

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2470

57th Legislature
2002 Regular Session

Passed by the House February 15, 2002
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 7, 2002
Yeas 37 Nays 9

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2470** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2470

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Campbell, Cairnes, Cooper, Hunt, Hurst, Quall, Armstrong, Delvin, Tokuda and Kenney)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to plumbing contractors; amending RCW 18.106.010,
2 18.106.020, 18.106.180, 18.106.250, and 18.27.200; adding a new section
3 to chapter 18.106 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 18.106.010 and 2001 c 281 s 1 are each amended to read
6 as follows:

7 Unless a different meaning is plainly required by the context, the
8 following words and phrases as hereinafter used in this chapter shall
9 have the following meaning:

10 (1) "Advisory board" means the state advisory board of plumbers;

11 (2) "Contractor" means any person, corporate or otherwise, who
12 engages in, or offers or advertises to engage in, any work covered by
13 the provisions of this chapter by way of trade or business, or any
14 person, corporate or otherwise, who employs anyone, or offers or
15 advertises to employ anyone, to engage in any work covered by the
16 provisions of this chapter;

17 (3) "Department" means the department of labor and industries;

18 ((+3)) (4) "Director" means the director of department of labor
19 and industries;

1 ~~((+4))~~ (5) "Journeyman plumber" means any person who has been
2 issued a certificate of competency by the department of labor and
3 industries as provided in this chapter;

4 ~~((+5))~~ (6) "Medical gas piping" means oxygen, nitrous oxide, high
5 pressure nitrogen, medical compressed air, and medical vacuum systems;

6 ~~((+6))~~ (7) "Medical gas piping installer" means a journeyman
7 plumber who has been issued a medical gas piping installer endorsement;

8 ~~((+7))~~ (8) "Plumbing" means that craft involved in installing,
9 altering, repairing and renovating potable water systems, liquid waste
10 systems, and medical gas piping systems within a building.
11 Installation in a water system of water softening or water treatment
12 equipment is not within the meaning of plumbing as used in this
13 chapter;

14 ~~((+8))~~ (9) "Specialty plumber" means anyone who has been issued a
15 specialty certificate of competency limited to:

16 (a) Installation, maintenance, and repair of the plumbing of
17 single-family dwellings, duplexes, and apartment buildings that do not
18 exceed three stories; or

19 (b) Maintenance and repair of backflow prevention assemblies.

20 **Sec. 2.** RCW 18.106.020 and 1997 c 326 s 3 are each amended to read
21 as follows:

22 (1) No person may engage in or offer to engage in the trade of
23 plumbing without having a journeyman certificate, specialty
24 certificate, temporary permit, or trainee certificate. A trainee must
25 be supervised by a person who has a journeyman certificate, specialty
26 certificate, or temporary permit, as specified in RCW 18.106.070. No
27 contractor may employ a person to engage in or offer to engage in the
28 trade of plumbing unless the person employed has a journeyman
29 certificate, specialty certificate, temporary permit, or trainee
30 certificate. ~~((For the purposes of this section, "contractor" means
31 any person or body of persons, corporate or otherwise, engaged in any
32 work covered by the provisions of this chapter, chapter 18.27 RCW, or
33 chapter 19.28 RCW, by way of trade or business. However, in no case
34 shall))~~ This section does not apply to a contractor who is contracting
35 for work on his or her own residence.

36 (2) No person may engage in or offer to engage in medical gas
37 piping installation without having a certificate of competency as a
38 journeyman plumber and a medical gas piping installer endorsement. A

1 trainee may engage in medical gas piping installation if he or she has
2 a training certificate and is supervised by a person with a medical gas
3 piping installer endorsement. No contractor may employ a person to
4 engage in or offer to engage in medical gas piping installation unless
5 the person employed has a certificate of competency as a journeyman
6 plumber and a medical gas piping installer endorsement.

7 (3) No contractor may advertise, offer to do work, submit a bid, or
8 perform any work under this chapter without being registered as a
9 contractor under chapter 18.27 RCW.

10 (4) Violation of (~~subsection (1) or (2) of~~) this section is an
11 infraction. Each day in which a person engages in the trade of
12 plumbing in violation of (~~subsection (1) or (2) of~~) this section or
13 employs a person in violation of (~~subsection (1) or (2) of~~) this
14 section is a separate infraction. Each worksite at which a person
15 engages in the trade of plumbing in violation of (~~subsection (1) or~~
16 ~~(2) of~~) this section or at which a person is employed in violation of
17 (~~subsection (1) or (2) of~~) this section is a separate infraction.

18 (~~(4)~~) (5) Notices of infractions for violations of (~~subsection~~
19 ~~(1) or (2) of~~) this section may be issued to:

20 (a) The person engaging in or offering to engage in the trade of
21 plumbing in violation of (~~subsection (1) or (2) of~~) this section;

22 (b) The contractor in violation of (~~subsection (1) or (2) of~~)
23 this section; and

24 (c) The contractor's employee who authorized the work assignment of
25 the person employed in violation of (~~subsection (1) or (2) of~~) this
26 section.

27 **Sec. 3.** RCW 18.106.180 and 2000 c 171 s 27 are each amended to
28 read as follows:

29 (1) An authorized representative of the department may issue a
30 notice of infraction as specified in RCW 18.106.020(~~(4)~~) if:

31 (a) A person who is doing plumbing work or who is offering to do
32 plumbing work fails to produce evidence of:

33 (i) Having a certificate or permit issued by the department in
34 accordance with this chapter, or (~~of~~) being supervised by a person
35 who has such a certificate or permit; and

36 (ii) Being registered as a contractor as required under chapter
37 18.27 RCW or this chapter, or being employed by a person who is
38 registered as a contractor;

1 (b) A person who employs anyone, or offers or advertises to employ
2 anyone, to do plumbing work fails to produce evidence of being
3 registered as a contractor as required under chapter 18.27 RCW or this
4 chapter; or

5 (c) A contractor violates section 5 of this act.

6 (2) A notice of infraction issued under this section shall be
7 personally served on the person named in the notice by an authorized
8 representative of the department or sent by certified mail to the last
9 known address provided to the department of the person named in the
10 notice.

11 **Sec. 4.** RCW 18.106.250 and 2000 c 171 s 28 are each amended to
12 read as follows:

13 (1) The administrative law judge shall conduct notice of infraction
14 cases under this chapter pursuant to chapter 34.05 RCW.

15 (2) The burden of proof is on the department to establish the
16 commission of the infraction by a preponderance of the evidence. The
17 notice of infraction shall be dismissed if the defendant establishes
18 that, at the time the notice was issued:

19 (a) The defendant who was issued a notice of infraction authorized
20 by RCW 18.106.020(~~((4))~~) (5)(a) had a certificate or permit issued by
21 the department in accordance with this chapter, was supervised by a
22 person who has such a certificate or permit, or was exempt from this
23 chapter under RCW 18.106.150; or

24 (b) For the defendant who was issued a notice of infraction
25 authorized by RCW 18.106.020(~~((4))~~) (5) (b) or (c), the person employed
26 or supervised by the defendant has a certificate or permit issued by
27 the department in accordance with this chapter, was supervised by a
28 person who had such a certificate or permit, (~~((or))~~) was exempt from
29 this chapter under RCW 18.106.150, or was registered as a contractor
30 under chapter 18.27 RCW.

31 (3) After consideration of the evidence and argument, the
32 administrative law judge shall determine whether the infraction was
33 committed. If it has not been established that the infraction was
34 committed, an order dismissing the notice shall be entered in the
35 record of the proceedings. If it has been established that the
36 infraction was committed, the administrative law judge shall issue
37 findings of fact and conclusions of law in its decision and order
38 determining whether the infraction was committed.

1 (4) An appeal from the administrative law judge's determination or
2 order shall be to the superior court. The decision of the superior
3 court is subject only to discretionary review pursuant to Rule 2.3 of
4 the Rules of Appellate Procedure.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.106 RCW
6 to read as follows:

7 (1) Contractors shall accurately verify and attest to the trainee
8 hours worked by plumbing trainees on behalf of the contractor and that
9 all training hours were under the supervision of a certified plumber
10 and within the proper ratio, and shall provide the supervising
11 plumbers' names and certificate numbers. However, contractors are not
12 required to identify which hours a trainee works with a specific
13 certified plumber.

14 (2) The department may audit the records of a contractor that has
15 verified the hours of experience submitted by a plumbing trainee to the
16 department under RCW 18.106.030 in the following circumstances:
17 Excessive hours were reported; hours were reported outside the normal
18 course of the contractor's business; or for other similar circumstances
19 in which the department demonstrates a likelihood of excessive or
20 improper hours being reported. The department shall limit the audit to
21 records necessary to verify hours. The department shall adopt rules
22 implementing audit procedures. Information obtained from a contractor
23 under the provisions of this section is confidential and is not open to
24 public inspection under chapter 42.17 RCW.

25 (3) Violation of this section by a contractor is an infraction.

26 **Sec. 6.** RCW 18.27.200 and 1997 c 314 s 14 are each amended to read
27 as follows:

28 (1) It is a violation of this chapter and an infraction for any
29 contractor to:

30 (a) Advertise, offer to do work, submit a bid, or perform any work
31 as a contractor without being registered as required by this chapter;

32 (b) Advertise, offer to do work, submit a bid, or perform any work
33 as a contractor when the contractor's registration is suspended or
34 revoked; (~~or~~)

35 (c) Transfer a valid registration to an unregistered contractor or
36 allow an unregistered contractor to work under a registration issued to
37 another contractor; or

1 (d) If the contractor is a contractor as defined in RCW 18.106.010,
2 violate section 5 of this act.

3 (2) Each day that a contractor works without being registered as
4 required by this chapter, works while the contractor's registration is
5 suspended or revoked, or works under a registration issued to another
6 contractor is a separate infraction. Each worksite at which a
7 contractor works without being registered as required by this chapter,
8 works while the contractor's registration is suspended or revoked, or
9 works under a registration issued to another contractor is a separate
10 infraction.

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