

SHB 1876 - S COMM AMD

By Committee on Labor, Commerce, Research & Development

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this
4 section apply throughout this chapter unless the context clearly
5 requires otherwise.

6 (1) "Board" means the HVAC/R board established in section 27 of
7 this act.

8 (2) "BTUs" means British thermal units.

9 (3) "Contractor" means any person, corporate or otherwise, who is
10 registered as a contractor by the department under section 2 of this
11 act.

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

13 (5) "Director" means the director of the department or the
14 director's designee.

15 (6) "Gas piping" means pipes, valves, or fittings used to convey
16 fuel gas installed on a premise or in a building. "Gas piping" does
17 not include service piping.

18 (7) "Gas piping work" means to design, fabricate, construct,
19 install, modify or repair gas piping.

20 (8) "Household appliance" means utilization equipment installed in
21 a dwelling unit that is built in standardized sizes or types and is
22 installed or connected as a unit to perform one or more functions
23 including, but not limited to, cooking and other equipment installed in
24 a kitchen, clothes drying, clothes washing, portable room air
25 conditioning units, portable heaters, and as further defined by the
26 department in rule.

27 (9) "HVAC" means heating, ventilating, and air conditioning.

28 (10) "HVAC/R" means heating, ventilating, air conditioning, and
29 refrigeration.

1 (11)(a) "HVAC/R equipment" means equipment necessary for any system
2 that heats, cools, conditions, ventilates, filters, humidifies, or
3 dehumidifies environmental air for industrial or commercial use.
4 HVAC/R equipment includes oil furnaces, propane furnaces, and heating
5 ducts.

6 (b) "HVAC/R equipment and systems" does not include: (i) Single,
7 stand-alone line voltage equipment or components, such as radiant panel
8 heaters or baseboard heaters, unless the equipment or component is
9 exclusively controlled by the HVAC/R system and requires an additional
10 external connection to a mechanical system, or contains an HVAC/R
11 mechanical system within the equipment; (ii) solid fuel burning
12 devices, such as wood stoves and coal stoves; or (iii) mechanical
13 piping other than that necessary to deliver fuel.

14 (12) "HVAC/R service" means to repair, modify, service, and perform
15 other work required for the normal continued performance of an HVAC/R
16 system. "HVAC/R service" does not mean to install or replace a system.

17 (13) "HVAC/R work" means to design, fabricate, construct, install,
18 modify, or repair HVAC/R equipment.

19 (14) "Indirect system" means a system in which a secondary coolant,
20 cooled or heated by the refrigeration system, is circulated to the air
21 or other substance to be cooled or heated.

22 (15) "Mechanic" means a person who has been issued a certificate of
23 competency by the department under section 13 of this act or a
24 temporary permit under section 18 of this act to perform work under
25 this chapter.

26 (16) "Refrigeration system" means a combination of interconnected
27 refrigerant-containing parts constituting one closed refrigerant
28 circuit in which a refrigerant is circulated for the purpose of
29 extracting heat. "Refrigeration system" includes not only the direct
30 system but also the indirect system.

31 (17) "Refrigeration work" means to design, fabricate, construct,
32 install, modify, service, replace, or repair refrigeration systems.

33 (18) "Sheet metal work" means to design, fabricate, construct,
34 install, modify, service, replace, or repair HVAC/R equipment and
35 systems.

36 (19) "Technical college" means a public community or technical
37 college, or a not-for-profit nationally accredited technical or trade

1 school licensed by the workforce training and education coordinating
2 board under chapter 28C.10 RCW.

3 (20) "Trainee" means a person who has been issued a training
4 certificate by the department under section 14 of this act or chapter
5 19.28 RCW to perform work under this chapter or chapter 19.28 RCW.

6 (21) "Valid" means not expired, revoked, or suspended.

7 NEW SECTION. **Sec. 2.** CONTRACTOR REGISTRATION AND MECHANIC
8 CERTIFICATION--REQUIREMENTS. (1) Except as provided in this chapter,
9 it is unlawful for:

10 (a) Any person, firm, partnership, corporation, or other entity to
11 advertise, offer to do work, submit a bid, engage in, conduct, or carry
12 on the business of performing HVAC/R work without being registered as
13 a contractor under chapter 18.27 RCW;

14 (b) Any person, firm, partnership, corporation, or other entity to
15 employ a person to perform or offer to perform HVAC/R work who has not
16 been issued a certificate or permit by the department under this
17 chapter; and

18 (c) Any person to perform HVAC/R work without having in his or her
19 possession a certificate or permit issued by the department under this
20 chapter.

21 (2) No political subdivision shall require a person possessing a
22 certificate or permit issued by the department under this chapter to
23 demonstrate any additional proof of competency, obtain any license, or
24 pay any fee to perform HVAC/R work.

25 (3) An HVAC/R sheet metal manufacturer or fabricator, and its
26 employees, may opt out of the HVAC/R certification requirement of this
27 section. For purposes of this section, a "sheet metal manufacturer or
28 fabricator" means an entity that produces duct work for installation on
29 site. Manufacturing does not include bidding the product or installing
30 or subcontracting the installation.

31 (4) Any person holding a current journey refrigeration mechanic
32 license issued by the city of Seattle shall be issued a master mechanic
33 certificate without meeting any additional requirements.

34 (5) The department shall include the hours a building or stationary
35 engineer that does not currently hold a journey refrigeration mechanic
36 license issued by the city of Seattle or another local jurisdiction has
37 logged up to the maximum required for an HVAC/R mechanic III

1 certification provided the engineer submits an affidavit of experience.
2 If the engineer has the requisite number of hours for an HVAC/R
3 mechanic III certification, the department shall grant that
4 certification without prior examination. If the engineer does not have
5 the requisite number of hours for an HVAC/R mechanic II license, he or
6 she must obtain a trainee card and accrue the remaining hours under the
7 supervision of an HVAC/R mechanic III. Once the engineer has accrued
8 the requisite number of hours, he or she may take the examination.

9 NEW SECTION. **Sec. 3.** HVAC/R CONTRACTOR. No contractor may employ
10 a person to engage in or offer to engage in HVAC/R work unless the
11 contractor is an HVAC/R contractor as defined in this chapter and the
12 person performing the HVAC/R work has a journeyman certificate, a
13 specialty certificate, temporary permit, or trainee certificate under
14 this chapter.

15 NEW SECTION. **Sec. 4.** PROPERTY MANAGEMENT COMPANIES. A property
16 management company which employs, in the regular course of business, an
17 HVAC/R operator licensed under section 11 of this act, need not
18 register as an HVAC/R contractor under this chapter. For purposes of
19 this section, "property management company" means a company that is
20 operating in compliance with state real estate licensing regulations
21 and is under contract with the property owner to manage the buildings
22 where the HVAC/R operator conducts maintenance on the established air
23 conditioning and refrigeration systems.

24 NEW SECTION. **Sec. 5.** The department, with approval of the HVAC/R
25 board, may recognize national certification in exchange for any
26 required certification under this chapter for propane gas.

27 NEW SECTION. **Sec. 6.** SCOPE OF WORK. The scope of work that may
28 be performed by a person certified in accordance with this chapter is
29 as follows:

30 (1) HVAC/R mechanic I. A holder of this certificate has acquired
31 the necessary experience and passed the appropriate examination(s) for
32 the following:

33 (a) Gas piping. This specialty may perform gas piping work on

1 heating appliances with a maximum capacity of 500,000 BTUs per hour, if
2 they have passed the appropriate gas piping examination.

3 (b) Sheet metal. This specialty may perform HVAC work on HVAC
4 equipment of 7.5 tons or less for air conditioning and 500,000 BTUs or
5 less per hour for heating if they have passed the appropriate sheet
6 metal examination.

7 (c) Refrigeration. This specialty may perform refrigeration and
8 other mechanical work on equipment with a maximum capacity of 7.5 tons
9 of refrigerant and continued performance on a refrigeration system not
10 exceeding 90,000 BTUs using class A1 refrigerants if they have passed
11 the appropriate refrigeration examination.

12 (d) HVAC. This specialty may perform HVAC work on HVAC equipment
13 of 7.5 tons or less for air conditioning and 500,000 BTUs or less per
14 hour for heating if they have passed the appropriate HVAC examination.

15 (2) HVAC/R mechanic II. A holder of this specialty certificate has
16 acquired the necessary experience and passed the appropriate
17 examination(s) for the following:

18 (a) Gas piping. This specialty may perform gas piping work on
19 heating appliances with a maximum capacity of 500,000 BTUs per hour and
20 on air conditioning equipment with a maximum capacity of 20 tons of
21 refrigerant if they have passed the appropriate examination.

22 (b) Sheet metal. This specialty may perform HVAC/R work on HVAC/R
23 equipment of 20 tons or less for air conditioning and 500,000 BTUs or
24 less per hour for heating if they have passed the appropriate sheet
25 metal examination.

26 (c) Refrigeration. This specialty may perform refrigeration and
27 other mechanical work, except for installation, required for normal
28 continued performance on a refrigeration system with one or
29 multicompressors not exceeding 300,000 BTUs per compressor using class
30 A1 refrigerants if they have passed the appropriate refrigeration
31 examination. A refrigeration mechanic II may install or replace a
32 self-contained refrigeration system up to 300,000 BTUs.

33 (d) HVAC. This specialty may perform HVAC work on HVAC equipment
34 of 20 tons or less for air conditioning and 500,000 BTUs or less per
35 hour for heating if they have passed the appropriate HVAC examination.

36 (3) HVAC/R mechanic III. A holder of this specialty certificate
37 has acquired the necessary experience and passed the appropriate
38 examination(s) for the following:

1 (a) Gas piping. This specialty may perform all gas piping work on
2 HVAC/R equipment and systems if they have passed the appropriated gas
3 piping examination.

4 (b) Sheet metal. This specialty may perform all sheet metal work
5 on HVAC/R equipment and systems if they have passed the appropriate
6 sheet metal examination.

7 (c) Refrigeration. This specialty may perform refrigeration work
8 on any refrigeration system using any refrigerants if they have passed
9 the appropriate refrigeration examination.

10 (d) HVAC. This specialty may perform HVAC work on all HVAC
11 equipment if they have passed the appropriate HVAC examination.

12 (4) A holder of all the specialties in subsection (3) of this
13 section is designated as a master HVAC/R mechanic.

14 NEW SECTION. **Sec. 7.** APPLICATION. (1) A person desiring to be
15 issued a certificate of competency or any specialty under this chapter
16 shall deliver evidence in a form prescribed by the department affirming
17 that he or she has met the qualifications required under section 8 of
18 this act.

19 (2) An HVAC/R mechanic from another state applying for a
20 certificate of competency or any specialty(s) must provide evidence in
21 a form prescribed by the department affirming that the person has the
22 equivalent qualifications to those required under section 11 of this
23 act.

24 NEW SECTION. **Sec. 8.** ELIGIBILITY FOR EXAMINATION. (1) Upon
25 receipt of the application, the department shall review the application
26 and determine whether the applicant is eligible to take an examination
27 for a certificate of competency or specialty as follows:

28 (a) HVAC/R mechanic I. To be eligible to take the examination for
29 an HVAC/R mechanic I certificate of competency, or any associated
30 specialty, the applicant must have:

31 (i) Performed HVAC/R work for a minimum of one thousand hours under
32 the supervision of an HVAC/R mechanic for one hundred percent of the
33 one thousand hours; or

34 (ii) Successfully completed an apprenticeship program approved
35 under chapter 49.04 RCW that meets the requirements of this
36 certification or any associated specialties.

1 (b) Once the applicant has passed the mechanic I exam under (a) of
2 this subsection he or she may work unsupervised for the remaining one
3 thousand hours of required work experience, but may not supervise other
4 trainees until the applicant has received his or her certification
5 after completion of the full two thousand hours of on-the-job training.

6 (c) HVAC/R mechanic II. To be eligible to take the examination for
7 an HVAC/R mechanic II certificate of competency, or any associated
8 specialty, the applicant must have:

9 (i) Performed HVAC/R work for a minimum of four thousand hours
10 under the supervision of an HVAC/R mechanic for seventy-five percent of
11 the four thousand hours; or

12 (ii) Successfully completed an apprenticeship program approved
13 under chapter 49.04 RCW that meets the requirements of this
14 certification or any associated specialties.

15 (d) The applicant for the mechanic II exam under (c) of this
16 subsection must complete the four thousand hours of work experience
17 before he or she is eligible to take the appropriate exams.

18 (e) HVAC/R mechanic III. To be eligible to take the examination
19 for an HVAC/R mechanic III certificate of competency, or any associated
20 specialties, the applicant must have:

21 (i) Performed HVAC/R work for a minimum of six thousand hours under
22 supervision for seventy-five percent of the six thousand hours; or

23 (ii) Successfully completed an apprenticeship program under chapter
24 49.04 RCW that meets the requirements of this certification or any
25 associated specialties.

26 Once the applicant has passed the mechanic III exam under this
27 subsection he or she may work unsupervised for the remaining two
28 thousand hours of required work experience, but may not supervise other
29 trainees until the applicant receives his or her certification after
30 completion of the full eight thousand hours of on-the-job training.

31 (2) Any on-the-job training under the proper supervision as
32 required by this chapter, and by an individual holding all proper
33 approved trainee cards, will count toward all required on-the-job
34 training hours for both the HVAC/R mechanic, all associated
35 specialties, and the electrical certifications required under chapter
36 19.28 RCW.

37 (3) Upon making a determination that the applicant is eligible to

1 take the examination, the department shall so notify the applicant,
2 indicating the time and place for taking the examination.

3 (4) No noncertified individual may work unsupervised more than one
4 year beyond the date when the trainee would be eligible to test for a
5 certificate of competency if working on a full-time basis after
6 original application for the training certificate. For the purposes of
7 this section, "full-time basis" means two thousand hours per year.

8 NEW SECTION. **Sec. 9.** ALTERNATIVES TO WORK EXPERIENCE. (1) An
9 applicant for a certificate of competency who has successfully
10 completed a board approved program in HVAC/R work at a public community
11 or technical college, or a not-for-profit nationally accredited
12 technical or trade school licensed by the workforce training and
13 education coordinating board under chapter 28C.10 RCW, may substitute
14 hours of the program for hours of work experience as follows:

	Type of Certificate	Substitution for Work Experience
15 16 17 (a)	HVAC/R Mechanic I	Up to 1,000 hours of technical college program may be substituted for up to 1,000 hours of work experience.
18 19 20 21 22 (b)	HVAC/R Mechanic II	Up to 2,000 hours of technical college program may be substituted for up to 2,000 hours of work experience, so long as the applicant obtains the additional 2,000 hours of work experience prior to beginning, or after completing, the technical school program.
23 24 25 26 27 (c)	HVAC/R Mechanic III	Up to 4,000 hours of technical college program may be substituted for up to 4,000 hours of work experience, so long as the applicant obtains the additional 4,000 hours of work experience prior to beginning, or after completing, the technical school program.

28 (2) Any applicant who has received training in HVAC/R work in the
29 armed forces of the United States may be eligible to apply armed forces
30 work experience towards eligibility to take an examination for a
31 certificate of competency.

32 (3) The department shall determine whether hours of training and
33 experience in a technical college program or the armed forces are in

1 HVAC/R work and appropriate as a substitute for hours of work
2 experience.

3 NEW SECTION. **Sec. 10.** EXAMINATION. (1) The department, with the
4 advice of the board, shall adopt rules for examinations to be given
5 applicants for mechanic certificates of competency or associated
6 specialties under this chapter.

7 (2) The department, with advice from the board, shall prepare an
8 examination to be administered to applicants for certificates of
9 competency or associated specialties under this chapter. There will be
10 separate exams for the HVAC mechanic specialty, the gas piping
11 specialty, the refrigeration specialty, and the sheet metal specialty.
12 An individual may take all exams in one testing session including those
13 administered under chapter 19.28 RCW.

14 (3) The department, with advice from the board, may enter into a
15 contract with a professional testing agency to develop, administer, and
16 score mechanic certification examinations. The department may set the
17 examination fee by contract with the professional testing agency.

18 (4) The department must, at least four times annually, administer
19 the examination to persons eligible to take it under section 8 of this
20 act. The fee must cover, but not exceed, the costs of preparing and
21 administering the examination.

22 (5) The department must certify the results of the examination upon
23 the terms and after such a period of time as the department, with the
24 advice of the board, deems necessary and proper.

25 (6) The examinations shall be constructed to determine:

26 (a) Whether the applicant possesses general knowledge of the
27 technical information and practical procedures that are identified with
28 the relevant scope of work; and

29 (b) Whether the applicant is familiar with the applicable
30 mechanical codes and administrative rules of the department pertaining
31 to the relevant scope of work.

32 (7) A person may take the examination as many times as necessary
33 without limit. All applicants must, before taking the examination, pay
34 the required examination fee to the agency administering the
35 examination.

1 NEW SECTION. **Sec. 11.** CERTIFICATION WITHOUT EXAMINATION. (1)

2 Effective July 1, 2008, an applicant may apply for an HVAC/R mechanic
3 I certificate of competency, or any associated specialty, without
4 examination so long as the applicant provides the department with
5 evidence of at least two thousand hours of verifiable HVAC/R work
6 experience performed after January 1, 1996. At least two thousand
7 hours of this work experience must be:

8 (a) HVAC/R work performed with a general or specialty HVAC/R
9 contractor registered under chapter 18.27, 18.106, or 19.28 RCW;

10 (b) HVAC/R work with a registered general or specialty HVAC/R
11 contractor, or the equivalent, which was accrued in another state or
12 country;

13 (c) HVAC/R work experience in the United States armed forces; or

14 (d) Any combination of at least two thousand hours of verifiable
15 HVAC/R work experience as described in (a) through (c) of this
16 subsection.

17 (2) Effective July 1, 2008, a person may apply for an HVAC/R
18 mechanic II certificate of competency without examination, so long as
19 the applicant provides the department with evidence of at least four
20 thousand hours of verifiable work experience performed after January 1,
21 1996. At least four thousand hours of this work experience must be:

22 (a) HVAC/R work with a general or specialty HVAC/R contractor
23 registered under chapter 18.27, 18.106, 19.28 RCW, or an employee
24 regularly employed by a public entity or an exempt entity under chapter
25 19.28 or 18.27 RCW;

26 (b) HVAC/R work with a general or specialty HVAC/R contractor, or
27 the equivalent, which was accrued in another state, country, or
28 province;

29 (c) HVAC/R work experience in the United States armed forces; or

30 (d) Any combination of at least eight thousand hours of verifiable
31 HVAC/R work experience as described in (a) through (c) of this
32 subsection.

33 (3) Effective July 1, 2008, a person may apply for an HVAC/R
34 mechanic III certificate of competency without examination, so long as
35 the applicant provides the department with evidence of at least eight
36 thousand hours of verifiable HVAC/R work experience performed after
37 January 1, 1996. At least four thousand hours of this work experience
38 must be:

1 (a) HVAC/R work with a general or specialty HVAC/R contractor
2 registered under chapter 18.27, 18.106, or 19.28 RCW;

3 (b) HVAC/R work with a general or specialty HVAC/R contractor, or
4 the equivalent, which was accrued in another state, country, or
5 province;

6 (c) HVAC/R work experience in the United States armed forces; or

7 (d) Any combination of at least eight thousand hours of verifiable
8 HVAC/R work experience as described in (a) through (c) of this
9 subsection.

10 (4) The department may not accept applications for certification
11 without examination submitted on or after December 31, 2008. The
12 department may not extend this deadline.

13 (5) Effective July 1, 2008, a person may apply for an HVAC/R
14 mechanic III certificate of competency without examination, so long as
15 the applicant provides the department with evidence that he or she has
16 completed an apprenticeship program under chapter 49.04 RCW or an
17 equivalent apprenticeship program from another state or country.

18 NEW SECTION. **Sec. 12.** HVAC/R OPERATOR ONLY CERTIFICATION. (1) An
19 HVAC/R operator only certification is created with no limits on
20 tonnage.

21 (2) The scope of work for this certification includes preventive
22 maintenance such as filter changing, belt replacement, bearing
23 lubrication, and equipment logging. A person holding this
24 certification may not perform major repairs, sealed system work, or
25 equipment replacement.

26 (3) A person who installs, alters, or repairs an HVAC/R system
27 containing six pounds or less of any refrigerant and actuated by a
28 motor or engine having a standard rating of 1/4 horsepower or less, or
29 an absorption system having a rating of 1/4 ton of refrigeration effect
30 is exempt from having to obtain a certificate under this section.

31 (4) Any person holding a valid refrigeration operating engineer
32 license issued by the city of Seattle shall be issued an HVAC/R
33 operator only certificate without meeting any additional requirements.
34 For purposes of this section, "refrigeration operating engineer" means
35 a full-time employee who spends a substantial portion of time in the
36 maintenance and operation of a refrigeration system in a building, or
37 portion thereof, used for occupant comfort, manufacturing, processing,

1 or storage of materials or products including, among others, chemicals,
2 food, candy, and ice cream factories, ice-making plants, meat packing
3 plants, refineries, perishable food warehouses, hotels, hospitals,
4 restaurants, and similar occupancies and equipped with a refrigeration
5 system and whose duty it is to operate, maintain and keep safe and in
6 serviceable condition all of the employer's refrigeration systems and
7 equipment.

8 (5) The department shall develop an examination that the applicant
9 must pass before a person can be issued a license under this section.
10 The exam shall be comparable to the current refrigeration operating
11 engineer license test used by the city of Seattle.

12 (6) The hours logged as an HVAC/R operator only certificate count
13 towards the hours required to obtain an HVAC/R mechanic I certificate
14 as long as the operator is supervised during those hours by an HVAC/R
15 mechanic I, II, or III, and holds a current trainee card.

16 NEW SECTION. **Sec. 13.** CERTIFICATES OF COMPETENCY. (1) The
17 department shall issue a certificate of competency to an applicant who
18 passes the examination as provided in section 10 of this act, and has
19 complied with this chapter and rules adopted under this chapter. The
20 department may deny an application for a certificate for up to two
21 years if the applicant's previous certificate has been revoked.

22 (2) The department shall renew a certificate of competency issued
23 to a mechanic who applies for renewal not more than ninety days after
24 the certificate expires, and has complied with the continuing education
25 requirement in section 15 of this act. The department may not renew a
26 certificate that has been revoked or suspended. The department may
27 deny renewal of a certificate if the applicant for renewal owes
28 outstanding penalties for a final judgment under this chapter.

29 (3) A certificate of competency is valid for three years, unless
30 revoked or suspended, and expires on the mechanic's birth date. The
31 certificate shall include the expiration date.

32 (4) The department shall create a single document and establish a
33 single expiration date for a mechanic who holds two or more
34 certificates or specialties under chapters 18.106 and 19.28 RCW and
35 this chapter. The document shall list all of the mechanic's
36 certificates of competency and specialties.

1 NEW SECTION. **Sec. 14.** TRAINING CERTIFICATES. (1) The department
2 shall issue a training certificate to an applicant who is registered in
3 an apprenticeship program approved under chapter 49.04 RCW for HVAC/R
4 work or is otherwise learning to perform HVAC/R work.

5 (2) The department shall renew a training certificate issued to a
6 trainee who provides the department with an accurate list of the
7 trainee's employers in the HVAC/R industry for the previous two-year
8 period and the number of hours worked for each employer, and has
9 complied with the continuing education requirement in section 15 of
10 this act.

11 (3) A trainee shall have his or her training certificate in his or
12 her possession when performing HVAC/R mechanic or operator work. The
13 trainee shall show the certificate to an authorized representative of
14 the department at the representative's request.

15 (4) A training certificate is valid for two years, and expires on
16 the trainee's birth date. The certificate shall include the expiration
17 date.

18 NEW SECTION. **Sec. 15.** CONTINUING EDUCATION. (1) A mechanic must
19 demonstrate satisfactory completion of twenty-four hours of continuing
20 education in the three-year period prior to renewing his or her
21 certificate. A trainee must demonstrate satisfactory completion of
22 sixty hours of related supplemental instruction or equivalent training
23 courses taken as part of an apprenticeship program approved under
24 chapter 49.04 RCW in the two-year period prior to renewing his or her
25 certificate.

26 (2) The department, with the advice of the board, shall determine
27 the contents of continuing education courses and establish the
28 requirements for satisfactory completion of such courses. If the
29 department determines that a continuing education course offered in
30 another state is comparable to courses offered in Washington, the
31 department shall accept proof of satisfactory completion of the course
32 as meeting the continuing education requirement in this section.

33 NEW SECTION. **Sec. 16.** TRAINEE SUPERVISION. (1) Except as
34 provided in subsection (2) of this section, an HVAC and an HVAC/R
35 specialty trainee may perform HVAC/R work, but only when the trainee is
36 on the same job site and under the control of a certified mechanic.

1 The percentage of the working day that the mechanic is on the same job
 2 site as the trainee must not be less than the supervision requirement
 3 in this subsection. The ratio of trainees to mechanics on the same job
 4 site must not be greater than the ratio requirement in this subsection.

5

	Trainee is working as a --	Mechanic must be minimally certified as a --	Supervision requirement	Ratio requirement for trainees not in a technical college program	Ratio requirement for trainees in a technical college program
10 (a)	HVAC/R mechanic I	HVAC/R mechanic I, II, or III	75 percent	2 trainees to 1 mechanic	4 trainees to 1 mechanic
12 (b)	HVAC/R mechanic II	HVAC/R mechanic II or III	75 percent	2 trainees to 1 mechanic	4 trainees to 1 mechanic
14 (c)	HVAC/R mechanic III	HVAC mechanic III	75 percent	2 trainees to 1 mechanic	4 trainees to 1 mechanic

16 (2) Subsection (1) of this section does not apply to a trainee who:

17 (a) Successfully completed or is currently enrolled in an approved
 18 apprenticeship program or a technical college, or in an HVAC/R program
 19 at a not-for-profit nationally accredited technical or trade school
 20 licensed by the workforce training and education coordinating board
 21 under chapter 28C.10 RCW. The trainee may work without direct on-site
 22 supervision during the last six months of meeting the practical
 23 experience requirements of this chapter; or

24 (b) Performs HVAC/R service work while on the same job site as a
 25 mechanic. The percentage of the working day that the mechanic is on
 26 the same job site as the trainee must not be less than the supervision
 27 requirement specified in rule.

28 NEW SECTION. **Sec. 17. TRAINEE HOURS.** (1)(a) Each contractor
 29 shall report to the department the names and certificate numbers of
 30 trainees who worked on behalf of the contractor and the hours worked by
 31 each of the trainees, and shall attest that all of the reported hours
 32 worked by trainees were in compliance with the supervision and ratio
 33 requirements in section 16 of this act.

1 (b) In order for hours to count toward all electrical and HVAC/R
2 certifications or specialties, the contractor must be registered as an
3 electrical contractor under chapter 19.28 RCW and as an HVAC/R
4 contractor under this act.

5 (c) Each contractor shall also report to the department the names
6 and certificate numbers of supervising mechanics. The contractor is
7 not required to identify what hours worked by trainees were supervised
8 by a specific mechanic.

9 (2) The department may audit the records of a contractor who
10 reported hours worked by a trainee under subsection (1) of this section
11 in the following circumstances: (a) Excessive hours were reported; (b)
12 hours were reported outside the normal course of the contractor's
13 business; (c) the type of hours reported do not reasonably match the
14 type of permits purchased; or (d) for other similar circumstances in
15 which the department demonstrates a likelihood of excessive hours being
16 reported. The department shall limit the audit to records necessary to
17 verify hours.

18 (3) Information obtained from a contractor under this section is
19 confidential and is not open to public inspection under chapter 42.56
20 RCW.

21 NEW SECTION. **Sec. 18.** TEMPORARY PERMITS. (1) The department may
22 issue a temporary permit in lieu of a certificate of competency to a
23 mechanic from another state. A mechanic with a temporary permit may
24 perform HVAC/R work during the period of time beginning when the
25 mechanic submits an application to the department for a certificate of
26 competency and the department furnishes to the applicant the results of
27 the examination for the certificate.

28 (2) The department may not issue a temporary permit to any
29 applicant who is not eligible to take the examination for a certificate
30 of competency or failed the examination for the certificate.

31 (3) A mechanic with a temporary permit who fails the examination
32 for a certificate of competency is entitled to continue to perform
33 HVAC/R work under the temporary permit for ninety days if the mechanic
34 is enrolled in a mechanic refresher course. After completing the
35 mechanic refresher course, the mechanic may retake the examination.

1 NEW SECTION. **Sec. 19.** RECIPROACITY. The department may enter into
2 a reciprocity agreement with another state whose certification
3 requirements are equal to the standards set under this chapter. The
4 reciprocity agreement shall provide for the acceptance of Washington
5 and the other state's mechanic certificate of competency or its
6 equivalent by Washington and the other state.

7 NEW SECTION. **Sec. 20.** SUSPENSION AND REVOCATION. (1) The
8 department may revoke a certificate of competency if the department
9 determines that the mechanic or operator: (a) Obtained his or her
10 certificate through error or fraud; (b) is incompetent to perform
11 HVAC/R work; or (c) committed a violation of this chapter or rules
12 adopted under this chapter that presents imminent danger to the public.

13 (2) The department shall immediately suspend the certificate of a
14 person who has been certified pursuant to RCW 74.20A.320 by the
15 department of social and health services as a person who is not in
16 compliance with a support order. If the person has continued to meet
17 all other requirements for reinstatement during the suspension,
18 reissuance of the certificate shall be automatic upon the department's
19 receipt of a release issued by the department of social and health
20 services stating that the person is in compliance with the order.

21 NEW SECTION. **Sec. 21.** EXEMPTIONS. (1) This chapter does not
22 apply to:

23 (a) A person who cleans or replaces air filters, lubricates
24 bearings, replaces fan belts, cleans evaporators or condensers, or
25 cleans cooling towers;

26 (b) A person who installs, alters or repairs an HVAC/R system
27 containing six pounds or less of any refrigerant and actuated by a
28 motor or engine having a standard rating of 1/4 horsepower or less, or
29 absorption system having a rating of 1/4 ton or less refrigeration
30 effect;

31 (c) A person installing a wood, pellet, or gas-fueled hearth
32 appliance which has a visual presence in the living space of a home,
33 including connecting the appliance with an approved flexible gas supply
34 line not to exceed forty-eight inches in length and not to include
35 installation of ventilation duct work or other duct work;

36 (d) A person setting oil tanks and piping to the furnace;

1 (e) A person setting propane tanks and piping outside a building;

2 (f) A person performing HVAC/R work at his or her residence, farm,
3 place of business, or on other property owned by him or her unless the
4 HVAC/R work is on the construction of a new building intended for rent,
5 sale, or lease;

6 (g) A person performing HVAC/R work on his or her own property or
7 to regularly employed employees working on the premises of their
8 employer, unless the HVAC/R work is on the construction of a new
9 building intended for rent, sale, or lease;

10 (h) A person performing work for or on behalf of a natural gas
11 utility, including the installation, repair, and maintenance of gas
12 piping when such work is incidental to the business of delivering
13 natural gas to the premises. For the purposes of this chapter,
14 "natural gas utility" means a gas company, as defined under RCW
15 80.04.010;

16 (i) An architect licensed under chapter 18.08 RCW or an engineer
17 licensed under chapter 18.43 RCW who is designing HVAC/R systems, but
18 who is not otherwise performing HVAC/R work; or

19 (j) A person making a like-in-kind replacement of a household
20 appliance.

21 (2) Nothing precludes any person who is exempt from the
22 certification requirements of this chapter under this section from
23 obtaining a mechanic certificate of competency if they otherwise meet
24 the requirements of this chapter.

25 NEW SECTION. **Sec. 22.** CIVIL PENALTIES. Any person, firm,
26 partnership, corporation, or other entity found in violation of this
27 chapter shall be assessed a penalty not to exceed five thousand
28 dollars. The department shall set by rule a schedule of penalties for
29 violating this chapter. Each day that a person, firm, partnership,
30 corporation, or other entity violates this chapter is a separate
31 violation.

32 NEW SECTION. **Sec. 23.** APPLICATION OF ADMINISTRATIVE PROCEDURE
33 ACT. The proceedings for denying applications, suspending or revoking
34 certificates, and imposing civil penalties or other remedies issued
35 pursuant to this chapter and any appeal therefrom or review thereof

1 shall be governed by the provisions of the administrative procedure
2 act, chapter 34.05 RCW.

3 NEW SECTION. **Sec. 24.** (1) The department shall charge fees for
4 the issuance, renewal, and reinstatement of all certificates and
5 permits and for examinations required by this chapter. The department
6 shall set the fee amounts by rule.

7 (2) The fees collected under this chapter shall cover the costs of
8 issuing the certificates and permits, devising and administering the
9 exams, and administering and enforcing this chapter and chapter 18.106
10 RCW.

11 **Sec. 25.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006
12 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and
13 amended to read as follows:

14 (1) All earnings of investments of surplus balances in the state
15 treasury shall be deposited to the treasury income account, which
16 account is hereby established in the state treasury.

17 (2) The treasury income account shall be utilized to pay or receive
18 funds associated with federal programs as required by the federal cash
19 management improvement act of 1990. The treasury income account is
20 subject in all respects to chapter 43.88 RCW, but no appropriation is
21 required for refunds or allocations of interest earnings required by
22 the cash management improvement act. Refunds of interest to the
23 federal treasury required under the cash management improvement act
24 fall under RCW 43.88.180 and shall not require appropriation. The
25 office of financial management shall determine the amounts due to or
26 from the federal government pursuant to the cash management improvement
27 act. The office of financial management may direct transfers of funds
28 between accounts as deemed necessary to implement the provisions of the
29 cash management improvement act, and this subsection. Refunds or
30 allocations shall occur prior to the distributions of earnings set
31 forth in subsection (4) of this section.

32 (3) Except for the provisions of RCW 43.84.160, the treasury income
33 account may be utilized for the payment of purchased banking services
34 on behalf of treasury funds including, but not limited to, depository,
35 safekeeping, and disbursement functions for the state treasury and
36 affected state agencies. The treasury income account is subject in all

1 respects to chapter 43.88 RCW, but no appropriation is required for
2 payments to financial institutions. Payments shall occur prior to
3 distribution of earnings set forth in subsection (4) of this section.

4 (4) Monthly, the state treasurer shall distribute the earnings
5 credited to the treasury income account. The state treasurer shall
6 credit the general fund with all the earnings credited to the treasury
7 income account except:

8 (a) The following accounts and funds shall receive their
9 proportionate share of earnings based upon each account's and fund's
10 average daily balance for the period: The capitol building
11 construction account, the Cedar River channel construction and
12 operation account, the Central Washington University capital projects
13 account, the charitable, educational, penal and reformatory
14 institutions account, the Columbia river basin water supply development
15 account, the common school construction fund, the county criminal
16 justice assistance account, the county sales and use tax equalization
17 account, the data processing building construction account, the
18 deferred compensation administrative account, the deferred compensation
19 principal account, the department of retirement systems expense
20 account, the developmental disabilities community trust account, the
21 drinking water assistance account, the drinking water assistance
22 administrative account, the drinking water assistance repayment
23 account, the Eastern Washington University capital projects account,
24 the education construction fund, the education legacy trust account,
25 the election account, the emergency reserve fund, the energy freedom
26 account, The Evergreen State College capital projects account, the
27 federal forest revolving account, the freight mobility investment
28 account, the freight mobility multimodal account, the health services
29 account, the public health services account, the health system capacity
30 account, the personal health services account, the state higher
31 education construction account, the higher education construction
32 account, the highway infrastructure account, the high-occupancy toll
33 lanes operations account, the plumbing certificate fund, the industrial
34 insurance premium refund account, the judges' retirement account, the
35 judicial retirement administrative account, the judicial retirement
36 principal account, the local leasehold excise tax account, the local
37 real estate excise tax account, the local sales and use tax account,
38 the medical aid account, the mobile home park relocation fund, the

1 multimodal transportation account, the municipal criminal justice
2 assistance account, the municipal sales and use tax equalization
3 account, the natural resources deposit account, the oyster reserve land
4 account, the pension funding stabilization account, the perpetual
5 surveillance and maintenance account, the public employees' retirement
6 system plan 1 account, the public employees' retirement system combined
7 plan 2 and plan 3 account, the public facilities construction loan
8 revolving account beginning July 1, 2004, the public health
9 supplemental account, the public works assistance account, the Puyallup
10 tribal settlement account, the real estate appraiser commission
11 account, the regional mobility grant program account, the resource
12 management cost account, the rural Washington loan fund, the site
13 closure account, the small city pavement and sidewalk account, the
14 special wildlife account, the state employees' insurance account, the
15 state employees' insurance reserve account, the state investment board
16 expense account, the state investment board commingled trust fund
17 accounts, the supplemental pension account, the Tacoma Narrows toll
18 bridge account, the teachers' retirement system plan 1 account, the
19 teachers' retirement system combined plan 2 and plan 3 account, the
20 tobacco prevention and control account, the tobacco settlement account,
21 the transportation infrastructure account, the transportation
22 partnership account, the tuition recovery trust fund, the University of
23 Washington bond retirement fund, the University of Washington building
24 account, the volunteer fire fighters' and reserve officers' relief and
25 pension principal fund, the volunteer fire fighters' and reserve
26 officers' administrative fund, the Washington fruit express account,
27 the Washington judicial retirement system account, the Washington law
28 enforcement officers' and fire fighters' system plan 1 retirement
29 account, the Washington law enforcement officers' and fire fighters'
30 system plan 2 retirement account, the Washington public safety
31 employees' plan 2 retirement account, the Washington school employees'
32 retirement system combined plan 2 and 3 account, the Washington state
33 health insurance pool account, the Washington state patrol retirement
34 account, the Washington State University building account, the
35 Washington State University bond retirement fund, the water pollution
36 control revolving fund, and the Western Washington University capital
37 projects account. Earnings derived from investing balances of the
38 agricultural permanent fund, the normal school permanent fund, the

1 permanent common school fund, the scientific permanent fund, and the
2 state university permanent fund shall be allocated to their respective
3 beneficiary accounts. All earnings to be distributed under this
4 subsection (4)(a) shall first be reduced by the allocation to the state
5 treasurer's service fund pursuant to RCW 43.08.190.

6 (b) The following accounts and funds shall receive eighty percent
7 of their proportionate share of earnings based upon each account's or
8 fund's average daily balance for the period: The aeronautics account,
9 the aircraft search and rescue account, the county arterial
10 preservation account, the department of licensing services account, the
11 essential rail assistance account, the ferry bond retirement fund, the
12 grade crossing protective fund, the high capacity transportation
13 account, the highway bond retirement fund, the highway safety account,
14 the motor vehicle fund, the motorcycle safety education account, the
15 pilotage account, the public transportation systems account, the Puget
16 Sound capital construction account, the Puget Sound ferry operations
17 account, the recreational vehicle account, the rural arterial trust
18 account, the safety and education account, the special category C
19 account, the state patrol highway account, the transportation 2003
20 account (nickel account), the transportation equipment fund, the
21 transportation fund, the transportation improvement account, the
22 transportation improvement board bond retirement account, and the urban
23 arterial trust account.

24 (5) In conformance with Article II, section 37 of the state
25 Constitution, no treasury accounts or funds shall be allocated earnings
26 without the specific affirmative directive of this section.

27 NEW SECTION. **Sec. 26.** LIABILITY. (1) This chapter may not be
28 construed to relieve from or lessen the responsibility or liability of
29 any person for injury or damage to person or property caused by or
30 resulting from any HVAC/R work performed by the person.

31 (2) The state of Washington, and its officers, agents, and
32 employees may not be held liable for any acts performed pursuant to
33 this chapter.

34 NEW SECTION. **Sec. 27.** HVAC/R BOARD. (1) An HVAC/R board is
35 established.

1 (2) The board shall consist of nine members to be appointed by the
2 governor with the advice of the director.

3 (a) Three members shall be HVAC/R mechanics, of which at least one,
4 but not more than two, shall be an HVAC/R mechanic performing work east
5 of the crest of the Cascade mountains.

6 (b) Three members shall be HVAC/R contractors, of which at least
7 one, but not more than two, shall be a contractor doing business east
8 of the crest of the Cascade mountains.

9 (c) One member shall be from the general public and be familiar
10 with HVAC/R work.

11 (d) One member shall be from the building owners and managers
12 association or the stationary operating engineers.

13 (e) One member shall be from a technical college.

14 (3) Except as provided in this subsection, the term of each member
15 shall be three years. The term of each initial member shall expire as
16 follows: (i) The terms of the first HVAC/R mechanic and the first
17 HVAC/R contractor shall expire July 1, 2008; (ii) the terms of the
18 second HVAC/R mechanic, the second HVAC/R contractor, and the public
19 member shall expire July 1, 2009; and (iii) the terms of the third
20 HVAC/R mechanic and the third HVAC/R contractor shall expire July 1,
21 2010. To ensure that the board may continue to act, a member whose
22 term expires shall continue to serve until his or her replacement is
23 appointed. In the case of any vacancy on the board for any reason, the
24 governor shall appoint a new member to serve out the term of the person
25 whose position has become vacant.

26 (4) The board shall, at its first meeting, elect one of its members
27 to serve as chair.

28 (5) The board shall meet at least quarterly in accordance with a
29 schedule established by the board.

30 (6) The board shall:

31 (a) Conduct proceedings for denying applications, suspending or
32 revoking certificates, and imposing civil penalties or other remedies.
33 Such proceedings shall be conducted in accordance with chapter 34.05
34 RCW;

35 (b) Review and make recommendations to adopt, amend, or repeal any
36 rules under this chapter. The director may not adopt, amend, or repeal
37 any rules until the board has conducted its review and made its
38 recommendations;

1 (c) Approve expenditures from the plumbing certificate fund; and
2 (d) Advise the department on all other matters relative to this
3 chapter.

4 (7) The members of the board are entitled to be reimbursed for
5 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

6 NEW SECTION. **Sec. 28.** ADVISORY COMMITTEE. The department, with
7 advice from the electrical board, may convene an advisory committee
8 that may include representatives of stakeholders affected by this
9 chapter, to review the electrical licenses and certifications required
10 under chapter 19.28 RCW in relation to the certificates required under
11 this chapter. The advisory committee may review the scope of work for
12 the HVAC/R work, the process for certification of hours, supervision
13 requirements, and testing requirements to determine if modifications
14 are needed to provide for the safety of the public and of the worker,
15 protection of the consumer, and to provide a reasonable career path for
16 workers in the HVAC/R industry.

17 NEW SECTION. **Sec. 29.** ADMINISTRATION. (1) The director may adopt
18 rules necessary for the administration of this chapter.

19 (2) The department shall assess fees for the issuance, renewal, and
20 reinstatement of certificates, specialties, permits, and examinations
21 required by this chapter. Fees shall be set in rule and shall cover
22 but not exceed the costs of administering this chapter.

23 (3) The department shall administer this chapter in conjunction
24 with its administration of chapter 18.106 RCW.

25 (4) All of the fees generated under this chapter shall be deposited
26 into the plumbing certificate fund established in RCW 18.106.130.

27 (5) In the administration of this chapter, the department shall not
28 enter any controversy arising over work assignments with respect to the
29 trades involved in the construction industry.

30 NEW SECTION. **Sec. 30.** EFFECT ON OTHER LAWS. (1) Nothing in this
31 chapter shall be construed to modify chapter 18.106 or 19.28 RCW.

32 (2) Nothing in this chapter prohibits or restricts an individual
33 who is certified under chapter 18.106 or 19.28 RCW from engaging in the
34 trade in which he or she is certified.

1 (3) Nothing in this chapter shall be construed to include plumbing
2 work defined in chapter 18.106 RCW or electrical work defined in
3 chapter 19.28 RCW in the scope of work defined in this chapter.

4 **Sec. 31.** RCW 18.27.060 and 2006 c 185 s 14 are each amended to
5 read as follows:

6 GENERAL AND SPECIALITY CONTRACTOR REGISTRATION. (1) A certificate
7 of registration shall be valid for two years and shall be renewed on or
8 before the expiration date. The department shall issue to the
9 applicant a certificate of registration upon compliance with the
10 registration requirements of this chapter.

11 (2) If the department approves an application, it shall issue a
12 certificate of registration to the applicant.

13 (3) If a contractor's surety bond or other security has an
14 unsatisfied judgment against it or is canceled, or if the contractor's
15 insurance policy is canceled, the contractor's registration shall be
16 automatically suspended on the effective date of the impairment or
17 cancellation. The department shall mail notice of the suspension to
18 the contractor's address on the certificate of registration by
19 certified and by first class mail within two days after suspension.

20 (4) Renewal of registration is valid on the date the department
21 receives the required fee and proof of bond and liability insurance, if
22 sent by certified mail or other means requiring proof of delivery. The
23 receipt or proof of delivery shall serve as the contractor's proof of
24 renewed registration until he or she receives verification from the
25 department.

26 (5) The department shall immediately suspend the certificate of
27 registration of a contractor who has been certified by the department
28 of social and health services as a person who is not in compliance with
29 a support order or a visitation order as provided in RCW 74.20A.320.
30 The certificate of registration shall not be reissued or renewed unless
31 the person provides to the department a release from the department of
32 social and health services stating that he or she is in compliance with
33 the order and the person has continued to meet all other requirements
34 for certification during the suspension.

35 (6) For a contractor who employs plumbers, as described in RCW
36 18.106.010(10)(c), and is also required to be licensed as an electrical
37 contractor as required in RCW 19.28.041, while doing pump and

1 irrigation or domestic pump work described in rule as authorized by RCW
2 19.28.251, the department shall establish a single
3 registration/licensing document for those who qualify for both general
4 contractor registration as defined by this chapter and an electrical
5 contractor license as defined by chapter 19.28 RCW.

6 (7) For a contractor who qualifies for two or more registrations or
7 licenses under this chapter, chapter 18.-- (sections 1 through 24, 26
8 through 30, and 32 through 36 of this act), and 19.28 RCW, the
9 department shall establish a single registration/licensing document.
10 The document shall list all of the contractor's registrations and
11 licenses.

12 NEW SECTION. Sec. 32. COMPLIANCE INSPECTORS. (1) The director
13 shall appoint compliance inspectors to investigate alleged or apparent
14 violations of this chapter. The director, or authorized compliance
15 inspector, upon presentation of appropriate credentials, may inspect
16 and investigate job sites at which an HVAC/R contractor had bid or
17 presently is working to determine whether the HVAC/R contractor is
18 registered and their employees are certified and working in accordance
19 with this chapter or the rules adopted under this chapter or whether
20 there is a violation of this act. Upon request of the compliance
21 inspector, an HVAC/R contractor or an employee of the contractor shall
22 provide information identifying the HVAC/R contractor and those
23 employees working on-site.

24 (2) If the employee of an unregistered contractor is cited by a
25 compliance inspector, that employee is cited as the agent of the
26 employer, and issuance of the infraction to the employee is notice to
27 the unregistered employer contractor that the contractor is in
28 violation of this chapter. An employee who is cited by a compliance
29 inspector shall not be liable for any of the alleged violations
30 contained in the citation unless the employee is also the unregistered
31 contractor or the employee is performing work that requires a
32 certification under this chapter without proper proof of the
33 certification.

34 NEW SECTION. Sec. 33. NOTICE OF INFRACTION. The department may
35 issue a notice of infraction if the department reasonably believes that
36 the HVAC/R contractor or the employees have committed an infraction

1 under this chapter. A notice of infraction issued under this section
2 shall be personally served on the contractor or their employee named in
3 the notice by the department's compliance inspectors or service can be
4 made by certified mail directed to the contractor or their employee
5 named in the notice of infraction at the last known address as provided
6 to the department.

7 NEW SECTION. **Sec. 34.** NOTICE OF INFRACTION FORM. The form of the
8 notice of infraction issued under this chapter shall include the
9 following:

10 (1) A statement that the notice represents a determination that the
11 infraction has been committed by the contractor or the individual named
12 in the notice and that the determination shall be final unless
13 contested as provided in this chapter;

14 (2) A statement that the infraction is a noncriminal offense for
15 which imprisonment shall not be imposed as a sanction;

16 (3) A statement of the violation that necessitated issuance of the
17 infraction;

18 (4) A statement of penalty involved if the infraction is
19 established;

20 (5) A statement of the options provided in this chapter for
21 responding to the notice and the procedures necessary to exercise these
22 options;

23 (6) A statement that at any hearing to contest the notice of
24 infraction the state has the burden of proving, by a preponderance of
25 the evidence, that the infraction was committed; and that the
26 contractor or individual may subpoena witnesses, including the
27 compliance inspector of the department who issued and served the notice
28 of infraction;

29 (7) A statement that at any hearing to contest the notice of
30 infraction against an unregistered contractor, the uncertified
31 individual has the burden of proving that the infraction did not occur;

32 (8) A statement that the contractor or individual must respond to
33 the notice of infraction in one of the ways provided in this chapter;
34 and

35 (9) A statement that a contractor or individual failure to timely
36 select one of the options for responding to the notice of infraction
37 after receiving a statement of the options provided in this chapter for

1 responding to the notice of infraction and the procedures necessary to
2 exercise these options is guilty of a gross misdemeanor and may be
3 punished by a fine or imprisonment in jail.

4 NEW SECTION. **Sec. 35.** VIOLATIONS. A violation designated as an
5 infraction under this chapter shall be heard and determined by an
6 administrative law judge of the office of administrative hearings. If
7 a party desires to contest the notice of infraction, the party shall
8 file a notice of appeal with the department specifying the grounds of
9 the appeal within twenty days of service of the infraction in a manner
10 provided by this chapter. The appeal must be accompanied by a
11 certified check for two hundred dollars, which shall be returned to the
12 assessed party if the decision of the department is not sustained
13 following the final decision in the appeal. If the final decision
14 sustains the decision of the department, the department must apply the
15 two hundred dollars to the payment of the expenses of the appeal,
16 including costs charged by the office of administrative hearings. The
17 administrative law judge shall conduct hearings in these cases at
18 locations in the county where the infraction occurred.

19 NEW SECTION. **Sec. 36.** (1) A contractor or individual who is
20 issued a notice of infraction shall respond within twenty days of the
21 date of issuance of the notice of infraction.

22 (2) If the contractor or individual named in the notice of
23 infraction does not elect to contest the notice of infraction, then the
24 contractor or individual shall pay to the department, by check or money
25 order, the amount of the penalty prescribed for the infraction. When
26 a response that does not contest the notice of infraction is received
27 by the department with the appropriate penalty, the department shall
28 make the appropriate entry in its records.

29 (3) If the contractor or individual named in the notice of
30 infraction elects to contest the notice of infraction, the contractor
31 or individual shall respond by filing with the department specifying
32 the appeal to the department in the manner specified in this chapter.

33 (4) If any contractor or individual issued a notice of infraction
34 fails to respond within the prescribed response period, the contractor
35 or individual shall be guilty of a misdemeanor and prosecuted in the
36 county where the infraction occurred.

1 (5) After final determination by an administrative law judge that
2 an infraction has been committed, a contractor or individual who fails
3 to pay a monetary penalty within thirty days, that is not waived
4 pursuant to this chapter, and who fails to file an appeal, shall be
5 guilty of a misdemeanor and be prosecuted in the county where the
6 infraction occurred.

7 (6) A contractor or individual who fails to pay a monetary penalty
8 within thirty days after exhausting appellate remedies shall be guilty
9 of a misdemeanor and be prosecuted in the county where the infraction
10 occurred.

11 (7) If a contractor or individual who is issued a notice of
12 infraction is a contractor or individual who has failed to register or
13 be certified as a contractor or individual under this chapter, the
14 contractor or individual is subject to a monetary penalty per
15 infraction as provided in the schedule of penalties established by the
16 department, and each day the person works without becoming registered
17 or certified is a separate infraction.

18 NEW SECTION. **Sec. 37.** CODIFICATION. Sections 1 through 24, 26
19 through 30, and 32 through 36 of this act constitute a new chapter in
20 Title 18 RCW.

21 NEW SECTION. **Sec. 38.** CAPTIONS. Captions used in this act are
22 not any part of the law.

23 NEW SECTION. **Sec. 39.** SEVERABILITY. If any provision of this act
24 or its application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 40.** EFFECTIVE DATE. This act takes effect
28 January 1, 2008."

SHB 1876 - S COMM AMD

By Committee on Labor, Commerce, Research & Development

1 On page 1, line 2 of the title, after "work;" strike the remainder
2 of the title and insert "amending RCW 18.27.060; reenacting and
3 amending RCW 43.84.092; adding a new chapter to Title 18 RCW; creating
4 a new section; prescribing penalties; and providing an effective date."

--- END ---