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HOUSE BILL 2599

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Moeller, Williams, Lovick, Green, Murray, Conway, Roberts and Kenney

Read first time 01/11/2006. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to requiring professionals working in the building  
2 trades to wear and visibly display licenses and certificates; amending  
3 RCW 19.27.050, 18.106.170, 19.28.251, and 70.87.120; adding a new  
4 section to chapter 19.28 RCW; adding a new section to chapter 70.87  
5 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that dishonest  
8 construction contractors sometimes hire persons without proper  
9 licensing and certification to do electrical, plumbing, and conveyance  
10 work. This practice gives honest contractors an unfair competitive  
11 disadvantage and leaves workers and customers vulnerable. Requiring  
12 persons with proper licensing and certification to visibly display  
13 their licenses and certificates while doing such work will help address  
14 the problems of the underground economy in the construction industry,  
15 level the playing field for honest contractors, and protect workers and  
16 consumers.

17 **Sec. 2.** RCW 19.27.050 and 1985 c 360 s 9 are each amended to read  
18 as follows:

1        The counties and cities shall enforce the state building code  
2 required by this chapter (~~shall be enforced by the counties and~~  
3 ~~cities~~), and refer alleged or apparent violations of chapters 18.106,  
4 19.28, and 70.87 RCW to the department of labor and industries for  
5 investigation and appropriate enforcement action. Any county or city  
6 not having a building department shall contract with another county,  
7 city, or inspection agency approved by the county or city for  
8 enforcement of the state building code within its jurisdictional  
9 boundaries.

10        **Sec. 3.** RCW 18.106.170 and 1983 c 124 s 6 are each amended to read  
11 as follows:

12        (1) An authorized representative of the department may investigate  
13 alleged or apparent violations of this chapter, and shall investigate  
14 referrals of alleged or apparent violations of this chapter from local  
15 government officials charged with the duty to enforce building codes  
16 under chapter 19.27 RCW. An authorized representative of the  
17 department upon presentation of credentials may inspect sites at which  
18 a person is doing plumbing work for the purpose of determining whether  
19 that person has a certificate or permit issued by the department in  
20 accordance with this chapter or is supervised by a person who has such  
21 a certificate or permit. (~~Upon request of the authorized~~  
22 ~~representative of the department,~~)

23        (2) A person doing plumbing work shall (~~produce evidence that the~~  
24 ~~person has a~~) wear and visibly display his or her certificate or  
25 permit (~~issued by the department in accordance with this chapter or is~~  
26 ~~supervised by a person who has such a certificate or permit~~) while  
27 doing such work. A person doing plumbing work need not wear and  
28 visibly display his or her certificate or permit if doing so would  
29 create a danger or unsafe condition for the person or for the public,  
30 as long as the person can produce evidence that he or she has a  
31 certificate or permit to an authorized representative of the  
32 department.

33        NEW SECTION. **Sec. 4.** A new section is added to chapter 19.28 RCW  
34 to read as follows:

35        Certificate holders shall wear and visibly display their  
36 certificates while engaging in the electrical construction trade. A

1 certificate holder need not wear and visibly display his or her  
2 certificate if doing so would create a danger or unsafe condition for  
3 the certificate holder or for the public, as long as the certificate  
4 holder can demonstrate proof of his or her certificate to electrical  
5 inspectors appointed by the director of labor and industries and by the  
6 officials of incorporated cities and towns where electrical inspections  
7 are required by local ordinances.

8 **Sec. 5.** RCW 19.28.251 and 2001 c 211 s 18 are each amended to read  
9 as follows:

10 The director may (~~promulgate~~) adopt rules, make specific  
11 decisions, orders, and rulings, including demands and findings, and  
12 take other necessary action for the implementation and enforcement of  
13 RCW 19.28.161 through 19.28.271. The director shall investigate  
14 referrals of alleged or apparent violations of this chapter from local  
15 government officials charged with the duty to enforce building codes  
16 under chapter 19.27 RCW. In the administration of RCW 19.28.161  
17 through 19.28.271 the department shall not enter any controversy  
18 arising over work assignments with respect to the trades involved in  
19 the construction industry.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.87 RCW  
21 to read as follows:

22 Licensees shall wear and visibly display their licenses while  
23 performing conveyance work. A licensee need not wear and visibly  
24 display his or her license if doing so would create a danger or unsafe  
25 condition for the licensee or for the public, as long as the licensee  
26 can demonstrate proof of his or her license to an elevator inspector of  
27 the department or an elevator inspector of a municipality having in  
28 effect an elevator ordinance under RCW 70.87.200.

29 **Sec. 7.** RCW 70.87.120 and 1998 c 137 s 4 are each amended to read  
30 as follows:

31 (1) The department shall appoint and employ inspectors, as may be  
32 necessary to carry out the provisions of this chapter, under the  
33 provisions of the rules adopted by the Washington personnel resources  
34 board in accordance with chapter 41.06 RCW.

1 (2)(a) Except as provided in (b) of this subsection, the department  
2 shall cause all conveyances to be inspected and tested at least once  
3 each year. Inspectors have the right during reasonable hours to enter  
4 into and upon any building or premises in the discharge of their  
5 official duties, for the purpose of making any inspection or testing  
6 any conveyance contained thereon or therein. Inspections and tests  
7 shall conform with the rules adopted by the department. The department  
8 shall inspect all installations before it issues any initial permit for  
9 operation. Permits shall not be issued until the fees required by this  
10 chapter have been paid.

11 (b)(i) Private residence conveyances operated exclusively for  
12 single-family use shall be inspected and tested only when required  
13 under RCW 70.87.100 or as necessary for the purposes of subsection (4)  
14 of this section and shall be exempt from RCW 70.87.090 unless an annual  
15 inspection and operating permit are requested by the owner.

16 (ii) The department may perform additional inspections of a private  
17 residence conveyance at the request of the owner of the conveyance.  
18 Fees for these inspections shall be in accordance with the schedule of  
19 fees adopted for operating permits pursuant to RCW 70.87.030. An  
20 inspection requested under this subsection (2)(b)(ii) shall not be  
21 performed until the required fees have been paid.

22 (3) If inspection shows a conveyance to be in an unsafe condition,  
23 the department shall issue an inspection report in writing requiring  
24 the repairs or alterations to be made to the conveyance that are  
25 necessary to render it safe and may also suspend or revoke a permit  
26 pursuant to RCW 70.87.125 or order the operation of a conveyance  
27 discontinued pursuant to RCW 70.87.145.

28 (a) A penalty may be assessed under RCW 70.87.185 for failure to  
29 correct a violation within ninety days after the owner is notified in  
30 writing of inspection results.

31 (b) The owner may be assessed a penalty under RCW 70.87.185 for  
32 failure to submit official notification in writing to the department  
33 that all corrections have been completed.

34 (4) The department may investigate accidents and alleged or  
35 apparent violations of this chapter, and shall investigate referrals of  
36 alleged or apparent violations of this chapter from local government

1 officials charged with the duty to enforce building codes under chapter  
2 19.27 RCW.

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