

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2498

Chapter 147, Laws of 1996

54th Legislature
1996 Regular Session

UNIFORM CONSTRUCTION TRADE ADMINISTRATIVE PROCEDURES

EFFECTIVE DATE: 6/6/96 - Except section 2 which becomes effective on 3/25/96.

Passed by the House March 2, 1996
Yeas 89 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate February 28, 1996
Yeas 49 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 25, 1996

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2498** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 25, 1996 - 4:21 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2498

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Cairnes, Romero, Hymes and Cody; by request of Department of Labor & Industries)

Read first time 02/02/96.

1 AN ACT Relating to uniform construction trade administrative
2 procedures; amending RCW 18.27.030, 18.27.100, 18.106.100, 18.106.180,
3 18.106.200, 19.28.123, 19.28.350, 19.28.540, and 19.28.620; and
4 declaring an emergency.

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

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

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

- 12 (a) Employer social security number.
- 13 (b) As applicable: (i) The industrial insurance account number
14 covering employees domiciled in Washington; and (ii) evidence of
15 workers' compensation coverage in the applicant's state of domicile for
16 the applicant's employees working in Washington who are not domiciled
17 in Washington.
- 18 (c) Employment security department number.
- 19 (d) State excise tax registration number.

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

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

6 (g) The name and address of each partner if the applicant be a firm
7 or partnership, or the name and address of the owner if the applicant
8 be an individual proprietorship, or the name and address of the
9 corporate officers and statutory agent, if any, if the applicant be a
10 corporation. The information contained in such application shall be a
11 matter of public record and open to public inspection.

12 (2) The department may verify the workers' compensation coverage
13 information provided by the applicant under subsection (1)(b) of this
14 section, including but not limited to information regarding the
15 coverage of an individual employee of the applicant. If coverage is
16 provided under the laws of another state, the department may notify the
17 other state that the applicant is employing employees in Washington.

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

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

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

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

35 (~~(3) ((a) The alphabetized listing of contractors appearing in the~~
36 ~~advertising section of telephone books or other directories and))~~ All
37 advertising that shows the contractor's name or address shall show the
38 contractor's current registration number. The registration number may

1 be omitted in an alphabetized listing of registered contractors stating
2 only the name, address, and telephone number: PROVIDED, That signs on
3 motor vehicles subject to RCW 46.16.010 and on-premise signs shall not
4 constitute advertising as provided in this section. All materials used
5 to directly solicit business from retail customers who are not
6 businesses shall show the contractor's current registration number. A
7 contractor shall not use a false or expired registration number in
8 purchasing or offering to purchase an advertisement for which a
9 contractor registration number is required. Advertising by airwave
10 transmission shall not be subject to this subsection if the person
11 selling the advertisement obtains the contractor's current registration
12 number from the contractor.

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

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

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

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

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

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

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

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

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

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

7 (2) Before (~~((any))~~) a certificate of competency (~~((shall be))~~) is
8 revoked or suspended, the (~~((holder thereof shall be given written~~
9 ~~notice of the department's intention to do so, mailed by registered~~
10 ~~mail, return receipt requested, to said holder's last known address.~~
11 ~~Said))~~) department shall send written notice by registered mail with
12 return receipt requested to the certificate holder's last known
13 address. The notice (~~((shall enumerate))~~) must list the allegations
14 against (~~((such))~~) the certificate holder(~~((τ))~~) and (~~((shall))~~) give him or
15 her the opportunity to request a hearing before the advisory board. At
16 (~~((such))~~) the hearing, the department and the certificate holder
17 (~~((shall))~~) have opportunity to produce witnesses and give testimony.
18 The hearing (~~((shall))~~) must be conducted in accordance with (~~((the~~
19 ~~provisions of))~~) chapter 34.05 RCW. The board shall render its decision
20 based upon the testimony and evidence presented(~~((τ))~~) and shall notify
21 the parties immediately upon reaching its decision. A majority of the
22 board (~~((shall be))~~) is necessary to render a decision.

23 (3) The department may deny renewal of a certificate of competency
24 issued under this chapter if the applicant owes outstanding penalties
25 for a final judgment under this chapter. The department shall notify
26 the applicant of the denial by registered mail, return receipt
27 requested, to the address on the application. The applicant may appeal
28 the denial within twenty days by filing a notice of appeal with the
29 department accompanied by a certified check for two hundred dollars
30 which shall be returned to the applicant if the decision of the
31 department is not upheld by the hearings officer. The office of
32 administrative hearings shall conduct the hearing under chapter 34.05
33 RCW. If the hearings officer sustains the decision of the department,
34 the two hundred dollars must be applied to the cost of the hearing.

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

37 An authorized representative of the department may issue a notice
38 of infraction as specified in RCW 18.106.020(3) if a person who is

1 doing plumbing work or who is offering to do plumbing work fails to
2 produce evidence of having a certificate or permit issued by the
3 department in accordance with this chapter or of being supervised by a
4 person who has such a certificate or permit. A notice of infraction
5 issued under this section shall be personally served on the person
6 named in the notice by an authorized representative of the department
7 or sent by certified mail to the last known address provided to the
8 department of the person named in the notice.

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

11 A violation designated as an infraction under this chapter shall be
12 heard and determined by an administrative law judge of the office of
13 administrative hearings. If a party desires to contest the notice of
14 infraction, the party shall file a notice of appeal with the department
15 within (~~fourteen~~) twenty days of issuance of the infraction. The
16 administrative law judge shall conduct hearings in these cases at
17 locations in the county where the infraction is alleged to have
18 occurred.

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

21 It shall be the purpose and function of the board to establish, in
22 addition to a general electrical contractors' license, such
23 classifications of specialty electrical contractors' licenses as it
24 deems appropriate with regard to individual sections pertaining to
25 state adopted codes in this chapter (~~19.28 RCW~~). In addition, it
26 shall be the purpose and function of the board to establish and
27 administer written examinations for general electrical (~~contractors'~~
28 ~~qualifying~~) administrators' certificates and the various specialty
29 electrical (~~contractors'~~ ~~qualifying~~) administrators' certificates.
30 Examinations shall be designed to reasonably insure that general and
31 specialty electrical (~~contractor's~~ ~~qualifying~~) administrators'
32 certificate holders are competent to engage in and supervise the work
33 covered by this statute and their respective licenses. The
34 examinations shall include questions from the following categories to
35 assure proper safety and protection for the general public: (1)
36 Safety, (2) state electrical code, and (3) electrical theory. The
37 department with the consent of the board shall be permitted to enter

1 into a contract with a professional testing agency to develop,
2 administer, and score these examinations. The fee for the examination
3 may be set by the department in its contract with the professional
4 testing agency. The department may direct that the applicant pay the
5 fee to the professional testing agency. The fee shall cover but not
6 exceed the costs of preparing and administering the examination. It
7 shall be the further purpose and function of this board to advise the
8 director as to the need of additional electrical inspectors and
9 compliance officers to be utilized by the director on either a full-
10 time or part-time employment basis and to carry out the duties
11 enumerated in RCW 19.28.510 through 19.28.620 as well as generally
12 advise the department on all matters relative to RCW 19.28.510 through
13 19.28.620.

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

16 Any person, firm, partnership, corporation, or other entity
17 violating any of the provisions of RCW 19.28.010 through 19.28.360
18 shall be assessed a penalty of not less than fifty dollars or more than
19 ten thousand dollars. The department shall set by rule a schedule of
20 penalties for violating RCW 19.28.010 through 19.28.360. The
21 department shall notify the person, firm, partnership, corporation, or
22 other entity violating any of the provisions of RCW 19.28.010 through
23 19.28.360 of the amount of the penalty and of the specific violation by
24 certified mail, return receipt requested, sent to the last known
25 address of the assessed party. Any penalty is subject to review by an
26 appeal to the board. The filing of an appeal stays the effect of the
27 penalty until the board makes its decision. The appeal shall be filed
28 within (~~fifteen~~) twenty days after notice of the penalty is given to
29 the assessed party by certified mail, return receipt requested, sent to
30 the last known address of the assessed party and shall be made by
31 filing a written notice of appeal with the department. The notice
32 shall be accompanied by a certified check for two hundred dollars,
33 which shall be returned to the assessed party if the decision of the
34 department is not sustained by the board. If the board sustains the
35 decision of the department, the two hundred dollars shall be applied by
36 the department to the payment of the per diem and expenses of the
37 members of the board incurred in the matter, and any balance remaining
38 after payment of per diem and expenses shall be paid into the

1 electrical license fund. The hearing and review procedures shall be
2 conducted in accordance with chapter 34.05 RCW. The board shall assign
3 its hearings to an administrative law judge to conduct the hearing and
4 issue a proposed decision and order. The board shall be allowed a
5 minimum of twenty days to review a proposed decision and shall issue
6 its decision no later than the next regularly scheduled board meeting.

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

9 The department, in coordination with the board, shall prepare an
10 examination to be administered to applicants for journeyman and
11 specialty certificates of competency. The examination shall be
12 constructed to determine:

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

16 (2) Whether the applicant is sufficiently familiar with the
17 applicable electrical codes and the rules of the department pertaining
18 to electrical installations and electricians.

19 The department shall, at least four times annually, administer the
20 examination to persons eligible to take it under RCW 19.28.530. A
21 person may take the journeyman or specialty test as many times as
22 necessary without limit. All applicants shall, before taking the
23 examination, pay ~~((to the department an))~~ the required examination
24 fee~~((. The department shall set the fee by rule))~~ to the agency
25 administering the examination. The fee shall cover but not exceed the
26 costs of preparing and administering the examination.

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

30 (3) The department upon the consent of the board may enter into a
31 contract with a professional testing agency to develop, administer, and
32 score journeyman and/or specialty electrician certification
33 examinations. The department may set the examination fee by contract
34 with the professional testing agency.

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

1 (1) It is unlawful for any person, firm, partnership, corporation,
2 or other entity to employ an individual for purposes of RCW 19.28.510
3 through 19.28.620 who has not been issued a certificate of competency
4 or a training certificate. It is unlawful for any individual to engage
5 in the electrical construction trade or to maintain or install any
6 electrical equipment or conductors without having in his or her
7 possession a certificate of competency or a training certificate under
8 RCW 19.28.510 through 19.28.620. Any person, firm, partnership,
9 corporation, or other entity found in violation of RCW 19.28.510
10 through 19.28.620 shall be assessed a penalty of not less than fifty
11 dollars or more than five hundred dollars. The department shall set by
12 rule a schedule of penalties for violating RCW 19.28.510 through
13 19.28.620. An appeal may be made to the board as is provided in RCW
14 19.28.350. The appeal shall be filed within (~~(fifteen))~~ twenty days
15 after the notice of the penalty is given to the assessed party by
16 certified mail, return receipt requested, sent to the last known
17 address of the assessed party and shall be made by filing a written
18 notice of appeal with the department. Any equipment maintained or
19 installed by any person who does not possess a certificate of
20 competency under RCW 19.28.510 through 19.28.620 shall not receive an
21 electrical work permit and electrical service shall not be connected or
22 maintained to operate the equipment. Each day that a person, firm,
23 partnership, corporation, or other entity violates (~~(the provisions~~
24 ~~of))~~ RCW 19.28.510 through 19.28.620 is a separate violation.

25 (2) A civil penalty shall be collected in a civil action brought by
26 the attorney general in the county wherein the alleged violation arose
27 at the request of the department if any of (~~(the provisions of))~~ RCW
28 19.28.510 through 19.28.620 or any rules (~~(promulgated))~~ adopted under
29 RCW 19.28.510 through 19.28.620 are violated.

30 NEW SECTION. Sec. 10. Section 2 of this act is necessary for the
31 immediate preservation of the public peace, health, or safety, or
32 support of the state government and its existing public institutions,
33 and shall take effect immediately.

Passed the House March 2, 1996.

Passed the Senate February 28, 1996.

Approved by the Governor March 25, 1996.

Filed in Office of Secretary of State March 25, 1996.