
ENGROSSED HOUSE BILL 1083

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Scott and G. Cole

Read first time 01/15/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to electrical contractors; amending RCW 19.28.120
2 and 19.28.350; adding a new section to chapter 19.28 RCW; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 19.28.120 and 1992 c 217 s 2 are each amended to read
6 as follows:

7 (1) It is unlawful for any person, firm, partnership, corporation,
8 or other entity to engage in, conduct, or carry on the business of
9 installing or maintaining wires or equipment to convey electric
10 current, or installing or maintaining equipment to be operated by
11 electric current as it pertains to the electrical industry, without
12 having an unrevoked, unsuspended, and unexpired electrical contractor
13 license, issued by the department in accordance with this chapter. All
14 electrical contractor licenses expire twenty-four calendar months
15 following the day of their issue. The department may issue an
16 electrical contractors license for a period of less than twenty-four
17 months only for the purpose of equalizing the number of electrical
18 contractor licenses which expire each month. Application for an
19 electrical contractor license shall be made in writing to the

1 department, accompanied by the required fee. The application shall
2 state:

3 (a) The name and address of the applicant; in case of firms or
4 partnerships, the names of the individuals composing the firm or
5 partnership; in case of corporations, the names of the managing
6 officials thereof;

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

9 (c) Employer social security number;

10 (d) As applicable: (i) The industrial insurance account number
11 covering employees domiciled in Washington; and (ii) evidence of
12 workers' compensation coverage in the applicant's state of domicile for
13 the applicant's employees working in Washington who are not domiciled
14 in Washington;

15 (e) Employment security department number;

16 (f) State excise tax registration number;

17 (g) Unified business identifier (UBI) account number may be
18 substituted for the information required by (d), (e), and (f) of this
19 subsection; and

20 (h) Whether a general or specialty electrical contractor license is
21 sought and, if the latter, the type of specialty. Electrical
22 contractor specialties include, but are not limited to: Residential,
23 domestic appliances, pump and irrigation, limited energy system, signs,
24 nonresidential maintenance, and a combination specialty. A general
25 electrical contractor license shall grant to the holder the right to
26 engage in, conduct, or carry on the business of installing or
27 maintaining wires or equipment to carry electric current, and
28 installing or maintaining equipment, or installing or maintaining
29 material to fasten or insulate such wires or equipment to be operated
30 by electric current, in the state of Washington. A specialty
31 electrical contractor license shall grant to the holder a limited right
32 to engage in, conduct, or carry on the business of installing or
33 maintaining wires or equipment to carry electrical current, and
34 installing or maintaining equipment; or installing or maintaining
35 material to fasten or insulate such wires or equipment to be operated
36 by electric current in the state of Washington as expressly allowed by
37 the license.

38 (2) The department may verify the workers' compensation coverage
39 information provided by the applicant under subsection (1)(d) of this

1 section, including but not limited to information regarding the
2 coverage of an individual employee of the applicant. If coverage is
3 provided under the laws of another state, the department may notify the
4 other state that the applicant is employing employees in Washington.

5 (3) The application for a contractor license shall be accompanied
6 by a bond in the sum of four thousand dollars with the state of
7 Washington named as obligee in the bond, with good and sufficient
8 surety, to be approved by the department. The bond shall at all times
9 be kept in full force and effect, and any cancellation or revocation
10 thereof, or withdrawal of the surety therefrom, suspends the license
11 issued to the principal until a new bond has been filed and approved as
12 provided in this section. Upon approval of a bond, the department
13 shall on the next business day deposit the fee accompanying the
14 application in the electrical license fund and shall file the bond in
15 the office. The department shall upon request furnish to any person,
16 firm, partnership, corporation, or other entity a certified copy of the
17 bond upon the payment of a fee that the department shall set by rule.
18 The fee shall cover but not exceed the cost of furnishing the certified
19 copy. The bond shall be conditioned that in any installation or
20 maintenance of wires or equipment to convey electrical current, and
21 equipment to be operated by electrical current, the principal will
22 comply with the provisions of this chapter and with any electrical
23 ordinance, building code, or regulation of a city or town adopted
24 pursuant to RCW 19.28.010((+2))(3) that is in effect at the time of
25 entering into a contract. The bond shall be conditioned further that
26 the principal will pay for all labor, including employee benefits, and
27 material furnished or used upon the work, taxes and contributions to
28 the state of Washington, and all damages that may be sustained by any
29 person, firm, partnership, corporation, or other entity due to a
30 failure of the principal to make the installation or maintenance in
31 accordance with this chapter or any applicable ordinance, building
32 code, or regulation of a city or town adopted pursuant to RCW
33 19.28.010((+2))(3). In lieu of the surety bond required by this
34 section the license applicant may file with the department a cash
35 deposit or other negotiable security acceptable to the department. If
36 the license applicant has filed a cash deposit, the department shall
37 deposit the funds in a special trust savings account in a commercial
38 bank, mutual savings bank, or savings and loan association and shall
39 pay annually to the depositor the interest derived from the account.

1 (4) The department shall issue general or specialty electrical
2 contractor licenses to applicants meeting all of the requirements of
3 this chapter. The provisions of this chapter relating to the licensing
4 of any person, firm, partnership, corporation, or other entity
5 including the requirement of a bond with the state of Washington named
6 as obligee therein and the collection of a fee therefor, are exclusive,
7 and no political subdivision of the state of Washington may require or
8 issue any licenses or bonds or charge any fee for the same or a similar
9 purpose. No person, firm, partnership, corporation, or other entity
10 holding more than one specialty contractor license under this chapter
11 may be required to pay an annual fee for more than one such license or
12 to post more than one four thousand dollar bond, equivalent cash
13 deposit, or other negotiable security.

14 (5) To obtain a general or specialty electrical contractor license
15 the applicant must designate an individual who currently possesses an
16 administrator's certificate as a general electrical contractor
17 administrator or as a specialty electrical contractor administrator in
18 the specialty for which application has been made. Administrator
19 certificate specialties include but are not limited to: Residential,
20 domestic, appliance, pump and irrigation, limited energy system, signs,
21 nonresidential maintenance, and combination specialty. To obtain an
22 administrator's certificate an individual must pass an examination as
23 set forth in RCW 19.28.123 unless the applicant was a licensed
24 electrical contractor at any time during 1974. Applicants who were
25 electrical contractors licensed by the state of Washington at any time
26 during 1974 are entitled to receive a general electrical contractor
27 administrator's certificate without examination if the applicants apply
28 prior to January 1, 1984. The board of electrical examiners shall
29 certify to the department the names of all persons who are entitled to
30 either a general or specialty electrical contractor administrator's
31 certificate.

32 (6) It is unlawful for an electrical contractor to transfer an
33 electrical contractor license, issued by the department in accordance
34 with this chapter, to an unlicensed electrical contractor or allow an
35 electrical contractor to perform work with a license issued to another
36 electrical contractor.

37 **Sec. 2.** RCW 19.28.350 and 1988 c 81 s 12 are each amended to read
38 as follows:

1 Any person, firm, partnership, corporation, or other entity
2 violating any of the provisions of RCW 19.28.010 through 19.28.360
3 shall be assessed a penalty of not less than (~~fifty~~) two hundred
4 dollars or more than ten thousand dollars. The department shall set by
5 rule a schedule of penalties for violating RCW 19.28.010 through
6 19.28.360. The department shall notify the person, firm, partnership,
7 corporation, or other entity violating any of the provisions of RCW
8 19.28.010 through 19.28.360 of the amount of the penalty and of the
9 specific violation by certified mail, return receipt requested, sent to
10 the last known address of the assessed party. Any penalty is subject
11 to review by an appeal to the board. The filing of an appeal stays the
12 effect of the penalty until the board makes its decision. The appeal
13 shall be filed within fifteen days after notice of the penalty is given
14 to the assessed party by certified mail, return receipt requested, sent
15 to the last known address of the assessed party and shall be made by
16 filing a written notice of appeal with the department. The notice
17 shall be accompanied by a certified check for two hundred dollars,
18 which shall be returned to the assessed party if the decision of the
19 department is not sustained by the board. If the board sustains the
20 decision of the department, the two hundred dollars shall be applied by
21 the department to the payment of the per diem and expenses of the
22 members of the board incurred in the matter, and any balance remaining
23 after payment of per diem and expenses shall be paid into the
24 electrical license fund. The hearing and review procedures shall be
25 conducted in accordance with chapter 34.05 RCW. The board shall assign
26 its hearings to an administrative law judge to conduct the hearing and
27 issue a proposed decision and order. The board shall be allowed a
28 minimum of twenty days to review a proposed decision and shall issue
29 its decision no later than the next regularly scheduled board meeting.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.28 RCW
31 to read as follows:

32 (1) All advertising and all contracts, correspondence, cards,
33 signs, posters, papers, and documents which show an electrical
34 contractor's name or address shall show the contractor's name or
35 address as licensed under this chapter. All advertisements for
36 contractors appearing in the advertising section of telephone books or
37 other directories and all advertising that shows the contractor's name
38 or address shall show the contractor's current license number:

1 PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on
2 premise signs shall not constitute advertising as provided in this
3 section. All materials used to directly solicit business from retail
4 customers who are not businesses shall show the contractor's current
5 license number. Advertising by airwave transmission shall not be
6 subject to this subsection if the person selling the advertisement
7 obtains the contractor's current license number from the contractor.

8 (2) An electrical contractor shall not falsify a license number and
9 use it in connection with any solicitation or identification as a
10 contractor. All individual contractors and all partners, associates,
11 agents, salespersons, solicitors, officers, and employees of
12 contractors shall use their true names and addresses at all times while
13 engaged in the business or capacity of a contractor or activities
14 related thereto.

15 (3) A violation of this section is subject to the provisions of RCW
16 19.28.350.

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