

2 SHB 2498 - S COMM AMD

3 By Committee on Labor, Commerce & Trade

4 ADOPTED 2/28/96

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 18.27.030 and 1992 c 217 s 1 are each amended to read
8 as follows:

9 (1) An applicant for registration as a contractor shall submit an
10 application under oath upon a form to be prescribed by the director and
11 which shall include the following information pertaining to the
12 applicant:

13 (a) Employer social security number.

14 (b) 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 (c) Employment security department number.

20 (d) State excise tax registration number.

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

24 (f) Type of contracting activity, whether a general or a specialty
25 contractor and if the latter, the type of specialty.

26 (g) The name and address of each partner if the applicant be a firm
27 or partnership, or the name and address of the owner if the applicant
28 be an individual proprietorship, or the name and address of the
29 corporate officers and statutory agent, if any, if the applicant be a
30 corporation. The information contained in such application shall be a
31 matter of public record and open to public inspection.

32 (2) The department may verify the workers' compensation coverage
33 information provided by the applicant under subsection (1)(b) of this
34 section, including but not limited to information regarding the
35 coverage of an individual employee of the applicant. If coverage is

1 provided under the laws of another state, the department may notify the
2 other state that the applicant is employing employees in Washington.

3 (3) Registration shall be denied if the applicant has been
4 previously registered as a sole proprietor, partnership, or
5 corporation, and was a principal or officer of the corporation, and if
6 the applicant has an unsatisfied final judgment (~~((in an action))~~) based
7 on (~~((RCW 18.27.040))~~) this chapter that was incurred during a previous
8 registration under this chapter.

9 **Sec. 2.** RCW 18.27.100 and 1993 c 454 s 3 are each amended to read
10 as follows:

11 (1) Except as provided in RCW 18.27.065 for partnerships and joint
12 ventures, no person who has registered under one name as provided in
13 this chapter shall engage in the business, or act in the capacity, of
14 a contractor under any other name unless such name also is registered
15 under this chapter.

16 (2) All advertising and all contracts, correspondence, cards,
17 signs, posters, papers, and documents which show a contractor's name or
18 address shall show the contractor's name or address as registered under
19 this chapter.

20 (3) (~~((a) The alphabetized listing of contractors appearing in the~~
21 ~~advertising section of telephone books or other directories and))~~ All
22 advertising that shows the contractor's name or address shall show the
23 contractor's current registration number. The registration number may
24 be omitted in an alphabetized listing of registered contractors stating
25 only the name, address, and telephone number: PROVIDED, That signs on
26 motor vehicles subject to RCW 46.16.010 and on-premise signs shall not
27 constitute advertising as provided in this section. All materials used
28 to directly solicit business from retail customers who are not
29 businesses shall show the contractor's current registration number. A
30 contractor shall not use a false or expired registration number in
31 purchasing or offering to purchase an advertisement for which a
32 contractor registration number is required. Advertising by airwave
33 transmission shall not be subject to this subsection if the person
34 selling the advertisement obtains the contractor's current registration
35 number from the contractor.

36 (~~((b) A person selling advertising should not accept advertisements~~
37 ~~for which the contractor registration number is required under (a) of~~

1 ~~this subsection if the contractor fails to provide the contractor~~
2 ~~registration number.))~~

3 (4) No contractor shall advertise that he or she is bonded and
4 insured because of the bond required to be filed and sufficiency of
5 insurance as provided in this chapter.

6 (5) A contractor shall not falsify a registration number and use it
7 in connection with any solicitation or identification as a contractor.
8 All individual contractors and all partners, associates, agents,
9 salesmen, solicitors, officers, and employees of contractors shall use
10 their true names and addresses at all times while engaged in the
11 business or capacity of a contractor or activities related thereto.

12 (6)(a) The finding of a violation of this section by the director
13 at a hearing held in accordance with the Administrative Procedure Act,
14 chapter 34.05 RCW, shall subject the person committing the violation to
15 a penalty of not more than five thousand dollars as determined by the
16 director.

17 (b) Penalties under this section shall not apply to a violation
18 determined to be an inadvertent error.

19 **Sec. 3.** RCW 18.106.100 and 1977 ex.s. c 149 s 9 are each amended
20 to read as follows:

21 (1) The department may revoke ~~((any))~~ or suspend a certificate of
22 competency ~~((upon))~~ for any of the following ~~((grounds))~~ reasons:

23 (a) The certificate was obtained through error or fraud;

24 (b) The certificate holder ~~((thereof))~~ is judged to be incompetent
25 to carry on the trade of plumbing as a journeyman plumber or specialty
26 plumber;

27 (c) The certificate holder ~~((thereof))~~ has violated any ~~((of the))~~
28 provision~~((s))~~ of this chapter or any rule ~~((or regulation promulgated~~
29 ~~thereto))~~ adopted under this chapter.

30 (2) Before ~~((any))~~ a certificate of competency ~~((shall be))~~ is
31 revoked or suspended, the ~~((holder thereof shall be given written~~
32 ~~notice of the department's intention to do so, mailed by registered~~
33 ~~mail, return receipt requested, to said holder's last known address.~~
34 ~~Said))~~ department shall send written notice by registered mail with
35 return receipt requested to the certificate holder's last known
36 address. The notice ~~((shall enumerate))~~ must list the allegations
37 against ~~((such))~~ the certificate holder~~((r))~~ and ~~((shall))~~ give him or
38 her the opportunity to request a hearing before the advisory board. At

1 ((such)) the hearing, the department and the certificate holder
2 ((shall)) have opportunity to produce witnesses and give testimony.
3 The hearing ((shall)) must be conducted in accordance with ((the
4 ~~provisions of~~)) chapter 34.05 RCW. The board shall render its decision
5 based upon the testimony and evidence presented((~~7~~)) and shall notify
6 the parties immediately upon reaching its decision. A majority of the
7 board ((shall be)) is necessary to render a decision.

8 (3) The department may deny renewal of a certificate of competency
9 issued under this chapter if the applicant owes outstanding penalties
10 for a final judgment under this chapter. The department shall notify
11 the applicant of the denial by registered mail, return receipt
12 requested, to the address on the application. The applicant may appeal
13 the denial within twenty days by filing a notice of appeal with the
14 department accompanied by a certified check for two hundred dollars
15 which shall be returned to the applicant if the decision of the
16 department is not upheld by the hearings officer. The office of
17 administrative hearings shall conduct the hearing under chapter 34.05
18 RCW. If the hearings officer sustains the decision of the department,
19 the two hundred dollars must be applied to the cost of the hearing.

20 **Sec. 4.** RCW 18.106.180 and 1994 c 174 s 3 are each amended to read
21 as follows:

22 An authorized representative of the department may issue a notice
23 of infraction as specified in RCW 18.106.020(3) if a person who is
24 doing plumbing work or who is offering to do plumbing work fails to
25 produce evidence of having a certificate or permit issued by the
26 department in accordance with this chapter or of being supervised by a
27 person who has such a certificate or permit. A notice of infraction
28 issued under this section shall be personally served on the person
29 named in the notice by an authorized representative of the department
30 or sent by certified mail to the last known address provided to the
31 department of the person named in the notice.

32 **Sec. 5.** RCW 18.106.200 and 1994 c 174 s 5 are each amended to read
33 as follows:

34 A violation designated as an infraction under this chapter shall be
35 heard and determined by an administrative law judge of the office of
36 administrative hearings. If a party desires to contest the notice of
37 infraction, the party shall file a notice of appeal with the department

1 within (~~fourteen~~) twenty days of issuance of the infraction. The
2 administrative law judge shall conduct hearings in these cases at
3 locations in the county where the infraction is alleged to have
4 occurred.

5 **Sec. 6.** RCW 19.28.123 and 1988 c 81 s 5 are each amended to read
6 as follows:

7 It shall be the purpose and function of the board to establish, in
8 addition to a general electrical contractors' license, such
9 classifications of specialty electrical contractors' licenses as it
10 deems appropriate with regard to individual sections pertaining to
11 state adopted codes in this chapter (~~(19.28-RCW)~~). In addition, it
12 shall be the purpose and function of the board to establish and
13 administer written examinations for general electrical (~~contractors'~~
14 ~~qualifying~~) administrators' certificates and the various specialty
15 electrical (~~contractors'~~ ~~qualifying~~) administrators' certificates.
16 Examinations shall be designed to reasonably insure that general and
17 specialty electrical (~~contractor's~~ ~~qualifying~~) administrators'
18 certificate holders are competent to engage in and supervise the work
19 covered by this statute and their respective licenses. The
20 examinations shall include questions from the following categories to
21 assure proper safety and protection for the general public: (1)
22 Safety, (2) state electrical code, and (3) electrical theory. The
23 department with the consent of the board shall be permitted to enter
24 into a contract with a professional testing agency to develop,
25 administer, and score these examinations. The fee for the examination
26 may be set by the department in its contract with the professional
27 testing agency. The department may direct that the applicant pay the
28 fee to the professional testing agency. The fee shall cover but not
29 exceed the costs of preparing and administering the examination. It
30 shall be the further purpose and function of this board to advise the
31 director as to the need of additional electrical inspectors and
32 compliance officers to be utilized by the director on either a full-
33 time or part-time employment basis and to carry out the duties
34 enumerated in RCW 19.28.510 through 19.28.620 as well as generally
35 advise the department on all matters relative to RCW 19.28.510 through
36 19.28.620.

1 **Sec. 7.** RCW 19.28.350 and 1988 c 81 s 12 are each amended to read
2 as follows:

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

32 **Sec. 8.** RCW 19.28.540 and 1988 c 81 s 14 are each amended to read
33 as follows:

34 The department, in coordination with the board, shall prepare an
35 examination to be administered to applicants for journeyman and
36 specialty certificates of competency. The examination shall be
37 constructed to determine:

1 (1) Whether the applicant possesses varied general knowledge of the
2 technical information and practical procedures that are identified with
3 the status of journeyman electrician or specialty electrician; and

4 (2) Whether the applicant is sufficiently familiar with the
5 applicable electrical codes and the rules of the department pertaining
6 to electrical installations and electricians.

7 The department shall, at least four times annually, administer the
8 examination to persons eligible to take it under RCW 19.28.530. A
9 person may take the journeyman or specialty test as many times as
10 necessary without limit. All applicants shall, before taking the
11 examination, pay ~~((to the department an))~~ the required examination
12 fee~~((. The department shall set the fee by rule))~~ to the agency
13 administering the examination. The fee shall cover but not exceed the
14 costs of preparing and administering the examination.

15 The department shall certify the results of the examination upon
16 such terms and after such a period of time as the department, in
17 cooperation with the board, deems necessary and proper.

18 (3) The department upon the consent of the board may enter into a
19 contract with a professional testing agency to develop, administer, and
20 score journeyman and/or specialty electrician certification
21 examinations. The department may set the examination fee by contract
22 with the professional testing agency.

23 **Sec. 9.** RCW 19.28.620 and 1988 c 81 s 16 are each amended to read
24 as follows:

25 (1) It is unlawful for any person, firm, partnership, corporation,
26 or other entity to employ an individual for purposes of RCW 19.28.510
27 through 19.28.620 who has not been issued a certificate of competency
28 or a training certificate. It is unlawful for any individual to engage
29 in the electrical construction trade or to maintain or install any
30 electrical equipment or conductors without having in his or her
31 possession a certificate of competency or a training certificate under
32 RCW 19.28.510 through 19.28.620. Any person, firm, partnership,
33 corporation, or other entity found in violation of RCW 19.28.510
34 through 19.28.620 shall be assessed a penalty of not less than fifty
35 dollars or more than five hundred dollars. The department shall set by
36 rule a schedule of penalties for violating RCW 19.28.510 through
37 19.28.620. An appeal may be made to the board as is provided in RCW
38 19.28.350. The appeal shall be filed within ~~((fifteen))~~ twenty days

1 after the notice of the penalty is given to the assessed party by
2 certified mail, return receipt requested, sent to the last known
3 address of the assessed party and shall be made by filing a written
4 notice of appeal with the department. Any equipment maintained or
5 installed by any person who does not possess a certificate of
6 competency under RCW 19.28.510 through 19.28.620 shall not receive an
7 electrical work permit and electrical service shall not be connected or
8 maintained to operate the equipment. Each day that a person, firm,
9 partnership, corporation, or other entity violates ((the provisions
10 of)) RCW 19.28.510 through 19.28.620 is a separate violation.

11 (2) A civil penalty shall be collected in a civil action brought by
12 the attorney general in the county wherein the alleged violation arose
13 at the request of the department if any of ((the provisions of)) RCW
14 19.28.510 through 19.28.620 or any rules ((promulgated)) adopted under
15 RCW 19.28.510 through 19.28.620 are violated.

16 NEW SECTION. Sec. 10. Section 2 of this act is necessary for the
17 immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and shall take effect immediately."

20 **SHB 2498** - S COMM AMD
21 By Committee on Labor, Commerce & Trade

22 ADOPTED 2/28/96

23 On page 1, line 2 of the title, after "procedures;" strike the
24 remainder of the title and insert "amending RCW 18.27.030, 18.27.100,
25 18.106.100, 18.106.180, 18.106.200, 19.28.123, 19.28.350, 19.28.540,
26 and 19.28.620; and declaring an emergency."

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