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**SENATE BILL 6327**

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

**By** Senators Keiser, Conway, and Miloscia

AN ACT Relating to plumbing; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040, 18.106.050, 18.106.070, 18.106.075, 18.106.100, 18.106.150, 18.106.180, 18.106.200, 18.106.220, 18.106.250, 18.106.270, and 18.106.320; adding new sections to chapter 18.106 RCW; and prescribing penalties.

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

**Sec.**  RCW 18.106.010 and 2013 c 23 s 14 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means a person designated by a plumbing contractor to manage a plumbing business and plumbers in accordance with rules adopted under this chapter.

(2) "Advisory board" means the state advisory board of plumbers.

((~~(2) "Contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of this chapter by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of this chapter.~~))

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

(4) "Director" means the director of department of labor and industries.

(5) "Journey level plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter.

(6) "Like-in-kind" means having similar characteristics such as plumbing size, type, and function, and being in the same location.

(7) "Master plumber" means either a master journey level plumber or master specialty plumber.

(8) "Master journey level plumber" means a person who has been issued a master journey level plumber certificate of competency by the department and who may be designated by a plumbing contractor to supervise plumbing work and plumbers in accordance with rules adopted under this chapter.

(9) "Master specialty plumber" means a person who has been issued a specialty plumber certificate of competency by the department and who may be designated by a plumbing contractor to supervise plumbing work and plumbers in accordance with rules adopted under this chapter.

(10) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and other medical gas or equipment, including but not limited to medical vacuum systems.

((~~(8)~~)) (11) "Medical gas piping installer" means a master journey level plumber or journey level plumber who has been issued a medical gas piping installer endorsement.

((~~(9)~~)) (12) "Plumbing" means that craft involved in installing, altering, repairing, and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building as defined by the plumbing code as adopted and amended by the state building code council. "Plumbing" includes the installing, altering, repairing, and renovating of piping, fixtures, pumps, or plumbing appurtenances that are used for a rainwater catchment or reclaimed water system. Installation in a water system of water softening or water treatment equipment is not within the meaning of plumbing as used in this chapter.

((~~(10)~~)) (13) "Plumbing contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any plumbing work covered by the provisions of this chapter by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of this chapter.

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

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

(b) Maintenance and repair of backflow prevention assemblies; or

(c) A domestic water pumping system consisting of the installation, maintenance, and repair of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment; if appropriate, a pitless adapter; along with valves, transducers, and other plumbing components that:

(i) Are used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes, including irrigation, to: (A) A single-family dwelling, duplex, or other similar place of residence; (B) a public water system, as defined in RCW 70.119.020 and as limited under RCW 70.119.040; or (C) a farm owned and operated by a person whose primary residence is located within thirty miles of any part of the farm;

(ii) Are located within the interior space, including but not limited to an attic, basement, crawl space, or garage, of a residential structure, which space is separated from the living area of the residence by a lockable entrance and fixed walls, ceiling, or floor;

(iii) If located within the interior space of a residential structure, are connected to a plumbing distribution system supplied and installed into the interior space by either: (A) A person who, pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary permit or certificate of competency as a journey level plumber, specialty plumber, or trainee, as defined in this chapter; or (B) a person exempt from the requirement to obtain a certified plumber to do such plumbing work under RCW 18.106.150.

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

(1) Except as provided in this chapter, it is unlawful for:

(a) Any person to engage in business as a plumbing contractor within this state without having been issued a valid registration as a contractor under chapter 18.27 RCW;

(b) Any person, on or after July 1, 2019, to engage in business as a plumbing contractor within this state without having been issued a valid registration as a plumbing contractor from the department; and

(c) Any person, on and after July 1, 2019, to employ a person to perform or offer to perform plumbing work who has not been issued a valid master plumber's certificate, journey level plumber's certificate, specialty plumber's certificate, temporary plumber's certificate, or trainee certificate issued by the department under this chapter.

(2) The department shall prescribe an application form to be used to apply for a plumbing contractor registration under this chapter, and shall ensure that the person applying for a plumbing contractor registration is also a registered general or specialty contractor under chapter 18.27 RCW before it issues that person a plumbing contractor registration.

(3) To obtain a general or specialty plumbing contractor registration the applicant must employ a full-time supervisory individual who currently possesses a valid master journey level plumber's certificate of competency, master specialty plumber's certificate of competency in the specialty for which application has been made, or administrator's certificate as a general plumbing contractor administrator or as a specialty plumbing contractor administrator in the specialty for which application has been made. No individual may serve as the master plumber or administrator for any work exceeding the scope of his or her certificate, license, endorsement, or registration.

(4) On or before July 1, 2019, the department shall establish a single registration and licensing document for use by persons who may be issued two or more certificates, licenses, endorsements, or registrations provided for in this chapter and chapter 18.27 or 19.28 RCW. The single registration and licensing document must list all of the person's certificates, licenses, endorsements, or registrations.

(5) Regardless of when the plumbing contractor registration is issued, it becomes suspended, revoked, expired, or renewed at the same time as the registration issued under chapter 18.27 RCW.

(6) No bond or security in addition to that required of contractors under chapter 18.27 RCW is required of a plumbing contractor under this chapter.

(7) This section does not apply to:

(a) A person who is contracting for plumbing work on his or her own residence, unless the plumbing work is on a building that is for rent, sale, or lease; or

(b) A person who is specifically exempted under RCW 18.27.090 from contractor registration requirements.

(8) The department may deny an application for an administrator's certificate for up to two years if the applicant's previous administrator's certificate has been revoked and all appeals concerning the revocation have been exhausted. The certificate may be renewed for a three-year period without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual must pay twice the usual fee. A person may take the administrator's examination as many times as necessary to pass, without limit.

(9) A designated master plumber or administrator shall:

(a) Be a member of the firm or a supervisory employee and available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all plumbing work complies with the certification laws and rules of the state;

(c) Ensure that all plumbing work is performed by properly licensed and certified plumbing individuals;

(d) Notify the department in writing within fifteen days if the master plumber or administrator terminates his or her relationship with the plumbing contractor.

(10) The director shall establish a fee to implement this section.

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

(1) A certificate, license, endorsement, or registration issued under this chapter may be suspended, revoked, or subject to civil penalty by the department upon determination that any one or more of the following exist:

(a) A false statement as to a material matter in the application for a certificate, license, endorsement, or registration;

(b) Fraud, misrepresentation, or bribery in securing a certificate, license, endorsement, or registration;

(c) A violation of any provision of this chapter; or

(d) If the plumbing contractor does not employ an individual designated as the plumbing administrator or, master journey level plumber or master specialty plumber and possesses the appropriate certifications issued by the department.

(2) If a master plumber or administrator separates from employment, terminates his or her relationship or designation, or dies, the plumbing contractor must notify the department within fifteen days in writing of the change of status and must within ninety days designate a new individual who has successfully completed the master plumber or administrator examination.

(3) If the department has suspended or revoked a certificate, license, endorsement, or registration because of fraud or error and a hearing is requested, the suspension or revocation must be stayed until the hearing is concluded and a decision is issued.

(4) The department must remove a suspension or reinstate a revoked certificate, license, endorsement, or registration if the licensee pays all assessed civil penalties and is able to demonstrate to the department that the licensee has met all the qualifications established by this chapter.

**Sec.**  RCW 18.106.020 and 2013 c 23 s 15 are each amended to read as follows:

(1) No person may engage in or offer to engage in the trade of plumbing without having a master plumber certificate, journey level certificate, specialty certificate, administrator certificate, temporary permit, or trainee certificate and photo identification in his or her possession. The department ((~~may~~)) shall establish by rule a requirement that the person also wear and visibly display his or her certificate or permit. A trainee must be supervised by a person who has a master certificate, journey level certificate, specialty certificate, or temporary permit, as specified in RCW 18.106.070. No contractor may employ a person to engage in or offer to engage in the trade of plumbing unless the ((~~person employed has a~~)) contractor is a registered plumbing contractor and the person performing the public work has a master certificate, journey level certificate, specialty certificate, temporary permit, or trainee certificate. ((~~This section does not apply to a contractor who is contracting for work on his or her own residence. Until July 1, 2007, the department shall issue a written warning to any specialty plumber defined by RCW 18.106.010(10)(c) not having a valid plumber certification. The warning will state that the individual must apply for a plumber training certificate or be qualified for and apply for plumber certification under the requirements in RCW 18.106.040 within thirty calendar days of the warning. Only one warning will be issued to any individual. If the individual fails to comply with this section, the department shall issue a penalty or penalties as authorized by this chapter.~~))

(2) Without exception, no person may engage in or offer to engage in medical gas piping installation without having a certificate of competency as a master journey level or journey level plumber and a medical gas piping installer endorsement and photo identification in his or her possession. The department may establish by rule a requirement that the person also wear and visibly display his or her endorsement. A trainee may engage in medical gas piping installation if he or she has a training certificate and is supervised by a person with a medical gas piping installer endorsement. No plumbing contractor may employ a person to engage in or offer to engage in medical gas piping installation unless the person employed has a certificate of competency as a master journey level or journey level plumber and a medical gas piping installer endorsement.

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

(4) Violation of this ((~~section~~)) chapter is an infraction. Each day in which a person engages in the trade of plumbing in violation of this ((~~section~~)) chapter or employs a person in violation of this ((~~section~~)) chapter is a separate infraction. Each worksite at which a person engages in the trade of plumbing in violation of this ((~~section~~)) chapter or at which a person is employed in violation of this ((~~section~~)) chapter is a separate infraction.

(5) Notices of infractions for violations of this ((~~section~~)) chapter may be issued to:

(a) The person engaging in or offering to engage in the trade of plumbing in violation of this ((~~section~~)) chapter;

(b) The contractor in violation of this ((~~section~~)) chapter; ((~~and~~))

(c) The contractor's ((~~employee who authorized~~)) administrator or master plumber who is responsible for the work assignment of the person employed in violation of this ((~~section~~)) chapter;

(d) The plumbing contractor or person performing plumbing work on a building for rent, sale, or lease; and

(e) The plumbing contractor or person installing, altering, repairing, and renovating medical gas piping systems.

**Sec.**  RCW 18.106.030 and 2013 c 23 s 16 are each amended to read as follows:

Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the trade of plumbing or specialty plumbing so as to qualify him or her to make an application for a certificate of competency as a master journey level plumber ((~~or~~)), journey level plumber, master specialty plumber, specialty plumber, or administrator. Completion of a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the workforce training and education coordinating board shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency.

Any person desiring to be issued a medical gas piping installer endorsement shall deliver evidence in a form prescribed by the department affirming that the person has met the requirements established by the department for a medical gas piping installer endorsement.

In addition to supplying the evidence as prescribed in this section, each applicant for a certificate of competency shall submit an application for such certificate on such form and in such manner as shall be prescribed by the director of the department.

**Sec.**  RCW 18.106.040 and 2013 c 23 s 17 are each amended to read as follows:

(1) Upon receipt of the application and evidence set forth in RCW 18.106.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination:

(a) Each applicant for a master journey level plumber's certificate of competency shall furnish written evidence that he or she has worked as a journey level plumber in the state of Washington for two years.

(b) Each applicant for a master specialty plumber's certificate of competency shall furnish written evidence that he or she has worked as a specialty plumber in the state of Washington for two years.

(c) Each applicant for a plumbing administrator's certificate of competency shall provide the department with written evidence that they have owned or supervised or managed a plumbing business for more than two years within the last four years.

(d) All applicants for a master plumber or the plumbing administrator's certificate of competency shall submit an application listing their plumbing qualifications and experience to the department. Applicants who pay the fee and apply for the master plumber or administrator certificate of competency prior to July 1, 2019, shall be issued a certificate of competency without examination provided they provide the department with documentation that the applicant has two years' work experience within the last four years supervising certified plumbers or supervising or managing a plumbing company in the state of Washington, provided that the work was performed within the scope of their certification.

(e) Each applicant for a journey level plumber's certificate of competency shall furnish written evidence that he or she has completed a course of study in the plumbing trade in the armed services of the United States or at a school ((~~licensed~~)) accredited by the workforce training and education coordinating board, or has had four or more years of experience under the direct supervision of a ((~~licensed~~)) certified journey level plumber.

((~~(b)~~)) (f) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010((~~(10)~~)) (14)(a) shall furnish written evidence that he or she has completed a course of study in the plumbing trade in the armed services of the United States or at a school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, or that he or she has had at least three years practical experience in the specialty.

((~~(c)~~)) (g) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010((~~(10)~~)) (14) (b) or (c) shall furnish written evidence that he or she is eligible to take the examination. These eligibility requirements for the specialty plumbers defined by RCW 18.106.010((~~(10)~~)) (14)(c) shall be one year of practical experience working on pumping systems not exceeding one hundred gallons per minute, and two years of practical experience working on pumping systems exceeding one hundred gallons per minute, or equivalent as determined by rule by the department in consultation with the advisory board, and that experience may be obtained at the same time the individual is meeting the experience required by RCW 19.28.191. The eligibility requirements for other specialty plumbers shall be established by rule by the director pursuant to subsection (2)(b) of this section.

(2)(a) The director shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110.

(b) The director shall establish reasonable criteria by rule for determining an applicant's eligibility to take an examination for the certificate of competency for specialty plumbers under subsection (1)(c) of this section. In establishing the criteria, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110. These rules must take effect by December 31, 2006.

(3) Upon determination that the applicant is eligible to take the examination, the director shall so notify the applicant, indicating the time and place for taking the same.

(4) No other requirement for eligibility may be imposed.

**Sec.**  RCW 18.106.050 and 2013 c 23 s 18 are each amended to read as follows:

(1) The department, with the advice of the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency for administrator, master plumber, journey level plumber, and specialty plumber. The examination shall be constructed to determine:

(a) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the trade of administrator, master plumber, journey level plumber, or specialty plumber; and

(b) Whether the applicant is familiar with the applicable plumbing codes and the administrative rules of the department pertaining to plumbing and plumbers.

(2) The department, with the consent of the advisory board, may enter into a contract with a nationally recognized testing agency to develop, administer, and score any examinations required by this chapter. All applicants shall, before taking an examination, pay the required examination fee. The department shall set the examination fee by contract with a nationally recognized testing agency. The fee shall cover but not exceed the costs of preparing and administering the examination and the materials necessary to conduct the practical elements of the examination. The department shall approve training courses and set the fees for training courses for examinations provided by this chapter.

(3) An examination to determine the competency of an applicant for a domestic water pumping system specialty plumbing certificate as defined by RCW 18.106.010((~~(10)~~)) (14)(c) must be established by the department in consultation with the advisory board by December 31, 2006. The department may include an examination for appropriate electrical safety and technical requirements as required by RCW 19.28.191 with the examination required by this section. The department, in consultation with the advisory board, may accept the certification by a professional or trade association or other acceptable entity as meeting the examination requirement of this section. Individuals who can provide evidence to the department prior to January 1, 2007, that they have been employed in the pump and irrigation business as defined by RCW 18.106.010((~~(10)~~)) (14)(c) for not less than four thousand hours in the most recent four calendar years shall be issued the appropriate certificate by the department upon receiving such documentation and applicable fees. The department shall establish a single document for those who have received both the plumbing specialty certification defined by this subsection and have also met the certification requirements for a pump and irrigation or domestic pump specialty electrician, showing that the individual has received both certifications.

(4) The department shall certify the results of the examinations provided by this chapter, and shall notify the applicant in writing whether he or she has passed or failed. Any applicant who has failed the examination may retake the examination, upon the terms and after a period of time that the director shall set by rule. The director may not limit the number of times that a person may take the examination.

**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~~)) renewed every ((~~other year~~)) three years, 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~~)) three years has completed ((~~sixteen~~)) twenty-four 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)~~)) (14)(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 master plumber, 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 master plumber, 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) The department shall renew an administrator certificate of competency if the applicant:

(a) Pays the renewal fee assessed by the department; and

(b) During the past three years has completed twenty-four hours of continuing education approved by the department with the advice of the advisory board including four hours related to electrical safety.

(3) A person who is indentured ((~~in~~)) to 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 master plumber, 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 master plumber, 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~~)) every two years. 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~~)) two years and the number of hours worked for each employer. ((~~An annual~~)) Failure to provide plumbing hours worked for each employer is a violation of this chapter and subject to an infraction under RCW 18.106.320. A 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)~~)) (4) 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 master plumber, journey level plumber, or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a master plumber, 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 or each job site, or both, unless otherwise provided in this chapter. The ratio of noncertified individuals to certified master plumber, 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, or master plumber working as a specialty plumber; and (b) not more than one noncertified plumber working on any one job site for every certified master journey level plumber or 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)~~)) (5) 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 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-to-one ratio.

((~~(5)~~)) (6) 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)~~)) (7) All persons who are certified plumbers before January 1, 2003, are deemed to have received the classroom training required in subsection ((~~(5)~~)) (6) of this section.

**Sec.**  RCW 18.106.075 and 2013 c 23 s 20 are each amended to read as follows:

The department shall adopt requirements that qualify a master journey level or journey level plumber to be issued a medical gas piping installer endorsement.

**Sec.**  RCW 18.106.100 and 2013 c 23 s 23 are each amended to read as follows:

(1) The department may revoke or suspend a certificate of competency, license, endorsement, or registration for any of the following reasons:

(a) The certificate, license, endorsement, or registration was obtained through error or fraud;

(b) The certificate, license, endorsement, or registration holder is judged to be incompetent to carry on the trade of plumbing as ((~~a~~)) an administrator, master plumber, journey level plumber, or specialty plumber;

(c) The certificate, license, endorsement, or registration holder has violated any provision of this chapter or any rule adopted under this chapter.

(2) Before a certificate of competency, license, endorsement, or registration is revoked or suspended, the department shall send written notice using a method by which the mailing can be tracked or the delivery can be confirmed to the certificate holder's last known address. The notice must list the allegations against the certificate holder and give him or her the opportunity to request a hearing before the advisory board. At the hearing, the department and the certificate holder have opportunity to produce witnesses and give testimony. The hearing must be conducted in accordance with chapter 34.05 RCW. The board shall render its decision based upon the testimony and evidence presented and shall notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

(3) The department may deny renewal of a certificate of competency, license, endorsement, or registration issued under this chapter if the applicant owes outstanding penalties for a final judgment under this chapter. The department shall notify the applicant of the denial using a method by which the mailing can be tracked or the delivery can be confirmed to the address on the application. The applicant may appeal the denial within twenty days by filing a notice of appeal with the department accompanied by a certified check for two hundred dollars which shall be returned to the applicant if the decision of the department is not upheld by the hearings officer. The office of administrative hearings shall conduct the hearing under chapter 34.05 RCW. If the hearings officer sustains the decision of the department, the two hundred dollars must be applied to the cost of the hearing.

**Sec.**  RCW 18.106.150 and 2013 c 23 s 25 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to require that a person obtain a license or hire a certified plumber in order to do plumbing work at his or her residence or farm or place of business or on other property owned by him or her.

(2) A current certificate of competency or apprentice permit is not required for:

(a) Persons performing plumbing work on a farm; or

(b) Certified journey level electricians, certified residential specialty electricians, or electrical trainees working for an electrical contractor and performing exempt work under RCW 18.27.090(18).

(3) Nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid plumbing code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of plumbing.

(4) This chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees.

(5) Nothing in this chapter shall be construed to apply to any farm, business, industrial plant, or corporation doing plumbing work on premises it owns or operates.

(6) Nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative, or other person when none of the individuals doing such plumbing hold themselves out as engaged in the trade or business of plumbing.

(7) This section does not apply to anyone performing plumbing work on a building for rent, sale, or lease, or for installing, altering, repairing, and renovating medical gas systems.

**Sec.**  RCW 18.106.180 and 2011 c 301 s 5 are each amended to read as follows:

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

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

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

(ii) Being registered as a contractor as required under chapter 18.27 RCW ((~~or~~)) and registered as a plumbing contractor under this chapter, or being employed by a person who is registered as a contractor as required under chapter 18.27 RCW and registered as a plumbing contractor under this chapter;

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

(c) A plumbing contractor violates RCW 18.106.320.

(2) A notice of infraction issued under this section shall be personally served on the person named in the notice by an authorized representative of the department or sent using a method by which the mailing can be tracked or the delivery can be confirmed to the last known address provided to the department of the person named in the notice.

**Sec.**  RCW 18.106.200 and 1996 c 147 s 5 are each amended to read as follows:

A violation designated as an infraction under this chapter shall be heard and determined by an administrative law judge of the office of administrative hearings. If a party desires to contest the notice of infraction, the party shall file a notice of appeal with the department ((~~within twenty days of issuance of the infraction~~)) specifying the grounds of the appeal within twenty days of service of the infraction in a manner provided by this chapter. The appeal must be accompanied by a certified check for two hundred dollars, which shall be returned to the assessed party if the decision of the department is not sustained following the final decision in the appeal. If the final decision sustains the decision of the department, the department must apply the two hundred dollars to the payment of the expenses of the appeal, including costs charged by the office of administrative hearings. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction is alleged to have occurred.

**Sec.**  RCW 18.106.220 and 1994 c 174 s 6 are each amended to read as follows:

(1) ((~~A person who receives a notice of infraction shall respond to the notice as provided in this section within fourteen days of the date the notice was served.~~

~~(2)~~)) If the person named in the notice of infraction does not wish to contest the notice of infraction, the person shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response which does not contest the determination is received by the department with the appropriate payment, the department shall make the appropriate entry in its records.

((~~(3)~~)) (2) If the person named in the notice of infraction wishes to contest the notice of infraction, the person shall respond by filing an answer of protest with the department specifying the grounds of protest.

((~~(4)~~)) (3) If any person issued a notice of infraction:

(a) Fails to respond to the notice of infraction as provided in subsection ((~~(2)~~)) (1) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection ((~~(3)~~)) (2) of this section;

the administrative law judge shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and shall notify the department of the failure to respond to the notice of infraction or to appear at a requested hearing.

**Sec.**  RCW 18.106.250 and 2002 c 82 s 4 are each amended to read as follows:

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

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

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

(b) For the defendant who was issued a notice of infraction authorized by RCW 18.106.020(5) ((~~(b) or (c)~~)) (a) through (e), the person employed or supervised by the defendant has a certificate, license, endorsement, or ((~~permit~~)) registration issued by the department in accordance with this chapter, was supervised by a person who had such a certificate, license, endorsement, or ((~~permit~~)) registration, was exempt from this chapter under RCW 18.106.150, or was registered as a plumbing contractor under this chapter and registered as a contractor under chapter 18.27 RCW.

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

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

**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 be assessed a minimum monetary penalty of ((~~two~~)) one hundred ((~~fifty~~)) dollars for the first infraction((~~, and not more than one thousand dollars for a second or subsequent infraction~~)). A contractor or the contractor's representative found to have committed an infraction under RCW 18.106.020 shall be assessed a minimum monetary penalty of five hundred dollars for the first infraction. The maximum penalty for an infraction under RCW 18.106.020 must not exceed five thousand 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 ((~~for good cause shown~~)).

(3) The director may waive or reduce collection of payment for good cause.

(4) Any individual or plumbing contractor who acquires three infractions within a thirty-six month period may have his or her certificate, license, endorsement, or registration suspended for a period up to two years upon recommendation of the advisory board of plumbers. For purposes of this subsection, multiple violations created by a single inspection or audit are counted as one violation.

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

**Sec.**  RCW 18.106.320 and 2005 c 274 s 229 are each amended to read as follows:

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

(i) Accurately report all plumbing hours worked by plumbing trainees and, effective June 30, 2019, report all plumbing trainee hours worked on a quarterly basis on a form prescribed by the department;

(ii) Attest that trainee hours were under the supervision of a certified plumber and within the proper ratio;

(iii) Provide the names and certification numbers of the supervising plumbers; and

(iv) Upon request provide the department with trainee hours worked by all trainees within their employment for the past two-year period.

(b) Plumbing contractors are not required to identify which hours a trainee works with a specific certified plumber. Plumbing hours reported on all payroll reports for audit purposes will be considered work performed by a certified plumber or trainee working within ratio. Plumbing work reported for noncertified plumbers or supervision and ratio requirements is a violation of this chapter and an infraction may be issued.

(2) The department may audit the records of a plumbing contractor that has verified the hours of experience submitted by a plumbing trainee to the department under RCW 18.106.030 in the following circumstances: Excessive hours were reported; hours were reported outside the normal course of the plumbing contractor's business; or for other similar circumstances in which the department demonstrates a likelihood of excessive or improper hours being reported. The department shall limit the audit to records necessary to verify hours. Failure to have or maintain payroll and other records for each employee performing plumbing work for the company is a violation of this chapter and an infraction may be issued. The department may assess a penalty up to five thousand dollars for failure to maintain adequate records. Records used to document plumbing work must be maintained for a minimum of three years. The department shall adopt rules implementing audit procedures. Information obtained from a plumbing contractor under the provisions of this section is confidential and is not open to public inspection under chapter 42.56 RCW.

(3) Violation of this section by a plumbing contractor or the individual serving as the contractor's administrator or master plumber is an infraction.

**--- END ---**