
HOUSE BILL 2177

State of Washington 57th Legislature 2001 Regular Session

By Representatives Hurst, Delvin, Lovick and O'Brien

Read first time 02/21/2001. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to occupational licensing of registered sex
2 offenders; adding a new section to chapter 18.27 RCW; adding a new
3 section to chapter 18.106 RCW; and adding new sections to chapter 19.28
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.27 RCW
7 to read as follows:

8 (1) A contractor required to register under this chapter who has an
9 individual, whether as a sole proprietor, partner, or corporate officer
10 of the contractor, required to register under RCW 9A.44.130 must obtain
11 a restricted certificate of registration as required in this section.

12 (2)(a) On receiving an application for registration as a
13 contractor, or on renewing or reinstating a contractor's certificate of
14 registration, the department must determine if the individual, whether
15 a sole proprietor, partner, or corporate officer of the applicant or
16 contractor, is listed on the sex offender central registry maintained
17 by the Washington state patrol under RCW 43.43.540. A determination
18 complies with this section if the department checked the sex offender
19 central registry, called the Washington state patrol to confirm whether

1 the individual is on the registry, or followed determination procedures
2 adopted by the department by rule.

3 (b) If the individual being checked under (a) of this subsection is
4 listed on the sex offender central registry, the department shall issue
5 a restricted certificate of registration upon the individual's or
6 firm's compliance with the registration requirements of this chapter.
7 The certificate must be clearly and conspicuously marked "restricted"
8 on its face. The department shall provide written information to the
9 certificate holder on the restrictions and penalties that apply to
10 these certificates under subsection (3) of this section.

11 (c) The department may reissue the certificate of registration
12 without the restriction to a contractor who establishes that the
13 individual, partner, or corporate officer, as applicable, has been
14 lawfully removed from the sex offender central registry.

15 (3)(a) It is an infraction under this chapter:

16 (i) For a contractor to advertise, offer to do work, submit a bid,
17 or perform any work as a contractor without a restricted certificate of
18 registration if the contractor, whether a sole proprietor, partner, or
19 corporate officer of the contractor, is required to register under RCW
20 9A.44.130; or

21 (ii) For an individual to enter or remain in an occupied dwelling
22 or place of residence, or a place in which the individual would have
23 unsupervised contact with minors, while working as a contractor under
24 a restricted certificate of registration unless the contractor is
25 accompanied by another employee of the contractor. The employee may
26 not be an individual required to register under RCW 9A.44.130.

27 (b) A contractor found to have committed an infraction under this
28 section shall have its registration revoked and shall not be eligible
29 for registration under this chapter until the contractor establishes
30 that the individual, partner, or corporate officer, as applicable, has
31 been lawfully removed from the sex offender central registry.

32 (4) No liability may be imposed on the department or its employees
33 for release of information regarding sex offenders that results from
34 complying with this section or RCW 18.27.120 or for failing to release
35 such information. When a determination is made under subsection (2) of
36 this section, nothing in this section is intended to be, shall be
37 construed to create, or forms the basis for liability on the part of
38 the department or its employees.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.106 RCW
2 to read as follows:

3 (1) A person who is required to obtain a certificate of competency,
4 temporary permit, endorsement, or training certificate to engage in the
5 trade of plumbing under this chapter and who is required to register
6 under RCW 9A.44.130 must obtain a restricted certificate, permit, or
7 endorsement as required in this section.

8 (2)(a) On receiving an application for a certificate of competency,
9 a temporary permit, an endorsement, or a training certificate, or on
10 renewing or reinstating a certificate, permit, or endorsement, the
11 department must determine if the person is listed on the sex offender
12 central registry maintained by the Washington state patrol under RCW
13 43.43.540. A determination complies with this section if the department
14 checked the sex offender central registry, called the Washington state
15 patrol to confirm whether the person is on the registry, or followed
16 determination procedures adopted by the department by rule.

17 (b) If the person being checked under (a) of this subsection is
18 listed on the sex offender central registry, the department shall issue
19 a restricted certificate, permit, or endorsement, upon the person's
20 compliance with this chapter. The certificate, permit, or endorsement
21 must be clearly and conspicuously marked "restricted" on its face. The
22 department shall provide written information to the holder on the
23 restrictions and penalties that apply to these certificates, permits,
24 and endorsements under subsection (3) of this section.

25 (c) The department may reissue a certificate, permit, or
26 endorsement without the restriction to a person who establishes that he
27 or she has been lawfully removed from the sex offender central
28 registry.

29 (3)(a) It is an infraction under this chapter:

30 (i) For a person to engage in the trade of plumbing without a
31 restricted certificate, permit, or endorsement if the person is
32 required to register under RCW 9A.44.130; or

33 (ii) For a person to enter or remain in an occupied dwelling or
34 place of residence, or a place in which the person would have
35 unsupervised contact with minors, while working as a plumber under a
36 restricted certificate, permit, or endorsement unless the person is
37 accompanied by another employee of the person's employer. The
38 accompanying person may not be a person who is required to register
39 under RCW 9A.44.130.

1 (b) A person found to have committed an infraction under this
2 section shall have his or her certificate, permit, or endorsement
3 revoked and shall not be eligible for a certificate, permit, or
4 endorsement under this chapter until the person establishes that he or
5 she has been lawfully removed from the sex offender central registry.

6 (4) No liability may be imposed on the department or its employees
7 for release of information regarding sex offenders that results from
8 complying with this section or for failing to release such information.
9 When a determination is made under subsection (2) of this section,
10 nothing in this section is intended to be, shall be construed to
11 create, or forms the basis for liability on the part of the department
12 or its employees.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.28 RCW
14 to be codified under the subchapter heading "provisions applicable to
15 electrical installations" to read as follows:

16 (1) A person who is required to obtain a certificate of competency,
17 temporary permit, or electrical training certificate to engage in the
18 electrical construction trade under this chapter and who is required to
19 register under RCW 9A.44.130 must obtain a restricted certificate as
20 required in this section.

21 (2)(a) On receiving an application for a certificate of competency,
22 temporary permit, or electrical training certificate, or on renewing or
23 reinstating a certificate or permit, the department must determine if
24 the person is listed on the sex offender central registry maintained by
25 the Washington state patrol under RCW 43.43.540. A determination
26 complies with this section if the department checked the sex offender
27 central registry, called the Washington state patrol to confirm whether
28 the person is on the registry, or followed determination procedures
29 adopted by the department by rule.

30 (b) If the person being checked under (a) of this subsection is
31 listed on the sex offender central registry, the department shall issue
32 a restricted certificate or permit, upon the person's compliance with
33 this chapter. The certificate or permit must be clearly and
34 conspicuously marked "restricted" on its face. The department shall
35 provide written information to the holder on the restrictions and
36 penalties that apply to these certificates and permits under subsection
37 (3) of this section.

1 (c) The department may reissue a certificate or permit without the
2 restriction to a person who establishes that he or she has been
3 lawfully removed from the sex offender central registry.

4 (3)(a) It is a violation of RCW 19.28.161 through 19.28.271:

5 (i) For a person to engage in the electrical construction trade
6 without a restricted certificate or permit if the person is required to
7 register under RCW 9A.44.130; or

8 (ii) For a person to enter or remain in an occupied dwelling or
9 place of residence, or a place in which the person would have
10 unsupervised contact with minors, while working as an electrician under
11 a restricted certificate or permit unless the person is accompanied by
12 another employee of the person's employer. The accompanying person may
13 not be a person who is required to register under RCW 9A.44.130.

14 (b) A person found to have violated this section shall have his or
15 her certificate or permit revoked and shall not be eligible for a
16 license, certificate, or permit under this chapter until the person
17 establishes that he or she has been lawfully removed from the sex
18 offender central registry.

19 (4) No liability may be imposed on the department or its employees
20 for release of information regarding sex offenders that results from
21 complying with this section or for failing to release such information.
22 When a determination is made under subsection (2) of this section,
23 nothing in this section is intended to be, shall be construed to
24 create, or forms the basis for liability on the part of the department
25 or its employees.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.28 RCW
27 to be codified under the subchapter heading "provisions applicable to
28 electrical installations and telecommunications installations" to read
29 as follows:

30 (1) An entity required to obtain an electrical or
31 telecommunications contractor license, or a person required to obtain
32 an electrical or telecommunications contractor administrator
33 certificate, to engage in the electrical construction trade under this
34 chapter who has an individual, whether as a sole proprietor, partner,
35 or corporate officer of the entity, required to register under RCW
36 9A.44.130 must obtain a restricted license or certificate as required
37 in this section.

1 (2)(a) On receiving an application from an entity for an electrical
2 or telecommunications contractor license or an individual for an
3 electrical or telecommunications contractor administrator certificate,
4 or on renewing or reinstating a license or certificate, the department
5 must determine if the individual, whether a sole proprietor, partner,
6 or corporate officer of the entity, is listed on the sex offender
7 central registry maintained by the Washington state patrol under RCW
8 43.43.540. A determination complies with this section if the
9 department checked the sex offender central registry, called the
10 Washington state patrol to confirm whether the individual is on the
11 registry, or followed determination procedures adopted by the
12 department by rule.

13 (b) If the individual being checked under (a) of this subsection is
14 listed on the sex offender central registry, the department shall issue
15 a restricted license or certificate upon the entity's compliance with
16 this chapter. The license or certificate must be clearly and
17 conspicuously marked "restricted" on its face. The department shall
18 provide written information to the holder on the restrictions and
19 penalties that apply to these licenses and certificates under
20 subsection (3) of this section.

21 (c) The department may reissue a license or certificate without the
22 restriction to an entity who establishes that the individual, partner,
23 or corporate officer, as applicable, has been lawfully removed from the
24 sex offender central registry.

25 (3)(a) It is a violation of the licensure requirements of this
26 chapter:

27 (i) For an entity to engage in, conduct, or carry on the electrical
28 construction business as specified in RCW 19.28.041 without a
29 restricted electrical contractor license if the contractor, whether a
30 sole proprietor, partner, or corporate officer of the contractor, is
31 required to register under RCW 9A.44.130;

32 (ii) For an entity to carry on the business of installing or
33 maintaining telecommunications systems as specified in RCW 19.28.420
34 without a restricted telecommunications contractor license if the
35 contractor, whether a sole proprietor, partner, or corporate officer of
36 the contractor, is required to register under RCW 9A.44.130;

37 (iii) For an individual to work as an electrical contractor
38 administrator or telecommunications contractor administrator without a

1 restricted administrator's certificate if the individual is required to
2 register under RCW 9A.44.130; or

3 (iv) For an individual to enter or remain in an occupied dwelling
4 or place of residence, or a place in which the individual would have
5 unsupervised contact with minors, while working as an electrical or
6 telecommunications contractor or an electrical or telecommunications
7 administrator under a restricted license or certificate unless the
8 individual is accompanied by another employee of the contractor. The
9 accompanying individual may not be an individual who is required to
10 register under RCW 9A.44.130.

11 (b) An individual or entity found to have violated this section
12 shall have his or her license or certificate revoked and shall not be
13 eligible for a license or certificate under this chapter until the
14 individual or entity establishes that the individual, partner, or
15 corporate officer, as applicable, has been lawfully removed from the
16 sex offender central registry.

17 (4) No liability may be imposed on the department or its employees
18 for release of information regarding sex offenders that results from
19 complying with this section or for failing to release such information.
20 When a determination is made under subsection (2) of this section,
21 nothing in this section is intended to be, shall be construed to
22 create, or forms the basis for liability on the part of the department
23 or its employees.

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