

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1369

57th Legislature
2001 Regular Legislative Session

Passed by the House March 1, 2001
Yeas 91 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 12, 2001
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1369** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1369

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Representatives Esser, McDermott and Lovick; by request of Office of the Code Reviser

Read first time 01/24/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to making technical corrections concerning
2 electricians and electrical installations under the authority of RCW
3 1.08.025; and amending RCW 19.28.006, 19.28.010, 19.28.041, 19.28.051,
4 19.28.071, 19.28.091, 19.28.121, 19.28.131, 19.28.141, 19.28.151,
5 19.28.171, 19.28.181, 19.28.201, 19.28.211, 19.28.221, 19.28.231,
6 19.28.241, 19.28.251, 19.28.261, 19.28.271, and 19.28.321.

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

8 **Sec. 1.** RCW 19.28.006 and 2000 c 238 s 103 are each amended to
9 read as follows:

10 The definitions in this section apply throughout this subchapter.

11 (1) "Administrator" means a person designated by an electrical
12 contractor to supervise electrical work and electricians in accordance
13 with the rules adopted under this chapter.

14 (2) "Board" means the electrical board under RCW (~~19.28.065~~)
15 19.28.311.

16 (3) "Chapter" or "subchapter" means the subchapter, if no chapter
17 number is referenced.

18 (4) "Department" means the department of labor and industries.

1 (5) "Director" means the director of the department or the
2 director's designee.

3 (6) "Electrical construction trade" includes but is not limited to
4 installing or maintaining electrical wires and equipment that are used
5 for light, heat, or power and installing and maintaining remote
6 control, signaling, power limited, or communication circuits or
7 systems.

8 (7) "Electrical contractor" means a person, firm, partnership,
9 corporation, or other entity that offers to undertake, undertakes,
10 submits a bid for, or does the work of installing or maintaining wires
11 or equipment that convey electrical current.

12 (8) "Equipment" means any equipment or apparatus that directly
13 uses, conducts, or is operated by electricity but does not mean plug-in
14 household appliances.

15 (9) "Industrial control panel" means a factory-wired or user-wired
16 assembly of industrial control equipment such as motor controllers,
17 switches, relays, power supplies, computers, cathode ray tubes,
18 transducers, and auxiliary devices. The panel may include disconnect
19 means and motor branch circuit protective devices.

20 (10) "Journeyman electrician" means a person who has been issued a
21 journeyman electrician certificate of competency by the department.

22 (11) "Specialty electrician" means a person who has been issued a
23 specialty electrician certificate of competency by the department.

24 EXPLANATORY NOTE
25 RCW 19.28.065 was recodified as RCW 19.28.311 pursuant to 2000
26 c 238 s 2.

27 **Sec. 2.** RCW 19.28.010 and 1993 c 275 s 2 are each amended to read
28 as follows:

29 (1) All wires and equipment, and installations thereof, that convey
30 electric current and installations of equipment to be operated by
31 electric current, in, on, or about buildings or structures, except for
32 telephone, telegraph, radio, and television wires and equipment, and
33 television antenna installations, signal strength amplifiers, and
34 coaxial installations pertaining thereto shall be in strict conformity
35 with this chapter, the statutes of the state of Washington, and the
36 rules issued by the department, and shall be in conformity with
37 approved methods of construction for safety to life and property. All
38 wires and equipment that fall within section 90.2(b)(5) of the National
39 Electrical Code, 1981 edition, are exempt from the requirements of this

1 chapter. The regulations and articles in the National Electrical Code,
2 the national electrical safety code, and other installation and safety
3 regulations approved by the national fire protection association, as
4 modified or supplemented by rules issued by the department in
5 furtherance of safety to life and property under authority hereby
6 granted, shall be prima facie evidence of the approved methods of
7 construction. All materials, devices, appliances, and equipment used
8 in such installations shall be of a type that conforms to applicable
9 standards or be indicated as acceptable by the established standards of
10 any electrical product testing laboratory which is accredited by the
11 department. Industrial control panels, utilization equipment, and
12 their components do not need to be listed, labeled, or otherwise
13 indicated as acceptable by an accredited electrical product testing
14 laboratory unless specifically required by the National Electrical
15 Code, 1993 edition.

16 (2) Residential buildings or structures moved into or within a
17 county, city, or town are not required to comply with all of the
18 requirements of this chapter, if the original occupancy classification
19 of the building or structure is not changed as a result of the move.
20 This subsection shall not apply to residential buildings or structures
21 that are substantially remodeled or rehabilitated.

22 (3) This chapter shall not limit the authority or power of any city
23 or town to enact and enforce under authority given by law, any
24 ordinance, rule, or regulation requiring an equal, higher, or better
25 standard of construction and an equal, higher, or better standard of
26 materials, devices, appliances, and equipment than that required by
27 this chapter. A city or town shall require that its electrical
28 inspectors meet the qualifications provided for state electrical
29 inspectors in accordance with RCW (~~(19.28.070)~~) 19.28.321. In a city
30 or town having an equal, higher, or better standard the installations,
31 materials, devices, appliances, and equipment shall be in accordance
32 with the ordinance, rule, or regulation of the city or town.
33 Electrical equipment associated with spas, hot tubs, swimming pools,
34 and hydromassage bathtubs shall not be offered for sale or exchange
35 unless the electrical equipment is certified as being in compliance
36 with the applicable product safety standard by bearing the
37 certification mark of an approved electrical products testing
38 laboratory.

1 (4) Nothing in this chapter may be construed as permitting the
2 connection of any conductor of any electric circuit with a pipe that is
3 connected with or designed to be connected with a waterworks piping
4 system, without the consent of the person or persons legally
5 responsible for the operation and maintenance of the waterworks piping
6 system.

7 EXPLANATORY NOTE

8 RCW 19.28.070 was recodified as RCW 19.28.321 pursuant to 2000
9 c 238 s 2.

10 **Sec. 3.** RCW 19.28.041 and 1998 c 279 s 4 are each amended to read
11 as follows:

12 (1) It is unlawful for any person, firm, partnership, corporation,
13 or other entity to engage in, conduct, or carry on the business of
14 installing or maintaining wires or equipment to convey electric
15 current, or installing or maintaining equipment to be operated by
16 electric current as it pertains to the electrical industry, without
17 having an unrevoked, unsuspended, and unexpired electrical contractor
18 license, issued by the department in accordance with this chapter. All
19 electrical contractor licenses expire twenty-four calendar months
20 following the day of their issue. The department may issue an
21 electrical contractors license for a period of less than twenty-four
22 months only for the purpose of equalizing the number of electrical
23 contractor licenses that expire each month. Application for an
24 electrical contractor license shall be made in writing to the
25 department, accompanied by the required fee. The application shall
26 state:

27 (a) The name and address of the applicant; in case of firms or
28 partnerships, the names of the individuals composing the firm or
29 partnership; in case of corporations, the names of the managing
30 officials thereof;

31 (b) The location of the place of business of the applicant and the
32 name under which the business is conducted;

33 (c) Employer social security number;

34 (d) Evidence of workers' compensation coverage for the applicant's
35 employees working in Washington, as follows:

36 (i) The applicant's industrial insurance account number issued by
37 the department;

38 (ii) The applicant's self-insurer number issued by the department;

39 or

1 (iii) For applicants domiciled in a state or province of Canada
2 subject to an agreement entered into under RCW 51.12.120(7), as
3 permitted by the agreement, filing a certificate of coverage issued by
4 the agency that administers the workers' compensation law in the
5 applicant's state or province of domicile certifying that the applicant
6 has secured the payment of compensation under the other state's or
7 province's workers' compensation law;

8 (e) Employment security department number;

9 (f) State excise tax registration number;

10 (g) Unified business identifier (UBI) account number may be
11 substituted for the information required by (d) of this subsection if
12 the applicant will not employ employees in Washington, and by (e) and
13 (f) of this subsection; and

14 (h) Whether a general or specialty electrical contractor license is
15 sought and, if the latter, the type of specialty. Electrical
16 contractor specialties include, but are not limited to: Residential,
17 domestic appliances, pump and irrigation, limited energy system, signs,
18 nonresidential maintenance, and a combination specialty. A general
19 electrical contractor license shall grant to the holder the right to
20 engage in, conduct, or carry on the business of installing or
21 maintaining wires or equipment to carry electric current, and
22 installing or maintaining equipment, or installing or maintaining
23 material to fasten or insulate such wires or equipment to be operated
24 by electric current, in the state of Washington. A specialty
25 electrical contractor license shall grant to the holder a limited right
26 to engage in, conduct, or carry on the business of installing or
27 maintaining wires or equipment to carry electrical current, and
28 installing or maintaining equipment; or installing or maintaining
29 material to fasten or insulate such wires or equipment to be operated
30 by electric current in the state of Washington as expressly allowed by
31 the license.

32 (2) The department may verify the workers' compensation coverage
33 information provided by the applicant under subsection (1)(d) of this
34 section, including but not limited to information regarding the
35 coverage of an individual employee of the applicant. If coverage is
36 provided under the laws of another state, the department may notify the
37 other state that the applicant is employing employees in Washington.

38 (3) The application for a contractor license shall be accompanied
39 by a bond in the sum of four thousand dollars with the state of

1 Washington named as obligee in the bond, with good and sufficient
2 surety, to be approved by the department. The bond shall at all times
3 be kept in full force and effect, and any cancellation or revocation
4 thereof, or withdrawal of the surety therefrom, suspends the license
5 issued to the principal until a new bond has been filed and approved as
6 provided in this section. Upon approval of a bond, the department
7 shall on the next business day deposit the fee accompanying the
8 application in the electrical license fund and shall file the bond in
9 the office. The department shall upon request furnish to any person,
10 firm, partnership, corporation, or other entity a certified copy of the
11 bond upon the payment of a fee that the department shall set by rule.
12 The fee shall cover but not exceed the cost of furnishing the certified
13 copy. The bond shall be conditioned that in any installation or
14 maintenance of wires or equipment to convey electrical current, and
15 equipment to be operated by electrical current, the principal will
16 comply with the provisions of this chapter and with any electrical
17 ordinance, building code, or regulation of a city or town adopted
18 pursuant to RCW 19.28.010(3) that is in effect at the time of entering
19 into a contract. The bond shall be conditioned further that the
20 principal will pay for all labor, including employee benefits, and
21 material furnished or used upon the work, taxes and contributions to
22 the state of Washington, and all damages that may be sustained by any
23 person, firm, partnership, corporation, or other entity due to a
24 failure of the principal to make the installation or maintenance in
25 accordance with this chapter or any applicable ordinance, building
26 code, or regulation of a city or town adopted pursuant to RCW
27 19.28.010(3). In lieu of the surety bond required by this section the
28 license applicant may file with the department a cash deposit or other
29 negotiable security acceptable to the department. If the license
30 applicant has filed a cash deposit, the department shall deposit the
31 funds in a special trust savings account in a commercial bank, mutual
32 savings bank, or savings and loan association and shall pay annually to
33 the depositor the interest derived from the account.

34 (4) The department shall issue general or specialty electrical
35 contractor licenses to applicants meeting all of the requirements of
36 this chapter. The provisions of this chapter relating to the licensing
37 of any person, firm, partnership, corporation, or other entity
38 including the requirement of a bond with the state of Washington named
39 as obligee therein and the collection of a fee therefor, are exclusive,

1 and no political subdivision of the state of Washington may require or
2 issue any licenses or bonds or charge any fee for the same or a similar
3 purpose. No person, firm, partnership, corporation, or other entity
4 holding more than one specialty contractor license under this chapter
5 may be required to pay an annual fee for more than one such license or
6 to post more than one four thousand dollar bond, equivalent cash
7 deposit, or other negotiable security.

8 (5) To obtain a general or specialty electrical contractor license
9 the applicant must designate an individual who currently possesses an
10 administrator's certificate as a general electrical contractor
11 administrator or as a specialty electrical contractor administrator in
12 the specialty for which application has been made. Administrator
13 certificate specialties include but are not limited to: Residential,
14 domestic, appliance, pump and irrigation, limited energy system, signs,
15 nonresidential maintenance, and combination specialty. To obtain an
16 administrator's certificate an individual must pass an examination as
17 set forth in RCW ((19.28.123)) 19.28.051 unless the applicant was a
18 licensed electrical contractor at any time during 1974. Applicants who
19 were electrical contractors licensed by the state of Washington at any
20 time during 1974 are entitled to receive a general electrical
21 contractor administrator's certificate without examination if the
22 applicants apply prior to January 1, 1984. The board of electrical
23 examiners shall certify to the department the names of all persons who
24 are entitled to either a general or specialty electrical contractor
25 administrator's certificate.

26 EXPLANATORY NOTE

27 RCW 19.28.123 was recodified as RCW 19.28.051 pursuant to 2000
28 c 238 s 102.

29 **Sec. 4.** RCW 19.28.051 and 1996 c 147 s 6 are each amended to read
30 as follows:

31 It shall be the purpose and function of the board to establish, in
32 addition to a general electrical contractors' license, such
33 classifications of specialty electrical contractors' licenses as it
34 deems appropriate with regard to individual sections pertaining to
35 state adopted codes in this chapter. In addition, it shall be the
36 purpose and function of the board to establish and administer written
37 examinations for general electrical administrators' certificates and
38 the various specialty electrical administrators' certificates.
39 Examinations shall be designed to reasonably insure that general and

1 specialty electrical administrators' certificate holders are competent
2 to engage in and supervise the work covered by this statute and their
3 respective licenses. The examinations shall include questions from the
4 following categories to assure proper safety and protection for the
5 general public: (1) Safety, (2) state electrical code, and (3)
6 electrical theory. The department with the consent of the board shall
7 be permitted to enter into a contract with a professional testing
8 agency to develop, administer, and score these examinations. The fee
9 for the examination may be set by the department in its contract with
10 the professional testing agency. The department may direct that the
11 applicant pay the fee to the professional testing agency. The fee
12 shall cover but not exceed the costs of preparing and administering the
13 examination. It shall be the further purpose and function of this
14 board to advise the director as to the need of additional electrical
15 inspectors and compliance officers to be utilized by the director on
16 either a full-time or part-time employment basis and to carry out the
17 duties enumerated in RCW (~~19.28.510 through 19.28.620~~) 19.28.161
18 through 19.28.271 as well as generally advise the department on all
19 matters relative to RCW (~~19.28.510 through 19.28.620~~) 19.28.161
20 through 19.28.271.

21 EXPLANATORY NOTE

22 RCW 19.28.510 through 19.28.620 were recodified as RCW
23 19.28.161 through 19.28.271 pursuant to 2000 c 238 s 102.

24 **Sec. 5.** RCW 19.28.071 and 1986 c 156 s 8 are each amended to read
25 as follows:

26 Any person, firm, or corporation sustaining any damage or injury by
27 reason of the principal's breach of the conditions of the bond required
28 under RCW (~~19.28.120~~) 19.28.041 may bring an action against the
29 surety named therein, joining in the action the principal named in the
30 bond; the action shall be brought in the superior court of any county
31 in which the principal on the bond resides or transacts business, or in
32 the county in which the work was performed as a result of which the
33 breach is alleged to have occurred; the action shall be maintained and
34 prosecuted as other civil actions. Claims or actions against the
35 surety on the bond shall be paid in full in the following order of
36 priority: (1) Labor, including employee benefits, (2) materials and
37 equipment used upon such work, (3) taxes and contributions due to the
38 state, (4) damages sustained by any person, firm or corporation due to
39 the failure of the principal to make the installation in accordance

1 with the provisions of chapter 19.28 RCW, or any ordinance, building
2 code, or regulation applicable thereto: PROVIDED, That the total
3 liability of the surety on any bond shall not exceed the sum of four
4 thousand dollars and the surety on the bond shall not be liable for
5 monetary penalties; and any action shall be brought within one year
6 from the completion of the work in the performance of which the breach
7 is alleged to have occurred. The surety shall mail a conformed copy of
8 the judgment against the bond to the department within seven days.

9 In the event that a cash or securities deposit has been made in
10 lieu of the surety bond, and in the event of a judgment being entered
11 against such depositor and deposit, the director shall upon receipt of
12 a certified copy of a final judgment, pay said judgment from such
13 deposit.

14 EXPLANATORY NOTE

15 RCW 19.28.120 was recodified as RCW 19.28.041 pursuant to 2000
16 c 238 s 102.

17 **Sec. 6.** RCW 19.28.091 and 1998 c 98 s 1 are each amended to read
18 as follows:

19 (1) No license under the provision of this chapter shall be
20 required from any utility or any person, firm, partnership,
21 corporation, or other entity employed by a utility because of work in
22 connection with the installation, repair, or maintenance of lines,
23 wires, apparatus, or equipment owned by or under the control of a
24 utility and used for transmission or distribution of electricity from
25 the source of supply to the point of contact at the premises and/or
26 property to be supplied and service connections and meters and other
27 apparatus or appliances used in the measurement of the consumption of
28 electricity by the customer.

29 (2) No license under the provisions of this chapter shall be
30 required from any utility because of work in connection with the
31 installation, repair, or maintenance of the following:

32 (a) Lines, wires, apparatus, or equipment used in the lighting of
33 streets, alleys, ways, or public areas or squares;

34 (b) Lines, wires, apparatus, or equipment owned by a commercial,
35 industrial, or public institution customer that are an integral part of
36 a transmission or distribution system, either overhead or underground,
37 providing service to such customer and located outside the building or
38 structure: PROVIDED, That a utility does not initiate the sale of
39 services to perform such work;

1 (c) Lines and wires, together with ancillary apparatus, and
2 equipment, owned by a customer that is an independent power producer
3 who has entered into an agreement for the sale of electricity to a
4 utility and that are used in transmitting electricity from an
5 electrical generating unit located on premises used by such customer to
6 the point of interconnection with the utility's system.

7 (3) Any person, firm, partnership, corporation, or other entity
8 licensed under RCW (~~19.28.120~~) 19.28.041 may enter into a contract
9 with a utility for the performance of work under subsection (2) of this
10 section.

11 (4) No license under the provisions of this chapter shall be
12 required from any person, firm, partnership, corporation, or other
13 entity because of the work of installing and repairing ignition or
14 lighting systems for motor vehicles.

15 (5) No license under the provisions of this chapter shall be
16 required from any person, firm, partnership, corporation, or other
17 entity because of work in connection with the installation, repair, or
18 maintenance of wires and equipment, and installations thereof, exempted
19 in RCW 19.28.010.

20 (6) The department may by rule exempt from licensing requirements
21 under this chapter work performed on premanufactured electric power
22 generation equipment assemblies and control gear involving the testing,
23 repair, modification, maintenance, or installation of components
24 internal to the power generation equipment, the control gear, or the
25 transfer switch.

26 EXPLANATORY NOTE

27 RCW 19.28.120 was recodified as RCW 19.28.041 pursuant to 2000
28 c 238 s 102.

29 **Sec. 7.** RCW 19.28.121 and 1988 c 81 s 9 are each amended to read
30 as follows:

31 Any person, firm, partnership, corporation, or other entity
32 desiring a decision of the board pursuant to RCW (~~19.28.260~~)
33 19.28.111 shall, in writing, notify the director of such desire and
34 shall accompany the notice with a certified check payable to the
35 department in the sum of two hundred dollars. The notice shall specify
36 the ruling or interpretation desired and the contention of the person,
37 firm, partnership, corporation, or other entity as to the proper
38 interpretation or application on the question on which a decision is
39 desired. If the board determines that the contention of the applicant

1 for a decision was proper, the two hundred dollars shall be returned to
2 the applicant; otherwise it shall be used in paying the expenses and
3 per diem of the members of the board in connection with the matter.
4 Any portion of the two hundred dollars not used in paying the per diem
5 and expenses of the board in the case shall be paid into the electrical
6 license fund.

7 EXPLANATORY NOTE

8 RCW 19.28.260 was recodified as RCW 19.28.111 pursuant to 2000
9 c 238 s 102.

10 **Sec. 8.** RCW 19.28.131 and 1996 c 147 s 7 are each amended to read
11 as follows:

12 Any person, firm, partnership, corporation, or other entity
13 violating any of the provisions of RCW 19.28.010 through ~~((19.28.360))~~
14 19.28.141 and 19.28.311 through 19.28.361 shall be assessed a penalty
15 of not less than fifty dollars or more than ten thousand dollars. The
16 department shall set by rule a schedule of penalties for violating RCW
17 19.28.010 through ~~((19.28.360))~~ 19.28.141 and 19.28.311 through
18 19.28.361. The department shall notify the person, firm, partnership,
19 corporation, or other entity violating any of the provisions of RCW
20 19.28.010 through ~~((19.28.360))~~ 19.28.141 and 19.28.311 through
21 19.28.361 of the amount of the penalty and of the specific violation by
22 certified mail, return receipt requested, sent to the last known
23 address of the assessed party. Any penalty is subject to review by an
24 appeal to the board. The filing of an appeal stays the effect of the
25 penalty until the board makes its decision. The appeal shall be filed
26 within twenty days after notice of the penalty is given to the assessed
27 party by certified mail, return receipt requested, sent to the last
28 known address of the assessed party and shall be made by filing a
29 written notice of appeal with the department. The notice shall be
30 accompanied by a certified check for two hundred dollars, which shall
31 be returned to the assessed party if the decision of the department is
32 not sustained by the board. If the board sustains the decision of the
33 department, the two hundred dollars shall be applied by the department
34 to the payment of the per diem and expenses of the members of the board
35 incurred in the matter, and any balance remaining after payment of per
36 diem and expenses shall be paid into the electrical license fund. The
37 hearing and review procedures shall be conducted in accordance with
38 chapter 34.05 RCW. The board shall assign its hearings to an
39 administrative law judge to conduct the hearing and issue a proposed

1 decision and order. The board shall be allowed a minimum of twenty
2 days to review a proposed decision and shall issue its decision no
3 later than the next regularly scheduled board meeting.

4 EXPLANATORY NOTE

5 Chapter 19.28 RCW was substantially recodified by 2000 c 238.
6 The updated string citations accurately reflect the sections
7 previously cited.

8 **Sec. 9.** RCW 19.28.141 and 1986 c 156 s 12 are each amended to read
9 as follows:

10 The provisions of RCW (~~19.28.210~~) 19.28.101 shall not apply:

11 (1) Within the corporate limits of any incorporated city or town
12 which has heretofore adopted and enforced or subsequently adopts and
13 enforces an ordinance requiring an equal, higher or better standard of
14 construction and of materials, devices, appliances and equipment than
15 is required by this chapter.

16 (2) Within the service area of an electricity supply agency owned
17 and operated by a city or town which is supplying electricity and
18 enforcing a standard of construction and materials outside its
19 corporate limits at the time this act takes effect: PROVIDED, That
20 such city, town or agency shall henceforth enforce by inspection within
21 its service area outside its corporate limits the same standards of
22 construction and of materials, devices, appliances and equipment as is
23 enforced by the department of labor and industries under the authority
24 of this chapter: PROVIDED FURTHER, That fees charged henceforth in
25 connection with such enforcement shall not exceed those established in
26 RCW (~~19.28.210~~) 19.28.101.

27 (3) Within the rights of way of state highways, provided the state
28 department of transportation maintains and enforces an equal, higher or
29 better standard of construction and of materials, devices, appliances
30 and equipment than is required by RCW 19.28.010 through (~~19.28.360~~)
31 19.28.141 and 19.28.311 through 19.28.361.

32 EXPLANATORY NOTES

33 (1) RCW 19.28.210 was recodified as RCW 19.28.101 pursuant to
34 2000 c 238 s 102.

35 (2) Chapter 19.28 RCW was substantially recodified by 2000 c
36 238. The updated string citations accurately reflect the
37 sections previously cited.

38 **Sec. 10.** RCW 19.28.151 and 2000 c 171 s 47 are each amended to
39 read as follows:

1 The provisions of RCW 19.28.010 through (~~19.28.360~~) 19.28.141 and
2 19.28.311 through 19.28.361 shall not apply to the work of installing,
3 maintaining or repairing any and all electrical wires, apparatus,
4 installations or equipment used or to be used by a telegraph company or
5 a telephone company in the exercise of its functions and located
6 outdoors or in a building or buildings used exclusively for that
7 purpose.

8 EXPLANATORY NOTE

9 Chapter 19.28 RCW was substantially recodified by 2000 c 238.
10 The updated string citations accurately reflect the sections
11 previously cited.

12 **Sec. 11.** RCW 19.28.171 and 1996 c 241 s 2 are each amended to read
13 as follows:

14 The department may audit the records of an electrical contractor
15 that has verified the hours of experience submitted by an electrical
16 trainee to the department under RCW (~~19.28.510(2)~~) 19.28.161(2) in
17 the following circumstances: Excessive hours were reported; hours
18 reported outside the normal course of the contractor's business; the
19 type of hours reported do not reasonably match the type of permits
20 purchased; or for other similar circumstances in which the department
21 demonstrates a likelihood of excessive hours being reported. The
22 department shall limit the audit to records necessary to verify hours.
23 The department shall adopt rules implementing audit procedures.
24 Information obtained from an electrical contractor under the provisions
25 of this section is confidential and is not open to public inspection
26 under chapter 42.17 RCW.

27 EXPLANATORY NOTE

28 RCW 19.28.510 was recodified as RCW 19.28.161 pursuant to 2000
29 c 238 s 102.

30 **Sec. 12.** RCW 19.28.181 and 1997 c 309 s 2 are each amended to read
31 as follows:

32 Any person desiring to be issued a certificate of competency as
33 provided in this chapter shall deliver evidence in a form prescribed by
34 the department affirming that said person has met the qualifications
35 required under RCW (~~19.28.530~~) 19.28.191. An electrician from
36 another jurisdiction applying for a certificate of competency must
37 provide evidence in a form prescribed by the department affirming that

1 the person has the equivalent qualifications to those required under
2 RCW ((~~19.28.530~~)) 19.28.191.

3 EXPLANATORY NOTE

4 RCW 19.28.530 was recodified as RCW 19.28.191 pursuant to 2000
5 c 238 s 102.

6 **Sec. 13.** RCW 19.28.201 and 1996 c 147 s 8 are each amended to read
7 as follows:

8 The department, in coordination with the board, shall prepare an
9 examination to be administered to applicants for journeyman and
10 specialty certificates of competency. The examination shall be
11 constructed to determine:

12 (1) Whether the applicant possesses varied general knowledge of the
13 technical information and practical procedures that are identified with
14 the status of journeyman electrician or specialty electrician; and

15 (2) Whether the applicant is sufficiently familiar with the
16 applicable electrical codes and the rules of the department pertaining
17 to electrical installations and electricians.

18 The department shall, at least four times annually, administer the
19 examination to persons eligible to take it under RCW ((~~19.28.530~~))
20 19.28.191. A person may take the journeyman or specialty test as many
21 times as necessary without limit. All applicants shall, before taking
22 the examination, pay the required examination fee to the agency
23 administering the examination. The fee shall cover but not exceed the
24 costs of preparing and administering the examination.

25 The department shall certify the results of the examination upon
26 such terms and after such a period of time as the department, in
27 cooperation with the board, deems necessary and proper.

28 (3) The department upon the consent of the board may enter into a
29 contract with a professional testing agency to develop, administer, and
30 score journeyman and/or specialty electrician certification
31 examinations. The department may set the examination fee by contract
32 with the professional testing agency.

33 EXPLANATORY NOTE

34 RCW 19.28.530 was recodified as RCW 19.28.191 pursuant to 2000
35 c 238 s 102.

36 **Sec. 14.** RCW 19.28.211 and 1996 c 241 s 7 are each amended to read
37 as follows:

1 (1) The department shall issue a certificate of competency to all
2 applicants who have passed the examination provided in RCW
3 (~~19.28.540~~) 19.28.201, and who have complied with RCW (~~19.28.510~~
4 ~~through 19.28.620~~) 19.28.161 through 19.28.271 and the rules adopted
5 under this chapter. The certificate shall bear the date of issuance,
6 and shall expire on the holder's birthday. The certificate shall be
7 renewed every three years, upon application, on or before the holder's
8 birthdate. A fee shall be assessed for each certificate and for each
9 annual renewal.

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

15 (a) The contents and requirements for satisfactory completion of
16 the continuing education course shall be determined by the director and
17 approved by the board.

18 (b) The department shall accept proof of a certificate holder's
19 satisfactory completion of a continuing education course offered in
20 another state as meeting the requirements for maintaining a current
21 Washington state certificate of competency if the department is
22 satisfied the course is comparable in nature to that required in
23 Washington state for maintaining a current certificate of competency.

24 (3) If the certificate is not renewed before the expiration date,
25 the individual shall pay twice the usual fee. The department shall set
26 the fees by rule for issuance and renewal of a certificate of
27 competency. The fees shall cover but not exceed the costs of issuing
28 the certificates and of administering and enforcing the electrician
29 certification requirements of this chapter.

30 (4) The certificates of competency and temporary permits provided
31 for in this chapter grant the holder the right to work in the
32 electrical construction trade as a journeyman electrician or specialty
33 electrician in accordance with their provisions throughout the state
34 and within any of its political subdivisions without additional proof
35 of competency or any other license, permit, or fee to engage in such
36 work.

37 EXPLANATORY NOTES

38 (1) RCW 19.28.540 was recodified as RCW 19.28.201 pursuant to
39 2000 c 238 s 102.

1 (2) RCW 19.28.510 through 19.28.620 were recodified as RCW
2 19.28.161 through 19.28.271 pursuant to 2000 c 238 s 102.

3 **Sec. 15.** RCW 19.28.221 and 1980 c 30 s 7 are each amended to read
4 as follows:

5 No examination shall be required of any applicant for a certificate
6 of competency who, on July 16, 1973, was engaged in a bona fide
7 business or trade as a journeyman electrician in the state of
8 Washington. Applicants qualifying under this section shall be issued
9 a certificate by the department upon making an application as provided
10 in RCW ((19.28.520)) 19.28.181 and paying the fee required under RCW
11 ((19.28.540)) 19.28.201: PROVIDED, That no applicant under this
12 section shall be required to furnish such evidence as required by RCW
13 ((19.28.520)) 19.28.181.

14 EXPLANATORY NOTES

15 (1) RCW 19.28.520 was recodified as RCW 19.28.181 pursuant to
16 2000 c 238 s 102.
17 (2) RCW 19.28.540 was recodified as RCW 19.28.201 pursuant to
18 2000 c 238 s 102.

19 **Sec. 16.** RCW 19.28.231 and 1986 c 156 s 15 are each amended to
20 read as follows:

21 The department is authorized to grant and issue temporary permits
22 in lieu of certificates of competency whenever an electrician coming
23 into the state of Washington from another state requests the department
24 for a temporary permit to engage in the electrical construction trade
25 as an electrician during the period of time between filing of an
26 application for a certificate as provided in RCW ((19.28.520))
27 19.28.181 and the date the results of taking the examination provided
28 for in RCW ((19.28.540)) 19.28.201 are furnished to the applicant. The
29 department is authorized to enter into reciprocal agreements with other
30 states providing for the acceptance of such states' journeyman and
31 speciality electrician certificate of competency or its equivalent when
32 such states requirements are equal to the standards set by this
33 chapter. No temporary permit shall be issued to:

34 (1) Any person who has failed to pass the examination for a
35 certificate of competency, except that any person who has failed the
36 examination for competency under this section shall be entitled to
37 continue to work under a temporary permit for ninety days if the person
38 is enrolled in a journeyman electrician refresher course and shows
39 evidence to the department that he or she has not missed any classes.

1 The person, after completing the journeyman electrician refresher
2 course, shall be eligible to retake the examination for competency at
3 the next scheduled time.

4 (2) Any applicant under this section who has not furnished the
5 department with such evidence required under RCW ((19.28.520))
6 19.28.181.

7 (3) To any apprentice electrician.

8 EXPLANATORY NOTES

9 (1) RCW 19.28.520 was recodified as RCW 19.28.181 pursuant to
10 2000 c 238 s 102.

11 (2) RCW 19.28.540 was recodified as RCW 19.28.201 pursuant to
12 2000 c 238 s 102.

13 **Sec. 17.** RCW 19.28.241 and 1997 c 58 s 845 are each amended to
14 read as follows:

15 (1) The department may revoke any certificate of competency upon
16 the following grounds:

17 (a) The certificate was obtained through error or fraud;

18 (b) The holder thereof is judged to be incompetent to work in the
19 electrical construction trade as a journeyman electrician or specialty
20 electrician;

21 (c) The holder thereof has violated any of the provisions of RCW
22 ((19.28.510 through 19.28.620)) 19.28.161 through 19.28.271 or any rule
23 adopted under this chapter.

24 (2) Before any certificate of competency shall be revoked, the
25 holder shall be given written notice of the department's intention to
26 do so, mailed by registered mail, return receipt requested, to the
27 holder's last known address. The notice shall enumerate the
28 allegations against the holder, and shall give the holder the
29 opportunity to request a hearing before the board. At the hearing, the
30 department and the holder may produce witnesses and give testimony.
31 The hearing shall be conducted in accordance with chapter 34.05 RCW.
32 The board shall render its decision based upon the testimony and
33 evidence presented, and shall notify the parties immediately upon
34 reaching its decision. A majority of the board shall be necessary to
35 render a decision.

36 (3) The department shall immediately suspend the license or
37 certificate of a person who has been certified pursuant to RCW
38 74.20A.320 by the department of social and health services as a person
39 who is not in compliance with a support order ((or a residential or

1 ~~visitation order~~)). If the person has continued to meet all other
2 requirements for reinstatement during the suspension, reissuance of the
3 license or certificate shall be automatic upon the department's receipt
4 of a release issued by the department of social and health services
5 stating that the licensee is in compliance with the order.

6 EXPLANATORY NOTES

7 (1) RCW 19.28.510 through 19.28.620 were recodified as RCW
8 19.28.161 through 19.28.271 pursuant to 2000 c 238 s 102.

9 (2) 1997 c 58 s 887 requiring a court to order certification of
10 noncompliance with residential provisions of a court-ordered
11 parenting plan was vetoed. Provisions ordering the department
12 of social and health services to certify a responsible parent
13 based on a court order to certify for noncompliance with
14 residential provisions of a parenting plan were vetoed.

15 **Sec. 18.** RCW 19.28.251 and 1983 c 206 s 20 are each amended to
16 read as follows:

17 The director may promulgate rules, make specific decisions, orders,
18 and rulings, including demands and findings, and take other necessary
19 action for the implementation and enforcement of RCW (~~19.28.510~~
20 ~~through 19.28.620~~) 19.28.161 through 19.28.271. In the administration
21 of RCW (~~19.28.510 through 19.28.620~~) 19.28.161 through 19.28.271 the
22 department shall not enter any controversy arising over work
23 assignments with respect to the trades involved in the construction
24 industry.

25 EXPLANATORY NOTE

26 RCW 19.28.510 through 19.28.620 were recodified as RCW
27 19.28.161 through 19.28.271 pursuant to 2000 c 238 s 102.

28 **Sec. 19.** RCW 19.28.261 and 1998 c 98 s 2 are each amended to read
29 as follows:

30 Nothing in RCW (~~19.28.510 through 19.28.620~~) 19.28.161 through
31 19.28.271 shall be construed to require that a person obtain a license
32 or a certified electrician in order to do electrical work at his or her
33 residence or farm or place of business or on other property owned by
34 him or her unless the electrical work is on the construction of a new
35 building intended for rent, sale, or lease. However, if the
36 construction is of a new residential building with up to four units
37 intended for rent, sale, or lease, the owner may receive an exemption
38 from the requirement to obtain a license or use a certified electrician
39 if he or she provides a signed affidavit to the department stating that
40 he or she will be performing the work and will occupy one of the units

1 as his or her principal residence. The owner shall apply to the
2 department for this exemption and may only receive an exemption once
3 every twenty-four months. It is intended that the owner receiving this
4 exemption shall occupy the unit as his or her principal residence for
5 twenty-four months after completion of the units. Nothing in RCW
6 (~~19.28.510 through 19.28.620~~) 19.28.161 through 19.28.271 shall be
7 intended to derogate from or dispense with the requirements of any
8 valid electrical code enacted by a city or town pursuant to RCW
9 19.28.010(3), except that no code shall require the holder of a
10 certificate of competency to demonstrate any additional proof of
11 competency or obtain any other license or pay any fee in order to
12 engage in the electrical construction trade. RCW (~~19.28.510 through~~
13 ~~19.28.620~~) 19.28.161 through 19.28.271 shall not apply to common
14 carriers subject to Part I of the Interstate Commerce Act, nor to their
15 officers and employees. Nothing in RCW (~~19.28.510 through 19.28.620~~)
16 19.28.161 through 19.28.271 shall be deemed to apply to the
17 installation or maintenance of telephone, telegraph, radio, or
18 television wires and equipment; nor to any electrical utility or its
19 employees in the installation, repair, and maintenance of electrical
20 wiring, circuits, and equipment by or for the utility, or comprising a
21 part of its plants, lines or systems. The licensing provisions of RCW
22 (~~19.28.510 through 19.28.620~~) 19.28.161 through 19.28.271 shall not
23 apply to:

24 (1) Persons making electrical installations on their own property
25 or to regularly employed employees working on the premises of their
26 employer, unless the electrical work is on the construction of a new
27 building intended for rent, sale, or lease;

28 (2) Employees of an employer while the employer is performing
29 utility type work of the nature described in RCW (~~19.28.200~~)
30 19.28.091 so long as such employees have registered in the state of
31 Washington with or graduated from a state-approved outside lineman
32 apprenticeship course that is recognized by the department and that
33 qualifies a person to perform such work; or

34 (3) Any work exempted under RCW (~~19.28.200(6)~~) 19.28.091(6).

35 Nothing in RCW (~~19.28.510 through 19.28.620~~) 19.28.161 through
36 19.28.271 shall be construed to restrict the right of any householder
37 to assist or receive assistance from a friend, neighbor, relative or
38 other person when none of the individuals doing the electrical
39 installation hold themselves out as engaged in the trade or business of

1 electrical installations. Nothing precludes any person who is exempt
2 from the licensing requirements of this chapter under this section from
3 obtaining a journeyman or specialty certificate of competency if they
4 otherwise meet the requirements of this chapter.

5 EXPLANATORY NOTES

6 (1) RCW 19.28.510 through 19.28.620 were recodified as RCW
7 19.28.161 through 19.28.271 pursuant to 2000 c 238 s 102.
8 (2) RCW 19.28.200 was recodified as RCW 19.28.091 pursuant to
9 2000 c 238 s 102.

10 **Sec. 20.** RCW 19.28.271 and 1996 c 147 s 9 are each amended to read
11 as follows:

12 (1) It is unlawful for any person, firm, partnership, corporation,
13 or other entity to employ an individual for purposes of RCW (~~19.28.510~~
14 ~~through 19.28.620~~) 19.28.161 through 19.28.271 who has not been issued
15 a certificate of competency or a training certificate. It is unlawful
16 for any individual to engage in the electrical construction trade or to
17 maintain or install any electrical equipment or conductors without
18 having in his or her possession a certificate of competency or a
19 training certificate under RCW (~~19.28.510 through 19.28.620~~)
20 19.28.161 through 19.28.271. Any person, firm, partnership,
21 corporation, or other entity found in violation of RCW (~~19.28.510~~
22 ~~through 19.28.620~~) 19.28.161 through 19.28.271 shall be assessed a
23 penalty of not less than fifty dollars or more than five hundred
24 dollars. The department shall set by rule a schedule of penalties for
25 violating RCW (~~19.28.510 through 19.28.620~~) 19.28.161 through
26 19.28.271. An appeal may be made to the board as is provided in RCW
27 (~~19.28.350~~) 19.28.131. The appeal shall be filed within twenty days
28 after the notice of the penalty is given to the assessed party by
29 certified mail, return receipt requested, sent to the last known
30 address of the assessed party and shall be made by filing a written
31 notice of appeal with the department. Any equipment maintained or
32 installed by any person who does not possess a certificate of
33 competency under RCW (~~19.28.510 through 19.28.620~~) 19.28.161 through
34 19.28.271 shall not receive an electrical work permit and electrical
35 service shall not be connected or maintained to operate the equipment.
36 Each day that a person, firm, partnership, corporation, or other entity
37 violates RCW (~~19.28.510 through 19.28.620~~) 19.28.161 through
38 19.28.271 is a separate violation.

1 (2) A civil penalty shall be collected in a civil action brought by
2 the attorney general in the county wherein the alleged violation arose
3 at the request of the department if any of RCW (~~19.28.510 through~~
4 ~~19.28.620~~) 19.28.161 through 19.28.271 or any rules adopted under RCW
5 (~~19.28.510 through 19.28.620~~) 19.28.161 through 19.28.271 are
6 violated.

7 EXPLANATORY NOTES

8 (1) RCW 19.28.510 through 19.28.620 were recodified as RCW
9 19.28.161 through 19.28.271 pursuant to 2000 c 238 s 102.
10 (2) RCW 19.28.350 was recodified as RCW 19.28.131 pursuant to
11 2000 c 238 s 102.

12 **Sec. 21.** RCW 19.28.321 and 1997 c 309 s 4 are each amended to read
13 as follows:

14 The director of labor and industries of the state of Washington and
15 the officials of all incorporated cities and towns where electrical
16 inspections are required by local ordinances shall have power and it
17 shall be their duty to enforce the provisions of this chapter in their
18 respective jurisdictions. The director of labor and industries shall
19 appoint a chief electrical inspector and may appoint other electrical
20 inspectors as the director deems necessary to assist the director in
21 the performance of the director's duties. The chief electrical
22 inspector, subject to the review of the director, shall be responsible
23 for providing the final interpretation of adopted state electrical
24 standards, rules, and policies for the department and its inspectors,
25 assistant inspectors, electrical plan examiners, and other individuals
26 supervising electrical program personnel. If a dispute arises within
27 the department regarding the interpretation of adopted state electrical
28 standards, rules, or policies, the chief electrical inspector, subject
29 to the review of the director, shall provide the final interpretation
30 of the disputed standard, rule, or policy. All electrical inspectors
31 appointed by the director of labor and industries shall have not less
32 than: Four years experience as journeyman electricians in the
33 electrical construction trade installing and maintaining electrical
34 wiring and equipment, or two years electrical training in a college of
35 electrical engineering of recognized standing and four years continuous
36 practical electrical experience in installation work, or four years of
37 electrical training in a college of electrical engineering of
38 recognized standing and two years continuous practical electrical
39 experience in electrical installation work; or four years experience as

1 a journeyman electrician performing the duties of an electrical
2 inspector employed by the department or a city or town with an approved
3 inspection program under RCW (~~(19.28.360)~~) 19.28.141, except that for
4 work performed in accordance with the national electrical safety code
5 and covered by this chapter, such inspections may be performed by a
6 person certified as an outside journeyman lineman, under RCW
7 (~~(19.28.610(2))~~) 19.28.261(2), with four years experience or a person
8 with four years experience as a certified outside journeyman lineman
9 performing the duties of an electrical inspector employed by an
10 electrical utility. Such state inspectors shall be paid such salary as
11 the director of labor and industries shall determine, together with
12 their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as
13 now existing or hereafter amended. As a condition of employment,
14 inspectors hired exclusively to perform inspections in accordance with
15 the national electrical safety code must possess and maintain
16 certification as an outside journeyman lineman. The expenses of the
17 director of labor and industries and the salaries and expenses of state
18 inspectors incurred in carrying out the provisions of this chapter
19 shall be paid entirely out of the electrical license fund, upon
20 vouchers approved by the director of labor and industries.

21 EXPLANATORY NOTES

22 (1) RCW 19.28.360 was recodified as RCW 19.28.141 pursuant to
23 2000 c 238 s 102.
24 (2) RCW 19.28.610 was recodified as RCW 19.28.261 pursuant to
25 2000 c 238 s 102.

--- END ---