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**HOUSE BILL 2440**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representative Manweller

AN ACT Relating to the plumbing industry; amending RCW 18.106.110, 18.106.270, and 18.106.070; and prescribing penalties.

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

**Sec.**  RCW 18.106.110 and 2013 c 23 s 24 are each amended to read as follows:

(1)(a) There is created a state advisory board of plumbers, to be composed of ((~~seven~~)) eight members ((~~appointed by the director~~)). Two members shall be journey level plumbers, one member shall be a specialty plumber, three members shall be persons conducting a plumbing business, at least one of which shall be primarily engaged in a specialty plumbing business, ((~~and~~)) one member from the general public who is familiar with the business and trade of plumbing, and one member from the department of health.

(b) The secretary of the department of health shall appoint the member from the department of health, and the director of the department of labor and industries shall appoint all other members.

(2) The term of one journey level plumber expires July 1, 1995; the term of the second journey level plumber expires July 1, 2000; the term of the specialty plumber expires July 1, 2008; the term of one person conducting a plumbing business expires July 1, 1996; the term of the second person conducting a plumbing business expires July 1, 2000; the term of the third person conducting a plumbing business expires July 1, 2007; ((~~and~~)) the term of the public member expires July 1, 1997; and the term of the member from the department of health expires July 1, 2020. Thereafter, upon the expiration of said terms, the ((~~director~~)) person named in subsection (1)(b) of this section shall appoint a new member to serve for a period of three years. However, to ensure that the board can continue to act, a member whose term expires shall continue to serve until his or her replacement is appointed. In the case of any vacancy on the board for any reason, the ((~~director~~)) person named in subsection (1)(b) of this section shall appoint a new member to serve out the term of the person whose position has become vacant.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to enforcement of this chapter including, but not limited to, plumbing industry promotion, standards of plumbing installations, consumer protection, and standards for protection of the public health.

(4) Each member of the advisory board shall receive travel expenses in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day in which such member is actually engaged in attendance upon the meetings of the advisory board.

**Sec.**  RCW 18.106.270 and 1994 c 174 s 8 are each amended to read as follows:

(1) A person found to have committed an infraction under RCW 18.106.020 ((~~shall~~)) may be assessed a monetary penalty of ((~~two hundred fifty~~)) five hundred dollars for the first infraction, and not more than one thousand five hundred dollars for a second or subsequent infraction. The department shall set by rule a schedule of penalties for infractions imposed under this chapter.

(2) The administrative law judge may not waive, reduce, or suspend the monetary penalty ((~~imposed for the infraction~~)). However, the director may waive or reduce the collection of the penalty for good cause shown.

(3) Monetary penalties collected under this chapter shall be deposited in the plumbing certificate fund.

**Sec.**  RCW 18.106.070 and 2013 c 23 s 19 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate may include a photograph of the holder. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder, except for specialty plumbers defined by RCW 18.106.010(10)(c) who also have an electrical certification issued jointly as provided by RCW 18.106.050(3) in which case their certificate shall be renewable every three years on or before the birthdate of the holder. The department shall renew a certificate of competency if the applicant: (a) Pays the renewal fee assessed by the department; and (b) during the past two years has completed sixteen hours of continuing education approved by the department with the advice of the advisory board, including four hours related to electrical safety. For holders of the specialty plumber certificate under RCW 18.106.010(10)(c), the continuing education may comprise both electrical and plumbing education with a minimum of twelve of the required twenty-four hours of continuing education in plumbing. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee.

The journey level plumber and specialty plumber certificates of competency, the medical gas piping installer endorsement, and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journey level plumber, specialty plumber, or medical gas piping installer, in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journey level plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journey level plumber or a specialty plumber working in his or her specialty. The certificate may include a photograph of the holder. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter.

(3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journey level plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journey level plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journey level or specialty plumbers working on a job site shall be((~~: (a)~~)) not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journey level plumber ((~~working as a specialty plumber; and (b) not more than one noncertified plumber working on any one job site for every certified journey level plumber working as a journey level plumber~~)).

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the workforce training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(4) An individual who has a current training certificate and who has successfully completed or is currently enrolled in a medical gas piping installer training course approved by the department may work on medical gas piping systems if the individual is under the direct supervision on the same job site of a certified medical gas piping installer who holds a medical gas piping installer endorsement one hundred percent of a working day on a ((~~one~~)) two-to-one ratio.

(5) The training to become a certified plumber must include not less than sixteen hours of classroom training established by the director with the advice of the advisory board. The classroom training must include, but not be limited to, electrical wiring safety, grounding, bonding, and other related items plumbers need to know to work under RCW 19.28.091.

(6) All persons who are certified plumbers before January 1, 2003, are deemed to have received the classroom training required in subsection (5) of this section.

(7) For purposes of this section, "on the same job site" means physically located on the same job site or actively engaged with the noncertified individual through videoconferencing.

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