
HOUSE BILL 2400

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Heavey, Day, O'Brien, Wilson and Vance

Read first time 01/16/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the education, testing, and licensing of paint
2 or coating applicators; adding a new chapter to Title 18 RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that consumers,
6 the public, and workers engaged in or exposed to paint or coating
7 applications or removal face dangers to their lives, health, and safety
8 because of hazardous materials contained in paints and related
9 materials.

10 The legislature further finds that educating, testing, and
11 licensing paint and coating applicators will protect these workers and
12 the public, providing a safer work and living environment as well as
13 reduction in air, land, and water pollution caused by improper disposal
14 of wastes from paints and other coating materials.

1 The legislature recognizes that concerns expressed by the paint or
2 coating applicator industry, including its associated labor
3 organizations, the World Health Organization, and environmental and
4 numerous medical organizations, require a certainty of needed knowledge
5 and skills that will come from a well-trained and licensed work force.

6 NEW SECTION. **Sec. 2.** Unless the context clearly requires
7 otherwise, the definitions in this section apply throughout this
8 chapter.

9 (1) "Commission" means the commission appointed by the director to
10 assist in educating, training, and licensing paint or coating
11 applicators.

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

13 (3) "Director" means the director of the department or his or her
14 designee.

15 (4) "Paint or coating application" means the application of a
16 substance in vaporized, liquid, or particulate form that will adhere to
17 or coat a surface and generally protect or preserve the surface, or the
18 removal or treatment of painted or coated surfaces.

19 (5) "Paint or coatings applicator" means a person directly engaged
20 in painting or coating application, removal, or treatment of painted or
21 coated surfaces for compensation, including those employees directly
22 supervising such employees.

23 (6) "Employer" means a natural person, corporation, trust,
24 unincorporated association or partnership that hires paint or coating
25 applicators, contracts to provide painting services to other persons,
26 or both.

27 NEW SECTION. **Sec. 3.** A paint or coating applicator shall
28 obtain a license issued by the department after completing the

1 education, testing, and licensing programs recommended by the
2 commission and approved by the department. The commission shall guide
3 the department in developing:

- 4 (1) A license application form;
- 5 (2) Standards for licensing, relicensing, and temporary licensing;
- 6 (3) Rules for revoking a license; and
- 7 (4) A definition of the relationship of training programs to the
8 licensing program.

9 NEW SECTION. **Sec. 4.** A paint or coating applicator's course
10 of education shall include an understanding of materials applied,
11 removed, or treated as they affect the applicator, the workers around
12 the applicator, the general public, and the environment; methods of
13 preparation, application, and knowledge of the equipment used in
14 painting or coating; understanding of all pertinent federal and state
15 safety laws and administrative rules; and any additional safety rules
16 required by the industry.

17 NEW SECTION. **Sec. 5.** The commission shall comprise nine
18 members:

- 19 (1) Three from organizations or associations whose primary purpose
20 is to represent employers of paint or coating applicators;
- 21 (2) Three from organizations or associations whose primary purpose
22 is to represent paint or coating applicators;
- 23 (3) Two representing the painting or coating industry at large; and
- 24 (4) One representing the consumer.

25 The director shall appoint the consumer representative to a three-
26 year term, and the three paint or coating employee representatives and
27 the three paint or coating employer representatives to one, two, and
28 three year terms respectively. One at-large industry representative

1 shall be appointed to a one-year term, and the other to a two-year
2 term. Subsequent employee, employer, and at-large representatives
3 shall serve for three years each. The director shall consider
4 recommendations from paint or coating organizations or associations
5 whose primary purpose is to represent paint or coating employees and
6 employers. The director shall strive to make the commission
7 appointments reflect the demographics of the state and reflect the
8 make-up of the paint and coatings industry. The director or the
9 director's designee shall serve on the commission ex officio. Each
10 member of the commission shall be reimbursed for travel expenses in
11 accordance with RCW 43.03.050 and 43.03.060 for each day in which the
12 member is actually engaged in the business of the commission. The
13 department shall provide staff support to the commission.

14 NEW SECTION. **Sec. 6.** The department shall charge fees for
15 training and issuance, renewal, and reinstatement of all licenses and
16 examinations required by this chapter. The department shall set the
17 fees by rule. The fees shall cover the full cost of administering and
18 enforcing this chapter and shall include travel, per diem, and
19 administrative support costs.

20 NEW SECTION. **Sec. 7.** Authorized representatives of the
21 department shall investigate alleged or apparent violations of this
22 chapter and upon presentation of credentials may inspect a worksite for
23 the purpose of determining compliance with this chapter. The
24 department shall also investigate complaints from an interested party.

25 NEW SECTION. **Sec. 8.** Each day in which a paint or coatings
26 applicator works without a valid license is a separate infraction.
27 Each worksite at which a painting or coatings applicator works in

1 violation of this chapter is a separate infraction. Each day in which
2 an employer employs such person is a separate infraction.

3 NEW SECTION. **Sec. 9.** An authorized representative of the
4 department may issue a notice of an infraction if a person who is doing
5 paint or coating application, removal, or treatment to painted or
6 coated surfaces fails to produce a license issued by the department in
7 accordance with this chapter. A notice of an infraction issued under
8 this section must be personally served on the person named in the
9 notice by an authorized representative of the department.

10 NEW SECTION. **Sec. 10.** The department shall establish monetary
11 penalties for employee infractions, with the advice of the commission,
12 not less than:

- 13 (1) For the first offense, a sum of two hundred fifty dollars;
14 (2) For the second offense, a sum of five hundred dollars;
15 (3) For the third offense, a sum of one thousand dollars;
16 (4) For the fourth offense, the license shall be revoked or denied
17 for a period of not less than one year.

18 NEW SECTION. **Sec. 11.** The department shall establish monetary
19 penalties for employer infractions, with the advice of the commission,
20 not less than:

- 21 (1) For the first offense, a sum of two hundred fifty dollars;
22 (2) For the second offense, a sum of five hundred dollars;
23 (3) For the third offense, a sum of one thousand dollars;
24 (4) For the fourth offense, the provisions of section 13 of this
25 act shall apply.

1 NEW SECTION. **Sec. 12.** The supreme court shall prescribe the
2 form of the notice of an infraction issued under this chapter following
3 consultation with the department. To the extent practicable, the
4 notice of an infraction issued under this chapter must conform to the
5 notice of traffic infraction prescribed under RCW 46.63.060. The
6 department shall, with the assistance of the commission, establish by
7 rule necessary procedures for handling infractions similar to those
8 established in chapter 18.106 RCW.

9 NEW SECTION. **Sec. 13.** An employer who knowingly or repeatedly
10 employs an unlicensed paint or coatings applicator is a matter
11 affecting the public interest for the purpose of applying chapter 19.86
12 RCW. The employer's action is not reasonable in relation to the
13 development and preservation of business. A violation of the chapter
14 constitutes an unfair or deceptive act or practice in trade or commerce
15 for the purpose of applying chapter 19.86 RCW.

16 NEW SECTION. **Sec. 14.** The paint and coating applicators
17 account is created in the custody of the state treasurer. All receipts
18 from the fees charged for training, licensing, and examining paint and
19 coating applicators shall be deposited into the account. Expenditures
20 from the account may be used only for the purposes of the commission
21 and other expenditures approved by the director or the director's
22 designee. Only the director or the director's designee may authorize
23 expenditures from the account. The account is subject to allotment
24 procedures under chapter 43.88 RCW, but no appropriation is required
25 for expenditures.

26 NEW SECTION. **Sec. 15.** Sections 2 through 14 of this act shall
27 constitute a new chapter in Title 18 RCW.