

RCW 19.28.420 Telecommunications contractor license—Application

—Bond—Issuance of license. (1) It is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, engage in, conduct, or carry on the business of installing or maintaining telecommunications systems without having a telecommunications contractor license. Electrical contractors licensed as general electrical (01) or specialty electrical (06) contractors under this chapter and their designated administrators qualify to perform all telecommunications work defined in this chapter. Telecommunications contractors licensed under this chapter are not required to be registered under chapter 18.27 RCW. All telecommunications licenses expire twenty-four calendar months following the day of their issue. A telecommunications contractor license is not required for a licensed specialty electrical contractor to perform telecommunications installations or maintenance integral to the equipment or occupancy limitations of their electrical specialty. A telecommunications contractor license is not required for persons making telecommunications installations or performing telecommunications maintenance on their own property or for regularly employed employees working on the premises of their employer, unless on:

(a) A new building intended for rent, sale, or lease; or

(b) Property offered for sale within 12 months after obtaining the property.

(2) Application for a telecommunications contractor license shall be made in writing to the department accompanied by the required fee. The applications shall state:

(a) The name and address of the applicant. In the case of firms or partnerships, the applications shall state the names of the individuals composing the firm or partnership. In the case of corporations, the applications shall state the names of the corporation's managing officials;

(b) The location of the place of business of the applicant and the name under which the business is conducted;

(c) The employer social security number or tax identification number;

(d) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law;

(e) The employment security department number; and

(f) The state excise tax registration number.

(3) The unified business identifier account number may be substituted for the information required by subsection (2)(d), (e), and (f) of this section if the applicant will not employ employees in Washington.

(4) The department may verify the workers' compensation coverage information provided by the applicant under subsection (2)(d) of this section including, but not limited to, information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(5) To obtain a telecommunications contractor license the applicant must designate an individual who currently possesses a telecommunications administrator certificate. To obtain an administrator's certificate an individual must pass an examination as set forth in this chapter. Examination criteria will be determined by the board.

(6) No examination may be required of any applicant for an initial telecommunications administrator certificate qualifying under this section. Applicants qualifying under this section shall be issued an administrator certificate by the department upon making an application and paying the required fee. Individuals must apply before July 1, 2001, to qualify for an administrator certificate without examination under this section. The board shall certify to the department the names of all persons entitled to this administrator certificate.

Prior to July 1, 2001, bona fide registered contractors under chapter 18.27 RCW engaged in the business of installing or maintaining telecommunications wiring in this state on or before June 8, 2000, may designate the following number of persons to receive a telecommunications administrator certificate without examination:

(a) One owner or officer of a contractor, registered under chapter 18.27 RCW on or before June 8, 2000, currently engaged in the business of installing telecommunications wiring;

(b) One employee, principal, or officer, with a minimum of two years experience performing telecommunications installations, per registered telecommunications contractor; and

(c) One employee for each one hundred employees, or fraction thereof, with a minimum of two years experience performing telecommunications installations.

(7) The application for a contractor license shall be accompanied by a bond in the sum of four thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall, on the next business day, deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall, upon request, furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter. In lieu of the surety bond required by this section the

applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(8) Any person, firm, or corporation sustaining any damage or injury by reason of the principal's breach of the conditions of the bond required under this section may bring an action against the surety named therein, joining in the action the principal named in the bond; the action shall be brought in the superior court of any county in which the principal on the bond resides or transacts business, or in the county in which the work was performed as a result of which the breach is alleged to have occurred; the action shall be maintained and prosecuted as other civil actions. Claims or actions against the surety on the bond shall be paid in full in the following order of priority: (a) Labor, including employee benefits, (b) materials and equipment used upon such work, (c) taxes and contributions due to the state, (d) damages sustained by any person, firm, or corporation due to the failure of the principal to make the installation in accordance with this chapter, or any ordinance, building code, or regulation applicable thereto. However, the total liability of the surety on any bond may not exceed the sum of four thousand dollars, and the surety on the bond may not be liable for monetary penalties. Any action shall be brought within one year from the completion of the work in the performance of which the breach is alleged to have occurred. The surety shall mail a conformed copy of the judgment against the bond to the department within seven days. In the event that a cash or securities deposit has been made in lieu of the surety bond, and in the event of a judgment being entered against the depositor and deposit, the director shall upon receipt of a certified copy of a final judgment, pay the judgment from the deposit.

(9) The department shall issue a telecommunications contractor license to applicants meeting all of the requirements of this chapter applicable to electrical and telecommunications installations. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee and the collection of a fee for that bond, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. [2021 c 51 § 2; 2000 c 238 § 206.]

Severability—2000 c 238: See note following RCW 19.28.301.