36 (4) The certificates of competency and temporary permits provided
37 for in this chapter grant the holder the right to work in the
38 electrical construction trade as a journeyman electrician or specialty

1 electrician in accordance with their provisions throughout the state
2 and within any of its political subdivisions without additional proof
3 of competency or any other license, permit, or fee to engage in such
4 work.

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