

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5749

Chapter 326, Laws of 1997

55th Legislature
1997 Regular Session

MEDICAL GAS PIPING INSTALLERS

EFFECTIVE DATE: 7/1/98

Passed by the Senate April 22, 1997
YEAS 45 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House April 18, 1997
YEAS 88 NAYS 9

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 12, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5749** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

May 12, 1997 - 3:37 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5749

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senate Committee on Commerce & Labor (originally sponsored by Senators Heavey, McCaslin, Winsley, Haugen and Deccio)

Read first time 03/04/97.

1 AN ACT Relating to regulation of plumbers; amending RCW 18.106.010,
2 18.106.020, 18.106.030, 18.106.050, and 18.106.070; adding a new
3 section to chapter 18.106 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.106 RCW
6 to read as follows:

7 The department shall adopt requirements that qualify a journeyman
8 plumber to be issued a medical gas piping installer endorsement.

9 **Sec. 2.** RCW 18.106.010 and 1995 c 282 s 2 are each amended to read
10 as follows:

11 Unless a different meaning is plainly required by the context, the
12 following words and phrases as hereinafter used in this chapter shall
13 have the following meaning:

- 14 (1) "Advisory board" means the state advisory board of plumbers;
15 (2) "Department" means the department of labor and industries;
16 (3) "Director" means the director of department of labor and
17 industries;

1 (4) "Journeyman plumber" means any person who has been issued a
2 certificate of competency by the department of labor and industries as
3 provided in this chapter;

4 (5) "Medical gas piping" means oxygen, nitrous oxide, high pressure
5 nitrogen, medical compressed air, and medical vacuum systems;

6 (~~(6) ("Specialty plumber" means anyone who has been issued a
7 specialty certificate of competency limited to installation,
8 maintenance, and repair of the plumbing of single family dwellings,
9 duplexes, and apartment buildings which do not exceed three stories;)~~)

10 "Medical gas piping installer" means a journeyman plumber who has been
11 issued a medical gas piping installer endorsement.

12 (7) "Plumbing" means that craft involved in installing, altering,
13 repairing and renovating potable water systems, liquid waste systems,
14 and medical gas piping systems within a building(~~(: PROVIDED, That)~~).
15 Installation in a water system of water softening or water treatment
16 equipment (~~shall~~) is not (~~be~~) within the meaning of plumbing as
17 used in this chapter;

18 (8) "Specialty plumber" means anyone who has been issued a
19 specialty certificate of competency limited to installation,
20 maintenance, and repair of the plumbing of single-family dwellings,
21 duplexes, and apartment buildings that do not exceed three stories.

22 **Sec. 3.** RCW 18.106.020 and 1994 c 174 s 2 are each amended to read
23 as follows:

24 (1) No person may engage in or offer to engage in the trade of
25 plumbing without having a journeyman certificate, specialty
26 certificate, (~~or~~) temporary permit, or (~~without being~~) trainee
27 certificate. A trainee must be supervised by a person who has a
28 journeyman certificate, specialty certificate, or temporary permit, as
29 specified in RCW 18.106.070. No contractor may employ a person to
30 engage in or offer to engage in the trade of plumbing unless the person
31 employed has a journeyman certificate, specialty certificate, (~~or~~)
32 temporary permit, or (~~is supervised by a person who has a journeyman
33 certificate, specialty certificate, or temporary permit~~) trainee
34 certificate. For the purposes of this section, "contractor" means any
35 person or body of persons, corporate or otherwise, engaged in any work
36 covered by the provisions of this chapter, chapter 18.27 RCW, or
37 chapter 19.28 RCW, by way of trade or business. However, in no case

1 shall this section apply to a contractor who is contracting for work on
2 his or her own residence.

3 (2) No person may engage in or offer to engage in medical gas
4 piping installation without having a certificate of competency as a
5 journeyman plumber and a medical gas piping installer endorsement. A
6 trainee may engage in medical gas piping installation if he or she has
7 a training certificate and is supervised by a person with a medical gas
8 piping installer endorsement. No contractor may employ a person to
9 engage in or offer to engage in medical gas piping installation unless
10 the person employed has a certificate of competency as a journeyman
11 plumber and a medical gas piping installer endorsement.

12 (3) Violation of subsection (1) or (2) of this section is an
13 infraction. Each day in which a person engages in the trade of
14 plumbing in violation of subsection (1) or (2) of this section or
15 employs a person in violation of subsection (1) or (2) of this section
16 is a separate infraction. Each worksite at which a person engages in
17 the trade of plumbing in violation of subsection (1) or (2) of this
18 section or at which a person is employed in violation of subsection (1)
19 or (2) of this section is a separate infraction.

20 ~~((+3))~~ (4) Notices of infractions for violations of subsection (1)
21 or (2) of this section may be issued to:

22 (a) The person engaging in or offering to engage in the trade of
23 plumbing in violation of subsection (1) or (2) of this section;

24 (b) The contractor in violation of subsection (1) or (2) of this
25 section; and

26 (c) The contractor's employee who authorized the work assignment of
27 the person employed in violation of subsection (1) or (2) of this
28 section.

29 **Sec. 4.** RCW 18.106.030 and 1977 ex.s. c 149 s 3 are each amended
30 to read as follows:

31 Any person desiring to be issued a certificate of competency as
32 provided in this chapter shall deliver evidence in a form prescribed by
33 the department affirming that said person has had sufficient experience
34 in as well as demonstrated general competency in the trade of plumbing
35 or specialty plumbing so as to qualify him to make an application for
36 a certificate of competency as a journeyman plumber or specialty
37 plumber(~~(:—PROVIDED, That)~~). Completion of a course of study in the
38 plumbing trade in the armed services of the United States or at a

1 school accredited by the (~~coordinating council on occupational~~
2 ~~education~~) work force training and education coordinating board shall
3 constitute sufficient evidence of experience and competency to enable
4 such person to make application for a certificate of competency.

5 Any person desiring to be issued a medical gas piping installer
6 endorsement shall deliver evidence in a form prescribed by the
7 department affirming that the person has met the requirements
8 established by the department for a medical gas piping installer
9 endorsement.

10 In addition to supplying the evidence as prescribed in this
11 section, each applicant for a certificate of competency shall submit an
12 application for such certificate on such form and in such manner as
13 shall be prescribed by the director of the department.

14 **Sec. 5.** RCW 18.106.050 and 1983 c 124 s 2 are each amended to read
15 as follows:

16 (1) The department, with the advice of the advisory board, shall
17 prepare a written examination to be administered to applicants for
18 certificates of competency for journeyman plumber and specialty
19 plumber. The examination shall be constructed to determine:

20 (~~(1)~~) (a) Whether the applicant possesses varied general
21 knowledge of the technical information and practical procedures that
22 are identified with the trade of journeyman plumber or specialty
23 plumber; and

24 (~~(2)~~) (b) Whether the applicant is familiar with the applicable
25 plumbing codes and the administrative rules of the department
26 pertaining to plumbing and plumbers.

27 The department shall administer the examination to eligible
28 persons. All applicants shall, before taking the examination, pay to
29 the department a fee.

30 (2) For purposes of the medical gas piping installer endorsement,
31 the department may enter into a contract with a nationally recognized
32 testing agency to develop, administer, and score medical gas piping
33 installer examinations. All applicants shall, before taking an
34 examination for a medical gas piping installer endorsement, pay the
35 required examination fee. The department shall set the examination fee
36 by contract with a nationally recognized testing agency. The fee shall
37 cover but not exceed the costs of preparing and administering the
38 examination and the materials necessary to conduct the practical

1 elements of the examination. The department shall approve training
2 courses and set the fees for training courses for the medical gas
3 piping installer endorsement.

4 The department shall certify the results of the examination, and
5 shall notify the applicant in writing whether he or she has passed or
6 failed. Any applicant who has failed the examination may retake the
7 examination, upon the terms and after a period of time that the
8 director shall set by rule. The director may not limit the number of
9 times that a person may take the examination.

10 **Sec. 6.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to read
11 as follows:

12 (1) The department shall issue a certificate of competency to all
13 applicants who have passed the examination and have paid the fee for
14 the certificate. The certificate shall bear the date of issuance, and
15 shall expire on the birthdate of the holder immediately following the
16 date of issuance. The certificate shall be renewable every other year,
17 upon application, on or before the birthdate of the holder. A renewal
18 fee shall be assessed for each certificate. If a person fails to renew
19 the certificate by the renewal date, he or she must pay a doubled fee.
20 If the person does not renew the certificate within ninety days of the
21 renewal date, he or she must retake the examination and pay the
22 examination fee.

23 The journeyman plumber and specialty plumber certificates of
24 competency, the medical gas piping installer endorsement, and the
25 temporary permit provided for in this chapter grant the holder the
26 right to engage in the work of plumbing as a journeyman plumber ((or)),
27 specialty plumber, or medical gas piping installer, in accordance with
28 their provisions throughout the state and within any of its political
29 subdivisions on any job or any employment without additional proof of
30 competency or any other license or permit or fee to engage in the work.
31 This section does not preclude employees from adhering to a union
32 security clause in any employment where such a requirement exists.

33 (2) A person who is indentured in an apprenticeship program
34 approved under chapter 49.04 RCW for the plumbing construction trade or
35 who is learning the plumbing construction trade may work in the
36 plumbing construction trade if supervised by a certified journeyman
37 plumber or a certified specialty plumber in that plumber's specialty.
38 All apprentices and individuals learning the plumbing construction

1 trade shall obtain a plumbing training certificate from the department.
2 The certificate shall authorize the holder to learn the plumbing
3 construction trade while under the direct supervision of a journeyman
4 plumber or a specialty plumber working in his or her specialty. The
5 holder of the plumbing training certificate shall renew the certificate
6 annually. At the time of renewal, the holder shall provide the
7 department with an accurate list of the holder's employers in the
8 plumbing construction industry for the previous year and the number of
9 hours worked for each employer. An annual fee shall be charged for the
10 issuance or renewal of the certificate. The department shall set the
11 fee by rule. The fee shall cover but not exceed the cost of
12 administering and enforcing the trainee certification and supervision
13 requirements of this chapter. Apprentices and individuals learning the
14 plumbing construction trade shall have their plumbing training
15 certificates in their possession at all times that they are performing
16 plumbing work. They shall show their certificates to an authorized
17 representative of the department at the representative's request.

18 (3) Any person who has been issued a plumbing training certificate
19 under this chapter may work if that person is under supervision.
20 Supervision shall consist of a person being on the same job site and
21 under the control of either a journeyman plumber or an appropriate
22 specialty plumber who has an applicable certificate of competency
23 issued under this chapter. Either a journeyman plumber or an
24 appropriate specialty plumber shall be on the same job site as the
25 noncertified individual for a minimum of seventy-five percent of each
26 working day unless otherwise provided in this chapter. The ratio of
27 noncertified individuals to certified journeymen or specialty plumbers
28 working on a job site shall be: (a) From July 28, 1985, through June
29 30, 1988, not more than three noncertified plumbers working on any one
30 job site for every certified journeyman or specialty plumber; (b)
31 effective July 1, 1988, not more than two noncertified plumbers working
32 on any one job site for every certified specialty plumber or journeyman
33 plumber working as a specialty plumber; and (c) effective July 1, 1988,
34 not more than one noncertified plumber working on any one job site for
35 every certified journeyman plumber working as a journeyman plumber.

36 An individual who has a current training certificate and who has
37 successfully completed or is currently enrolled in an approved
38 apprenticeship program or in a technical school program in the plumbing
39 construction trade in a school approved by the (~~commission~~ for

1 ~~vocational education~~) work force training and education coordinating
2 board, may work without direct on-site supervision during the last six
3 months of meeting the practical experience requirements of this
4 chapter.

5 (4) An individual who has a current training certificate and who
6 has successfully completed or is currently enrolled in a medical gas
7 piping installer training course approved by the department may work on
8 medical gas piping systems if the individual is under the direct
9 supervision of a certified medical gas piping installer who holds a
10 medical gas piping installer endorsement one hundred percent of a
11 working day on a one-to-one ratio.

12 NEW SECTION. Sec. 7. This act takes effect July 1, 1998.

Passed the Senate April 22, 1997.

Passed the House April 18, 1997.

Approved by the Governor May 12, 1997.

Filed in Office of Secretary of State May 12, 1997.