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**SENATE BILL 5744**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Valdez, Schoesler, and Warnick

Read first time 02/15/23. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to plumbing supervision; amending RCW 18.106.070;  
2 and reenacting and amending RCW 18.106.010.

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

4 **Sec. 1.** RCW 18.106.010 and 2021 c 65 s 15 are each reenacted and  
5 amended to read as follows:

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

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

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

10 (3) "Director" means the director of department of labor and  
11 industries.

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

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

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

20 (7) "Medical gas piping installer" means a journey level plumber  
21 who has been issued a medical gas piping installer endorsement.

1 (8) "Plumber trainee" or "trainee" means any person who has been  
2 issued a plumbing training certificate under this chapter but has not  
3 been issued an appropriate certificate of competency for work being  
4 performed. A trainee may perform plumbing work if that person is  
5 under the appropriate level of supervision.

6 (9) "Plumbing" means that craft involved in installing, altering,  
7 repairing and renovating potable water systems, liquid waste systems,  
8 and medical gas piping systems within a building as defined by the  
9 plumbing code as adopted and amended by the state building code  
10 council, and includes all piping, fixtures, pumps, and plumbing  
11 appurtenances that are used for rainwater catchment and reclaimed  
12 water systems within a building.

13 (10) "Plumbing contractor" means any person, corporate or  
14 otherwise, who engages in, or offers or advertises to engage in, any  
15 plumbing work covered by the provisions of this chapter by way of  
16 trade or business, or any person, corporate or otherwise, who employs  
17 anyone, or offers or advertises to employ anyone, to engage in any  
18 plumbing work as defined in this section. The plumbing contractor is  
19 responsible for ensuring the plumbing business is operated in  
20 accordance with rules adopted under this chapter.

21 (11) "Residential service plumber" means anyone who has been  
22 issued a certificate of competency limited to performing residential  
23 service plumbing in an existing residential structure.

24 (a) In single-family dwellings and duplexes only, a residential  
25 service plumber may service, repair, or replace previously existing  
26 fixtures, piping, and fittings that are outside the interior wall or  
27 above the floor, often((7)) but not necessarily in a like-in-kind  
28 manner. In any residential structure, a residential service plumber  
29 may perform plumbing work as needed to perform drain cleaning and may  
30 perform leak repairs on any pipe, fitting, or fixture from the leak  
31 to the next serviceable connection.

32 (b) A residential service plumber may directly supervise plumber  
33 trainees provided the trainees have been supervised by an appropriate  
34 journey level or specialty plumber for the trainees' first two  
35 thousand hours of training.

36 (c) A residential service plumber may not perform plumbing for  
37 new construction of any kind.

38 (12) "Residential structures" means single-family dwellings,  
39 duplexes, and multiunit buildings that do not exceed three stories.

1 (13) "Service plumbing" means plumbing work in which previously  
2 existing fixtures, fittings, and piping is repaired or replaced,  
3 often((~~r~~)) but not necessarily((~~r~~)) in a like-in-kind manner, or  
4 plumbing work being performed as necessary for drain cleaning.

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

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

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

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

18 (i) Are used to acquire, treat, store, or move water suitable for  
19 either drinking or other domestic purposes, including irrigation, to:

20 (A) A single-family dwelling, duplex, or other similar place of  
21 residence; (B) a public water system, as defined in RCW 70A.120.020  
22 and as limited under RCW 70A.120.040; or (C) a farm owned and  
23 operated by a person whose primary residence is located within thirty  
24 miles of any part of the farm;

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

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

38 (15) "Unsatisfied final judgment" means a judgment or final tax  
39 warrant that has not been satisfied either through payment, court-

1 approved settlement, discharge in bankruptcy, or assignment under RCW  
2 19.72.070.

3 **Sec. 2.** RCW 18.106.070 and 2020 c 153 s 10 are each amended to  
4 read as follows:

5 (1) The department shall issue a certificate of competency to all  
6 applicants who have passed the examination and have paid the fee for  
7 the certificate. The certificate may include a photograph of the  
8 holder. The certificate shall bear the date of issuance, and be  
9 renewed every three years, upon application, on or before the  
10 birthdate of the holder. The department shall renew a certificate of  
11 competency if the applicant: (a) Pays the renewal fee assessed by the  
12 department; and (b) during the past three years has completed  
13 (~~twenty-four~~) 24 hours of continuing education approved by the  
14 department with the advice of the advisory board, including four  
15 hours related to electrical safety. For holders of the specialty  
16 plumber certificate under RCW 18.106.010(14)(c), the continuing  
17 education may comprise both electrical and plumbing education with a  
18 minimum of (~~twelve~~) 12 of the required (~~twenty-four~~) 24 hours of  
19 continuing education in plumbing. If a person fails to renew the  
20 certificate by the renewal date, he or she must pay a doubled fee. If  
21 the person does not renew the certificate within (~~ninety~~) 90 days  
22 of the renewal date, he or she must retake the examination and pay  
23 the examination fee.

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

36 (2) A person who is indentured to an apprenticeship program  
37 approved under chapter 49.04 RCW for the plumbing construction trade  
38 or who is learning the plumbing construction trade may work in the  
39 plumbing construction trade if supervised by a certified journey

1 level plumber or a certified specialty plumber in that plumber's  
2 specialty. All apprentices and individuals learning the plumbing  
3 construction trade shall obtain a plumbing training certificate from  
4 the department. The certificate shall authorize the holder to learn  
5 the plumbing construction trade while under the direct supervision of  
6 a journey level plumber or a specialty plumber working in his or her  
7 specialty. The certificate may include a photograph of the holder.  
8 The holder of the plumbing training certificate shall renew the  
9 certificate annually. At the time of renewal, the holder shall  
10 provide the department with an accurate list of the holder's  
11 employers in the plumbing construction industry for the previous year  
12 and the number of hours worked for each employer. Failure to provide  
13 plumbing hours worked for each employer is a violation of this  
14 chapter, subject to an infraction under RCW 18.106.320, and must  
15 result in nonrenewal of the trainee certificate. A fee shall be  
16 charged for the issuance or renewal of the certificate. The  
17 department shall set the fee by rule. The fee shall cover but not  
18 exceed the cost of administering and enforcing the trainee  
19 certification and supervision requirements of this chapter.

20 (3)(a) Trainee supervision shall consist of a trainee being on  
21 the same jobsite and under the control of either a journey level  
22 plumber, residential service plumber, or an appropriate specialty  
23 plumber who has an applicable certificate of competency issued under  
24 this chapter. ~~((Either))~~ Subject to the ratio of trainees in  
25 subsection (4) of this section, either a journey level plumber,  
26 residential service plumber, or an appropriate specialty plumber  
27 shall be:

28 (i) On the same jobsite as the trainee for a minimum of  
29 ~~((seventy-five))~~ 75 percent of each working day unless otherwise  
30 provided in this chapter ~~((-))~~; or

31 (ii) Available via mobile phone or similar device in a manner  
32 that allows both audio and visual direction to the trainee from the  
33 supervising plumber. Remote trainee supervision using these types of  
34 technology is only permitted in cases that meet the following  
35 criteria:

36 (A) The trainee has more than ~~((two thousand))~~ 2,000 hours of  
37 training;

38 (B) The supervising plumber is no more than ~~((forty))~~ 40 miles  
39 from the jobsite; and

1 (C) The scope of work on the trainee's jobsite is service  
2 plumbing in a residential structure.

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

10 (4) (a) Until December 31, 2025, the ratio of trainees to  
11 certified journey level, residential service, or specialty plumbers  
12 working on a jobsite must be:

13 (i) Not more than three trainees working on any one residential  
14 structure jobsite for every certified specialty plumber or journey  
15 level plumber working as a specialty plumber;

16 (ii) Not more than one trainee working on any one jobsite for  
17 every certified journey level plumber working as a journey level  
18 plumber; and

19 (iii) Not more than one trainee working on any one jobsite for  
20 every certified residential service plumber.

21 (b) After December 31, 2025, not more than two trainees may work  
22 on any residential structure jobsite for every certified specialty  
23 plumber or journey level plumber working as a specialty plumber.

24 (5) An individual who has a current training certificate and who  
25 has successfully completed or is currently enrolled in a medical gas  
26 piping installer training course approved by the department may work  
27 on medical gas piping systems if the individual is under the direct  
28 supervision of a certified medical gas piping installer who holds a  
29 medical gas piping installer endorsement one hundred percent of a  
30 working day on a one-to-one ratio.

31 (6) The training to become a certified plumber must include not  
32 less than (~~sixteen~~) 16 hours of classroom training established by  
33 the director with the advice of the advisory board. The classroom  
34 training must include, but not be limited to, electrical wiring  
35 safety, grounding, bonding, and other related items plumbers need to  
36 know to work under this chapter.

37 (7) All persons who are certified plumbers before January 1,  
38 2003, are deemed to have received the classroom training required in  
39 subsection (6) of this section.

1 (8) (a) The department shall instruct the advisory board of  
2 plumbers to convene a subgroup that includes the statewide  
3 association representing plumbing, heating, and cooling contractors;  
4 the union representing plumbers and pipefitters; the association  
5 representing plumbing contractors who employ union plumbers and  
6 pipefitters; and other directly affected stakeholders after the  
7 completion of the 2023 legislative session, the 2024 legislative  
8 session, and every three years thereafter.

9 (b) The work group shall evaluate the effects that the trainee  
10 ratio changes have had on the industry, including public safety and  
11 industry response to public demand for plumbing services. The work  
12 group shall determine a sustainable plan for maintaining sufficient  
13 numbers of plumbers and trainees within the plumbing workforce to  
14 safely meet the needs of the public. The report is due to the  
15 standing labor committees of the legislature before December 1st of  
16 each year that the work group convenes. The work group shall conclude  
17 on receipt of the report by the legislature. Within current funding  
18 appropriated to the department, the department must reimburse each  
19 member of the work group in accordance with the provisions of RCW  
20 43.03.050 and 43.03.060 for each day in which the member is actually  
21 engaged in attendance of meetings of the advisory board.

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