

---

ENGROSSED SUBSTITUTE SENATE BILL 6231

---

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Labor & Workforce Development (originally sponsored by Senators Fairley and Oke; by request of Department of Labor & Industries)

Read first time 01/27/2000.

1 AN ACT Relating to telecommunications contractors and  
2 installations; amending RCW 19.28.065, 19.28.310, 19.28.340, and  
3 19.28.005; adding new sections to chapter 19.28 RCW; creating a new  
4 section; recodifying RCW 19.28.065, 19.28.070, 19.28.250, 19.28.310,  
5 19.28.330, 19.28.340, 19.28.390, 19.28.630, 19.28.005, 19.28.015,  
6 19.28.060, 19.28.120, 19.28.123, 19.28.125, 19.28.180, 19.28.190,  
7 19.28.200, 19.28.210, 19.28.260, 19.28.300, 19.28.350, 19.28.360,  
8 19.28.370, 19.28.510, 19.28.515, 19.28.520, 19.28.530, 19.28.540,  
9 19.28.550, 19.28.560, 19.28.570, 19.28.580, 19.28.600, 19.28.610, and  
10 19.28.620; and prescribing penalties.

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

12 **"PROVISIONS APPLICABLE TO ELECTRICAL INSTALLATIONS**  
13 **AND TELECOMMUNICATIONS INSTALLATIONS"**

14 NEW SECTION. **Sec. 1.** (1) RCW 19.28.065 (as recodified by this  
15 act) through 19.28.390 (as recodified by this act) apply throughout  
16 this chapter.

17 (2) RCW 19.28.065 (as recodified by this act) through 19.28.390 (as  
18 recodified by this act) constitute the subchapter "provisions

1 applicable to electrical installations and telecommunications  
2 installations."

3 NEW SECTION. **Sec. 2.** Section 1 of this act and RCW 19.28.065,  
4 19.28.070, 19.28.250, 19.28.310, 19.28.330, 19.28.340, 19.28.390, and  
5 19.28.630 are codified or recodified between RCW 19.28.065 (as  
6 recodified by this act) and 19.28.390 (as recodified by this act).

7 **Sec. 3.** RCW 19.28.065 and 1988 c 81 s 4 are each amended to read  
8 as follows:

9 There is hereby created an electrical board, consisting of ~~((ten))~~  
10 fourteen members to be appointed by the governor with the advice of the  
11 director of labor and industries as herein provided. It shall be the  
12 purpose and function of the board to advise the director on all matters  
13 pertaining to the enforcement of this chapter including, but not  
14 limited to standards of electrical and telecommunications installation,  
15 minimum inspection procedures, and the adoption of rules ~~((and~~  
16 ~~regulations))~~ pertaining to the electrical inspection division:  
17 PROVIDED, HOWEVER, That no rules ~~((or regulations))~~ shall be amended or  
18 repealed until the electrical board has first had an opportunity to  
19 consider any proposed amendments or repeals and had an opportunity to  
20 make recommendations to the director relative thereto. The members of  
21 the electrical board shall be selected and appointed as follows: One  
22 member shall be an employee or officer of a corporation or public  
23 agency generating or distributing electric power; one member must be an  
24 employee or officer of a facilities-based telecommunications service  
25 provider regulated by the Washington state utilities and transportation  
26 commission; three members shall be licensed electrical contractors:  
27 PROVIDED, That one of these members may be a representative of a trade  
28 association in the electrical industry; one member shall be a licensed  
29 telecommunications contractor; one member shall be an employee, or  
30 officer, or representative of a corporation or firm engaged in the  
31 business of manufacturing or distributing electrical and  
32 telecommunications materials, equipment, or devices; one member shall  
33 be a person with knowledge of the electrical industry, not related to  
34 the electrical industry, to represent the public; three members shall  
35 be certified electricians; ~~((and))~~ one member shall be a  
36 telecommunications worker; one member shall be a licensed professional  
37 electrical engineer qualified to do business in the state of Washington

1 and designated as a registered communications distribution designer;  
2 and one nonvoting member must be a building official from an  
3 incorporated city or town with an electrical inspection program  
4 established under RCW 19.28.360 (as recodified by this act). The  
5 regular term of each member shall be four years: PROVIDED, HOWEVER,  
6 The original board shall be appointed on June 9, 1988, for the  
7 following terms: The first term of the member representing a  
8 corporation or public agency generating or distributing electric power  
9 shall serve four years; two members representing licensed electrical  
10 contractors shall serve three years; the member representing a  
11 manufacturer or distributor of electrical equipment or devices shall  
12 serve three years; the member representing the public and one member  
13 representing licensed electrical contractors shall serve two years; the  
14 three members selected as certified electricians shall serve for terms  
15 of one, two, and three years, respectively; the member selected as the  
16 licensed professional electrical engineer shall serve for one year. In  
17 appointing the original board, the governor shall give due  
18 consideration to the value of continuity in membership from predecessor  
19 boards. Thereafter, the governor shall appoint or reappoint board  
20 members for terms of four years and to fill vacancies created by the  
21 completion of the terms of the original members. When new positions  
22 are created, the governor may appoint the initial members to the new  
23 positions to staggered terms of one to three years. The governor shall  
24 also fill vacancies caused by death, resignation, or otherwise for the  
25 unexpired term of such members by appointing their successors from the  
26 same business classification. The same procedure shall be followed in  
27 making such subsequent appointments as is provided for the original  
28 appointments. The board, at this first meeting shall elect one of its  
29 members to serve as chairman. Any person acting as the chief  
30 electrical inspector shall serve as secretary of the board during his  
31 or her tenure as chief state inspector. Meetings of the board shall be  
32 held at least quarterly in accordance with a schedule established by  
33 the board. Each member of the board shall receive compensation in  
34 accordance with RCW 43.03.240 and shall be reimbursed for travel  
35 expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be  
36 paid out of the electrical license fund, upon vouchers approved by the  
37 director of labor and industries.

1       **Sec. 4.** RCW 19.28.310 and 1997 c 58 s 844 are each amended to read  
2 as follows:

3       (1) The department has the power, in case of serious noncompliance  
4 with the provisions of this chapter, to revoke or suspend for such a  
5 period as it determines, any electrical or telecommunications  
6 contractor license or electrical or telecommunications contractor  
7 administrator certificate issued under this chapter. The department  
8 shall notify the holder of the license or certificate of the revocation  
9 or suspension by certified mail. A revocation or suspension is  
10 effective twenty days after the holder receives the notice. Any  
11 revocation or suspension is subject to review by an appeal to the  
12 board. The filing of an appeal stays the effect of a revocation or  
13 suspension until the board makes its decision. The appeal shall be  
14 filed within twenty days after notice of the revocation or suspension  
15 is given by certified mail sent to the address of the holder of the  
16 license or certificate as shown on the application for the license or  
17 certificate, and shall be effected by filing a written notice of appeal  
18 with the department, accompanied by a certified check for two hundred  
19 dollars, which shall be returned to the holder of the license or  
20 certificate if the decision of the department is not sustained by the  
21 board. The hearing shall be conducted in accordance with chapter 34.05  
22 RCW. If the board sustains the decision of the department, the two  
23 hundred dollars shall be applied by the department to the payment of  
24 the per diem and expenses of the members of the board incurred in the  
25 matter, and any balance remaining after payment of per diem and  
26 expenses shall be paid into the electrical license fund.

27       (2) The department shall immediately suspend the license or  
28 certificate of a person who has been certified pursuant to RCW  
29 74.20A.320 by the department of social and health services as a person  
30 who is not in compliance with a support order (~~or a residential or~~  
31 ~~visitation order~~). If the person has continued to meet all other  
32 requirements for reinstatement during the suspension, reissuance of the  
33 license or certificate shall be automatic upon the department's receipt  
34 of a release issued by the department of social and health services  
35 stating that the licensee is in compliance with the order.

36       **Sec. 5.** RCW 19.28.340 and 1935 c 169 s 16 are each amended to read  
37 as follows:

1        Nothing contained in this chapter will be construed to relieve from  
2 or lessen the responsibility or liability of any person for injury or  
3 damage to person or property caused by or resulting from any defect of  
4 any nature in any electrical or telecommunications work performed by  
5 said person or in any electrical or telecommunications equipment owned,  
6 controlled, installed, operated or used by him or her; nor shall the  
7 state of Washington, or any officer, agent, or employee thereof incur  
8 or be held as assuming any liability by reason or in consequence of any  
9 permission, certificate of inspection, inspection or approval  
10 authorized herein, or issued or given as herein provided, or by reason  
11 of consequence of any things done or acts performed pursuant to any  
12 provision of this chapter.

13                    **"PROVISIONS APPLICABLE TO ELECTRICAL INSTALLATIONS"**

14        NEW SECTION.    **Sec. 101.**    RCW 19.28.005 (as recodified by this act)  
15 through 19.28.630 (as recodified by this act) constitute the subchapter  
16 "provisions applicable to electrical installations."

17        NEW SECTION.    **Sec. 102.**    RCW 19.28.005, 19.28.015, 19.28.060,  
18 19.28.120, 19.28.123, 19.28.125, 19.28.180, 19.28.190, 19.28.200,  
19 19.28.210, 19.28.260, 19.28.300, 19.28.350, 19.28.360, 19.28.370,  
20 19.28.510, 19.28.515, 19.28.520, 19.28.530, 19.28.540, 19.28.550,  
21 19.28.560, 19.28.570, 19.28.580, 19.28.600, 19.28.610, and 19.28.620  
22 are recodified between RCW 19.28.005 (as recodified by this act) and  
23 19.28.620 (as recodified by this act).

24        **Sec. 103.**    RCW 19.28.005 and 1993 c 275 s 1 are each amended to  
25 read as follows:

26        The definitions in this section apply throughout this (~~chapter~~)  
27 subchapter.

28        (1) "Administrator" means a person designated by an electrical  
29 contractor to supervise electrical work and electricians in accordance  
30 with the rules adopted under this chapter.

31        (2) "Board" means the electrical board under RCW 19.28.065.

32        (3) "Chapter" or "subchapter" means (~~chapter 19.28 RCW~~) the  
33 subchapter, if no chapter number is referenced.

34        (4) "Department" means the department of labor and industries.

1 (5) "Director" means the director of the department or the  
2 director's designee.

3 (6) "Electrical construction trade" includes but is not limited to  
4 installing or maintaining electrical wires and equipment that are used  
5 for light, heat, or power and installing and maintaining remote  
6 control, signaling, power limited, or communication circuits or  
7 systems.

8 (7) "Electrical contractor" means a person, firm, partnership,  
9 corporation, or other entity that offers to undertake, undertakes,  
10 submits a bid for, or does the work of installing or maintaining wires  
11 or equipment that convey electrical current.

12 (8) "Equipment" means any equipment or apparatus that directly  
13 uses, conducts, or is operated by electricity but does not mean plug-in  
14 household appliances.

15 (9) "Industrial control panel" means a factory-wired or user-wired  
16 assembly of industrial control equipment such as motor controllers,  
17 switches, relays, power supplies, computers, cathode ray tubes,  
18 transducers, and auxiliary devices. The panel may include disconnect  
19 means and motor branch circuit protective devices.

20 (10) "Journeyman electrician" means a person who has been issued a  
21 journeyman electrician certificate of competency by the department.

22 (11) "Specialty electrician" means a person who has been issued a  
23 specialty electrician certificate of competency by the department.

24 **"PROVISIONS APPLICABLE TO TELECOMMUNICATIONS INSTALLATIONS"**

25 NEW SECTION. **Sec. 201.** Sections 203 through 218 of this act  
26 constitute the subchapter "provisions applicable to telecommunications  
27 installations."

28 NEW SECTION. **Sec. 202.** Sections 202 through 218 of this act are  
29 each added to chapter 19.28 RCW under subchapter heading "provisions  
30 applicable to telecommunications installations."

31 NEW SECTION. **Sec. 203.** The definitions in this section apply  
32 throughout this subchapter unless the context clearly requires  
33 otherwise.

34 (1) "Telecommunications backbone cabling systems" means a system  
35 that provides interconnections between telecommunications closets,

1 equipment rooms, and entrance facilities in the telecommunications  
2 cabling system structure. Backbone cabling consists of the backbone  
3 cables, intermediate and main cross-connects, mechanical terminations,  
4 and patch cords or jumpers used for backbone to backbone cross-  
5 connection. Backbone cabling also includes cabling between buildings.

6 (2) "Board" means the electrical board under RCW 19.28.065 (as  
7 recodified by this act).

8 (3) "Department" means the department of labor and industries.

9 (4) "Director" means the director of the department or the  
10 director's designee.

11 (5) "Telecommunications horizontal cabling systems" means the  
12 portions of the telecommunications cabling system that extends from the  
13 work area telecommunications outlet or connector to the  
14 telecommunications closet. The horizontal cabling includes the  
15 horizontal cables, the telecommunications outlet or connector in the  
16 work area, the mechanical termination, and horizontal cross-connections  
17 located in the telecommunications closet.

18 (6) "Telecommunications network demarcation point" means the point  
19 or interconnection between the service provider's communications  
20 cabling, terminal equipment, and protective apparatus and the  
21 customer's premises telecommunications cabling system. The location of  
22 this point for regulated carriers is determined by federal and state  
23 regulations. The carrier should be contacted to determine the location  
24 policies in effect in the area.

25 (7) "Telecommunications scope of work" means the work of a  
26 telecommunications contractor. This includes the installation,  
27 maintenance, and testing of telecommunications systems, equipment, and  
28 associated hardware, pathway systems, and cable management systems,  
29 which excludes cable tray and conduit raceway systems. The scope also  
30 includes installation of open wiring systems of telecommunications  
31 cables, surface nonmetallic raceways designated and used exclusively  
32 for telecommunications, optical fiber innerduct raceway, underground  
33 raceways designated and used exclusively for telecommunications and  
34 installed for additions or extensions to existing telecommunications  
35 systems not to exceed fifty feet inside the building, and incidental  
36 short sections of circular or surface metal raceway, not to exceed ten  
37 feet, for access or protection of telecommunications cabling and  
38 installation of cable trays and ladder racks in telecommunications  
39 service entrance rooms, spaces, or closets.

1 (8) A "telecommunications structured cabling system" is the  
2 complete collective configuration of cabling and associated hardware at  
3 a given site and installed to perform specific telecommunications  
4 functions.

5 (9) "Telecommunications administrator" means a person designated by  
6 a telecommunications contractor to supervise the installation of  
7 telecommunications systems in accordance with rules adopted under this  
8 chapter.

9 (10) "Telecommunications closet" means a room for housing  
10 telecommunications equipment, cable terminations, and cross-connect  
11 wiring that serve that particular floor. The closet is the recognized  
12 transition point between the backbone and horizontal cabling systems.

13 (11) "Telecommunications contractor" means a person, firm,  
14 partnership, corporation, or other entity that advertises, offers to  
15 undertake, undertakes, submits a bid for, or does the work of  
16 installing or maintaining telecommunications systems.

17 (12) "Telecommunications service entrance room or space" means a  
18 room or space used as the building serving facility in which the  
19 joining of inter-building and intra-building backbone facilities takes  
20 place. The service entrance room may also house electronic equipment  
21 serving any telecommunications function.

22 (13) "Telecommunications systems" means structured cabling systems  
23 that begin at the demarcation point between the local service provider  
24 and the customer's premises structured cabling system.

25 (a) Telecommunications systems encompass all forms of information  
26 generation, processing, and transporting of signals conveyed  
27 electronically or optically within or between buildings, including  
28 voice, data, video, and audio.

29 (b) Telecommunications systems include structured cabling systems,  
30 compatible connecting hardware, telecommunications equipment, premises  
31 switching equipment, infrared, fiber optic, radio-frequency, and other  
32 limited-energy interconnections associated with telecommunications  
33 systems or appliances.

34 (c) Telecommunications systems do not include horizontal cabling  
35 used for fire protection signaling systems, intrusion alarms, access  
36 control systems, patient monitoring systems, energy management control  
37 systems, industrial and automation control systems, HVAC/refrigeration  
38 control systems, lighting control systems, and stand-alone amplified  
39 sound or public address systems.



1 (d) Telecommunications systems may interface with other building  
2 signal systems including security, alarms, and energy management at  
3 cross-connection junctions within telecommunications closets or at  
4 extended points of demarcation. Telecommunications systems do not  
5 include the installation or termination of premises line voltage  
6 service, feeder, or branch circuit conductors or equipment.

7 (14) "Telecommunications worker" means a person primarily and  
8 regularly engaged in the installation and/or maintenance of  
9 telecommunications systems, equipment, and infrastructure as defined in  
10 this chapter.

11 (15) "Telecommunications workstation" means a building space where  
12 the occupant normally interacts with telecommunications equipment. The  
13 telecommunications outlet in the work area is the point at which end-  
14 user equipment plugs into the building telecommunications utility  
15 formed by the pathway, space, and building wiring system.

16 NEW SECTION. **Sec. 204.** (1) All installations of wires and  
17 equipment defined as telecommunications systems are subject to the  
18 requirements of this subchapter. Installations shall be in conformity  
19 with approved methods of construction for safety to life and property.  
20 The national electrical code, approved standards of the  
21 telecommunications industries association, the electronic industries  
22 association, the American national standards institute, and other  
23 safety standards approved by the department shall be evidence of  
24 approved methods of installation.

25 (2) This chapter may not limit the authority or power of any city  
26 or town to enact and enforce under authority given by law in RCW  
27 19.28.360 (as recodified by this act), any ordinance, or rule requiring  
28 an equal, higher, or better standard of construction and an equal,  
29 higher, or better standard of materials, devices, appliances, and  
30 equipment than that required by this chapter.

31 NEW SECTION. **Sec. 205.** (1) It is unlawful for any person, firm,  
32 partnership, corporation, or other entity to advertise, offer to do  
33 work, submit a bid, engage in, conduct, or carry on the business of  
34 installing or maintaining telecommunications systems without having a  
35 telecommunications contractor license. Electrical contractors licensed  
36 as general electrical (01) or specialty electrical (06) contractors  
37 under chapter 19.28 RCW and their designated administrators qualify to

1 perform all telecommunications work defined in this chapter.  
2 Telecommunications contractors licensed under this chapter are not  
3 required to be registered under chapter 18.27 RCW. All  
4 telecommunications licenses expire twenty-four calendar months  
5 following the day of their issue. A telecommunications contractor  
6 license is not required for a licensed specialty electrical contractor  
7 to perform telecommunications installations or maintenance integral to  
8 the equipment or occupancy limitations of their electrical specialty.  
9 A telecommunications contractor license is not required for persons  
10 making telecommunications installations or performing  
11 telecommunications maintenance on their own property, tenants making  
12 telecommunications installations or performing telecommunications  
13 maintenance with the permission of the property owner, or for regularly  
14 employed employees working on the premises of their employer.

15 (2) Application for a telecommunications contractor license shall  
16 be made in writing to the department accompanied by the required fee.  
17 The applications shall state:

18 (a) The name and address of the applicant. In the case of firms or  
19 partnerships, the applications shall state the names of the individuals  
20 composing the firm or partnership. In the case of corporations, the  
21 applications shall state the names of the corporation's managing  
22 officials;

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

25 (c) The employer social security number or tax identification  
26 number;

27 (d) Evidence of workers' compensation coverage for the applicant's  
28 employees working in Washington, as follows:

29 (i) The applicant's industrial insurance account number issued by  
30 the department;

31 (ii) The applicant's self-insurer number issued by the department;  
32 or

33 (iii) For applicants domiciled in a state or province of Canada  
34 subject to an agreement entered into under RCW 51.12.120(7), as  
35 permitted by the agreement, filing a certificate of coverage issued by  
36 the agency that administers the workers' compensation law in the  
37 applicant's state or province of domicile certifying that the applicant  
38 has secured the payment of compensation under the other state's or  
39 province's workers' compensation law;

1 (e) The employment security department number; and

2 (f) The state excise tax registration number.

3 (3) The unified business identifier account number may be  
4 substituted for the information required by subsection (2)(d), (e), and  
5 (f) of this section if the applicant will not employ employees in  
6 Washington.

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

13 (5) To obtain a telecommunications contractor license the applicant  
14 must designate an individual who currently possesses a  
15 telecommunications administrator certificate. To obtain an  
16 administrator's certificate an individual must pass an examination as  
17 set forth in this chapter. Examination criteria will be determined by  
18 the board.

19 (6) No examination may be required of any applicant for an initial  
20 telecommunications administrator certificate qualifying under this  
21 section. Applicants qualifying under this section shall be issued an  
22 administrator certificate by the department upon making an application  
23 and paying the required fee. Individuals must apply before July 1,  
24 2001, to qualify for an administrator certificate without examination  
25 under this section. The board shall certify to the department the  
26 names of all persons entitled to this administrator certificate.

27 Prior to July 1, 2001, bona fide registered contractors under  
28 chapter 18.27 RCW engaged in the business of installing or maintaining  
29 telecommunications wiring in this state on or before the effective date  
30 of this act may designate the following number of persons to receive a  
31 telecommunications administrator certificate without examination:

32 (a) One owner or officer of a contractor, registered under chapter  
33 18.27 RCW on or before the effective date of this act, currently  
34 engaged in the business of installing telecommunications wiring;

35 (b) One employee, principal, or officer, with a minimum of two  
36 years experience performing telecommunications installations, per  
37 registered telecommunication contractor; and

1 (c) One employee for each one hundred employees, or fraction  
2 thereof, with a minimum of two years experience performing  
3 telecommunications installations.

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

31 (8) Any person, firm, or corporation sustaining any damage or  
32 injury by reason of the principal's breach of the conditions of the  
33 bond required under this section may bring an action against the surety  
34 named therein, joining in the action the principal named in the bond;  
35 the action shall be brought in the superior court of any county in  
36 which the principal on the bond resides or transacts business, or in  
37 the county in which the work was performed as a result of which the  
38 breach is alleged to have occurred; the action shall be maintained and  
39 prosecuted as other civil actions. Claims or actions against the

1 surety on the bond shall be paid in full in the following order of  
2 priority: (a) Labor, including employee benefits, (b) materials and  
3 equipment used upon such work, (c) taxes and contributions due to the  
4 state, (d) damages sustained by any person, firm, or corporation due to  
5 the failure of the principal to make the installation in accordance  
6 with this chapter, or any ordinance, building code, or regulation  
7 applicable thereto. However, the total liability of the surety on any  
8 bond may not exceed the sum of four thousand dollars, and the surety on  
9 the bond may not be liable for monetary penalties. Any action shall be  
10 brought within one year from the completion of the work in the  
11 performance of which the breach is alleged to have occurred. The  
12 surety shall mail a conformed copy of the judgment against the bond to  
13 the department within seven days. In the event that a cash or  
14 securities deposit has been made in lieu of the surety bond, and in the  
15 event of a judgment being entered against the depositor and deposit,  
16 the director shall upon receipt of a certified copy of a final  
17 judgment, pay the judgment from the deposit.

18 (9) The department shall issue a telecommunications contractor  
19 license to applicants meeting all of the requirements of this chapter  
20 applicable to electrical and telecommunications installations. The  
21 provisions of this chapter relating to the licensing of any person,  
22 firm, partnership, corporation, or other entity including the  
23 requirement of a bond with the state of Washington named as obligee and  
24 the collection of a fee for that bond, are exclusive, and no political  
25 subdivision of the state of Washington may require or issue any  
26 licenses or bonds or charge any fee for the same or a similar purpose.

27 NEW SECTION.       **Sec. 206.**       (1) Each applicant for a  
28 telecommunications contractor license shall designate a supervisory  
29 employee or member of the firm to take the administrator's examination.  
30 This person shall be designated as administrator under the contractor's  
31 license and must be a full-time supervisory employee of the applicant.  
32 No person may qualify as administrator for more than one contractor.  
33 If the relationship of the administrator with the telecommunications  
34 contractor is terminated, the contractor's license is void within  
35 ninety days unless another administrator is qualified by the board.  
36 However, if the administrator dies, the contractor's license is void  
37 within one hundred eighty days unless another administrator is  
38 qualified by the board.

1 (2) A certificate issued under this section is valid for two years  
2 from the nearest birthdate of the administrator, unless revoked or  
3 suspended, and is nontransferable. The certificate may be renewed for  
4 a two-year period without examination by appropriate application unless  
5 the certificate has been revoked, suspended, or not renewed within  
6 ninety days after the expiration date. If the certificate is not  
7 renewed before the expiration date, the individual shall pay twice the  
8 usual fee. A person may take the administrator's test as many times as  
9 necessary to pass, without limit.

10 (3) The administrator shall:

11 (a) Be a member of the firm or a supervisory employee and shall be  
12 available during working hours to carry out the duties of an  
13 administrator under this section;

14 (b) Ensure that all telecommunications work complies with the  
15 telecommunication installation laws and rules;

16 (c) Ensure proper permits are required and inspections made;

17 (d) See that corrective notices issued by an inspecting authority  
18 are complied with; and

19 (e) Notify the department in writing within ten days if the  
20 administrator relationship is terminated with the telecommunications  
21 contractor.

22 NEW SECTION. **Sec. 207.** It is the purpose and function of the  
23 board to establish and administer written examinations for  
24 telecommunications administrators' certificates. Examinations shall be  
25 designed to reasonably ensure that telecommunications administrators'  
26 certificate holders are competent to engage in and supervise the work  
27 regulated under this subchapter and their respective licenses. The  
28 examinations shall include questions to assure proper safety and  
29 protection for the general public. The department, with the consent of  
30 the board, is permitted to enter into a contract with a professional  
31 testing agency to develop, administer, and score these examinations.  
32 The fee for the examination may be set by the department in its  
33 contract with the professional testing agency. The department, may  
34 direct that the applicant pay the fee to the professional testing  
35 agency. The fee shall cover but not exceed the costs of preparing and  
36 administering the examination.

1        NEW SECTION.    **Sec. 208.**    (1) The director and the officials of all  
2 incorporated cities and towns where electrical inspections are required  
3 by local ordinances, allowed by RCW 19.28.360 (as recodified by this  
4 act), may require by local ordinance the enforcement of this subchapter  
5 in their respective jurisdictions. If an incorporated city or town  
6 elects to enforce this subchapter, the city or town has the power and  
7 shall enforce the provisions of this subchapter.

8        (2) The director, through the chief electrical inspector and other  
9 inspectors appointed under RCW 19.28.070 (as recodified by this act),  
10 shall enforce this chapter. Compliance enforcement may be performed by  
11 contractor compliance inspectors appointed under chapter 18.27 RCW.  
12 The expenses of the director and the salaries and expenses of state  
13 inspectors incurred in carrying out the provisions of this chapter  
14 shall be paid entirely out of the electrical license fund, on vouchers  
15 approved by the director.

16        NEW SECTION.    **Sec. 209.**    Disputes arising under this chapter  
17 regarding whether any city or town's telecommunications rules,  
18 regulations, or ordinances are equal to the rules adopted by the  
19 department shall be resolved by arbitration. The department shall  
20 appoint two members of the board to serve on the arbitration panel, and  
21 the city or town shall appoint two persons to serve on the arbitration  
22 panel. These four persons shall choose a fifth person to serve. If  
23 the four persons cannot agree on a fifth person, the presiding judge of  
24 the superior court of the county in which the city or town is located  
25 shall choose a fifth person. A decision of the arbitration panel may  
26 be appealed to the superior court of the county in which the city or  
27 town is located within thirty days after the date the panel issues its  
28 final decision.

29        NEW SECTION.    **Sec. 210.**    (1) The director shall require permits,  
30 charge fees using the schedule in WAC 296-46-910 or as adopted by rule  
31 in consultation with the board, and require an inspector to inspect all  
32 installations of telecommunications systems on the customer side of the  
33 network demarcation point for projects greater than ten outlets.  
34 However:

35        (a) All projects penetrating fire barriers, passing through  
36 hazardous locations and all backbone installations regardless of size  
37 shall be inspected;

1 (b) All installations in single-family and duplex residences and  
2 installations by individuals not required to obtain a  
3 telecommunications contractor license do not require inspections, and  
4 the director shall not require permits or charge fees in connection  
5 with such installations;

6 (c) No permits or inspections may be required for installation or  
7 replacement of cord and plug connected telecommunications equipment or  
8 for patch cord and jumper cross-connected equipment.

9 (2) Upon request, the department shall make the required inspection  
10 within forty-eight hours. The forty-eight hour period excludes  
11 holidays, Saturdays, and Sundays.

12 (3) A written report of the inspection, which plainly and clearly  
13 states any corrections or changes required, shall be made by the  
14 inspector. A copy of the report shall be furnished to the person or  
15 entity doing the installation work, and a copy shall be filed by the  
16 department.

17 (4) Whenever the installation of any telecommunications cabling and  
18 associated hardware is not in accordance with this chapter, or is in  
19 such a condition as to be dangerous to life or property, the person,  
20 firm, partnership, corporation, or other entity owning, using, or  
21 operating it shall be notified by the department and shall within  
22 fifteen working days, or such further reasonable time as may upon  
23 request be granted, make such repairs and changes as are required to  
24 remove the danger to life or property and to make it conform to this  
25 chapter. The director, through the inspector, is empowered to  
26 disconnect or order the discontinuance of the telecommunications  
27 cabling or electrical service to conductors or equipment that are found  
28 to be in a dangerous or unsafe condition and not in accordance with  
29 this chapter. Upon making a disconnection, the inspector shall attach  
30 a notice stating that the conductors have been found dangerous to life  
31 or property and are not in accordance with this chapter. It is  
32 unlawful for any person to reconnect such defective conductors or  
33 equipment without the approval of the department, and until the  
34 conductors and equipment have been placed in a safe and secure  
35 condition that complies with this chapter.

36 (5) The director, through the electrical inspector, has the right  
37 during reasonable hours to enter into and upon any building or premises  
38 in the discharge of his or her official duties related to permitting  
39 activities for the purpose of making any inspection or test of the



1 installation of new or altered telecommunications systems contained in  
2 or on the buildings or premises. No telecommunications cabling subject  
3 to this chapter may be concealed until it has been approved by the  
4 inspector making the inspection. At the time of the inspection, wiring  
5 or equipment subject to this chapter must be sufficiently accessible to  
6 permit the inspector to verify installation conformance with the  
7 adopted codes and any other requirements of this chapter.

8 NEW SECTION. **Sec. 211.** (1) It is unlawful for any person, firm,  
9 partnership, corporation, or other entity to install or maintain any  
10 telecommunications cabling and associated hardware in violation of this  
11 chapter. When the interpretation and application of the installation  
12 or maintenance standards provided for in this chapter are in dispute or  
13 in doubt, the board shall, upon application of any interested person,  
14 firm, partnership, corporation, or other entity, determine the methods  
15 of installation or maintenance of the cabling materials and hardware to  
16 be used in the case submitted for its decision.

17 (2) Any person, firm, partnership, corporation, or other entity  
18 desiring a decision of the board under this section shall, in writing,  
19 notify the director of such desire and shall accompany the notice with  
20 a certified check payable to the department in the sum of two hundred  
21 dollars. The notice shall specify the ruling or interpretation desired  
22 and the contention of the person, firm, partnership, corporation, or  
23 other entity as to the proper interpretation or application on the  
24 question on which a decision is desired. If the board determines that  
25 the contention of the applicant for a decision was proper, the two  
26 hundred dollars shall be returned to the applicant; otherwise it shall  
27 be used in paying the expenses and per diem of the members of the board  
28 in connection with the matter. Any portion of the two hundred dollars  
29 not used in paying the per diem and expenses of the board in the case  
30 shall be paid into the electrical license fund.

31 NEW SECTION. **Sec. 212.** Any person, firm, partnership,  
32 corporation, or other entity violating any of the provisions of this  
33 chapter may be assessed a penalty of not less than one hundred dollars  
34 or more than ten thousand dollars per violation. The department, after  
35 consulting with the board and receiving the board's recommendations,  
36 shall set by rule a schedule of penalties for violating this chapter.  
37 The department shall notify the person, firm, partnership, corporation,

1 or other entity violating any of these provisions of the amount of the  
2 penalty and of the specific violation. The notice shall be sent by  
3 certified mail, return receipt requested, to the last known address of  
4 the assessed party. Penalties are subject to review by an appeal to  
5 the board. The filing of an appeal stays the effect of the penalty  
6 until the board makes its decision. The appeal shall be filed within  
7 twenty days after notice of the penalty is given to the assessed party,  
8 and shall be made by filing a written notice of appeal with the  
9 department. The notice shall be accompanied by a certified check for  
10 two hundred dollars, that shall be returned to the assessed party if  
11 the decision of the department is not sustained by the board. If the  
12 board sustains the decision of the department, the two hundred dollars  
13 shall be applied by the department to the payment of the per diem and  
14 expenses of the members of the board incurred in the matter, and any  
15 balance remaining after payment of per diem and expenses shall be paid  
16 into the electrical license fund. The hearing and review procedures  
17 shall be conducted in accordance with chapter 34.05 RCW. The board  
18 shall assign its hearings to an administrative law judge to conduct the  
19 hearing and issue a proposed decision and order. The board shall be  
20 allowed a minimum of twenty days to review a proposed decision and  
21 shall issue its decision no later than the next regularly scheduled  
22 board meeting.

23 NEW SECTION. **Sec. 213.** (1) At the time of licensing and  
24 subsequent relicensing, the applicant shall furnish insurance or  
25 financial responsibility in the form of an assigned account in the  
26 amount of twenty thousand dollars for injury or damages to property,  
27 fifty thousand dollars for injury or damage including death to any one  
28 person, and one hundred thousand dollars for injury or damage including  
29 death to more than one person, or financial responsibility to satisfy  
30 these amounts.

31 (2) Failure to maintain insurance or financial responsibility  
32 relative to the contractor's activities is cause to suspend or deny the  
33 contractor's license.

34 (3)(a) Proof of financial responsibility authorized in this section  
35 may be given by providing, in the amount required by subsection (1) of  
36 this section, an assigned account acceptable to the department. The  
37 assigned account shall be held by the department to satisfy any  
38 execution on a judgment issued against the contractor for damage to

1 property or injury or death to any person occurring in the contractor's  
2 contracting operation, according to the provisions of the assigned  
3 account agreement. The department shall have no liability for payment  
4 in excess of the amount of the assigned account.

5 (b) The assigned account filed with the director as proof of  
6 financial responsibility shall be canceled three years after:

7 (i) The contractor's license has expired or been revoked;

8 (ii) The contractor has furnished proof of insurance as required by  
9 subsection (1) of this section; or

10 (iii) No legal action has been instituted against the contractor or  
11 on the account at the end of the three-year period.

12 (c) If a contractor chooses to file an assigned account as  
13 authorized in this section, the contractor shall, on a contracting  
14 project, notify each person with whom the contractor enters into a  
15 contract or to whom the contractor submits a bid, that the contractor  
16 has filed an assigned account in lieu of insurance and that recovery  
17 from the account for any claim against the contractor for property  
18 damage or personal injury or death occurring on the project requires  
19 the claimant to obtain a court judgment.

20 NEW SECTION. **Sec. 214.** Individual worker certification is not  
21 required for work under this subchapter. This subchapter does not  
22 preclude any person performing telecommunications work from obtaining  
23 a limited energy credit towards an electrical certificate of competency  
24 if they otherwise meet the certification requirements under this  
25 chapter that are applicable to electrical installations.

26 NEW SECTION. **Sec. 215.** No person, firm, or corporation engaging  
27 in or conducting or carrying on the business of telecommunications  
28 installation shall be entitled to commence or maintain any suit or  
29 action in any court of this state pertaining to any such work or  
30 business, without alleging and proving that such person, firm or  
31 corporation held, at the time of commencing and performing such work,  
32 an unexpired, unrevoked, and unsuspended license issued under this  
33 subchapter; and no city or town requiring by ordinance or regulation a  
34 permit for inspection or installation of such telecommunications  
35 installation work, shall issue such permit to any person, firm or  
36 corporation not holding such license.

1        NEW SECTION.    **Sec. 216.**    It is unlawful for any person, firm,  
2 partnership, corporation, or other entity to install or maintain  
3 telecommunications equipment not in accordance with this subchapter.  
4 In cases where the interpretation and application of the installation  
5 or maintenance standards under this subchapter are in dispute or in  
6 doubt, the board shall, upon application of any interested person,  
7 firm, partnership, corporation, or other entity, determine the methods  
8 of installation or maintenance or the materials, devices, appliances,  
9 or equipment to be used in the particular case submitted for its  
10 decision.

11        NEW SECTION.    **Sec. 217.**    Any person, firm, partnership,  
12 corporation, or other entity desiring a decision of the board pursuant  
13 to section 216 of this act shall, in writing, notify the director of  
14 such desire and shall accompany the notice with a certified check  
15 payable to the department in the sum of two hundred dollars. The  
16 notice shall specify the ruling or interpretation desired and the  
17 contention of the person, firm, partnership, corporation, or other  
18 entity as to the proper interpretation or application on the question  
19 on which a decision is desired. If the board determines that the  
20 contention of the applicant for a decision was proper, the two hundred  
21 dollars shall be returned to the applicant; otherwise it shall be used  
22 in paying the expenses and per diem of the members of the board in  
23 connection with the matter. Any portion of the two hundred dollars not  
24 used in paying the per diem and expenses of the board in the case shall  
25 be paid into the electrical license fund.

26        NEW SECTION.    **Sec. 218.**    (1) The director may adopt rules, make  
27 specific decisions, orders, and rulings, including demands and  
28 findings, and take other necessary action for the implementation and  
29 enforcement of this subchapter after consultation with the board and  
30 receiving the board's recommendations. In the administration of this  
31 subchapter the department shall not enter any controversy arising over  
32 work assignments with respect to the trades involved in the  
33 construction industry.

34        (2) Compliance with the rules adopted under subsection (1) of this  
35 section is prima facie evidence of compliance with the subchapter.  
36 Copies of all rules shall be maintained by the department and made  
37 available upon request.

1        NEW SECTION.    **Sec. 301.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

--- END ---