
ENGROSSED HOUSE BILL 2171

State of Washington

53rd Legislature

1994 Regular Session

By Representatives G. Cole, King and Scott

Prefiled 01/06/94. Read first time 01/10/94. 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 or submit a bid to engage in, conduct, or
9 carry on the business of installing or maintaining wires or equipment
10 to convey electric current, or installing or maintaining equipment to
11 be operated by electric current as it pertains to the electrical
12 industry, without having an unrevoked, unsuspended, and unexpired
13 electrical contractor license, issued by the department in accordance
14 with this chapter. However, bids subject to this section may be
15 submitted by a person, firm, partnership, corporation, or other entity
16 who is registered under chapter 18.27 RCW as long as the work subject
17 to this chapter is performed as required by this chapter. All
18 electrical contractor licenses expire twenty-four calendar months
19 following the day of their issue. The department may issue an

1 electrical contractors license for a period of less than twenty-four
2 months only for the purpose of equalizing the number of electrical
3 contractor licenses which expire each month. Application for an
4 electrical contractor license shall be made in writing to the
5 department, accompanied by the required fee. The application shall
6 state:

7 (a) The name and address of the applicant; in case of firms or
8 partnerships, the names of the individuals composing the firm or
9 partnership; in case of corporations, the names of the managing
10 officials thereof;

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

13 (c) Employer social security number;

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

19 (e) Employment security department number;

20 (f) State excise tax registration number;

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

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

1 by electric current in the state of Washington as expressly allowed by
2 the license.

3 (2) The department may verify the workers' compensation coverage
4 information provided by the applicant under subsection (1)(d) of this
5 section, including but not limited to information regarding the
6 coverage of an individual employee of the applicant. If coverage is
7 provided under the laws of another state, the department may notify the
8 other state that the applicant is employing employees in Washington.

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

1 the license applicant has filed a cash deposit, the department shall
2 deposit the funds in a special trust savings account in a commercial
3 bank, mutual savings bank, or savings and loan association and shall
4 pay annually to the depositor the interest derived from the account.

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

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

36 (6) It is unlawful for an electrical contractor to transfer an
37 electrical contractor license issued by the department in accordance
38 with this chapter to an unlicensed electrical contractor, or to allow

1 an electrical contractor to perform work with a license issued to
2 another electrical contractor.

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

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

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

36 (1) All advertising and all contracts, correspondence, cards,
37 signs, posters, papers, and documents which show an electrical

1 contractor's name or address shall show the contractor's name or
2 address as licensed under this chapter.

3 (2)(a) The alphabetized listing of contractors appearing in the
4 advertising section of telephone books or other directories and all
5 advertising that shows the contractor's name or address shall show the
6 contractor's current license number: PROVIDED, That on-premises signs
7 shall not constitute advertising as provided in this section. All
8 materials used to directly solicit business from retail customers who
9 are not businesses shall show the contractor's current license number.
10 A contractor shall not use a false or expired license number in
11 purchasing or offering to purchase an advertisement for which a license
12 number is required. Advertising by airwave transmission shall not be
13 subject to this subsection if the person selling the advertisement
14 obtains the contractor's current license number from the contractor.

15 (b) A person selling advertising should not accept advertisements
16 for which the contractor license number is required under (a) of this
17 subsection if the contractor fails to provide the contractor license
18 number.

19 (3) An electrical contractor shall not falsify a license number and
20 use it in connection with any solicitation or identification as a
21 contractor. All individual contractors and all partners, associates,
22 agents, salespersons, solicitors, officers, and employees of
23 contractors shall use their true names and addresses at all times while
24 engaged in the business or capacity of a contractor or activities
25 related thereto.

26 (4) A violation of this section is subject to the provisions of RCW
27 19.28.350. Penalties shall not apply to a violation determined to be
28 an inadvertent error. When determining a violation of this section,
29 the director, administrative law judge, or the board shall hold
30 responsible the person who purchased the advertisement.

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