
SENATE BILL 5766

State of Washington 59th Legislature 2005 Regular Session

By Senators Honeyford, Sheldon, McCaslin and Hargrove

Read first time 02/04/2005. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to regulating the business of installing pumps in
2 potable water and wastewater systems for domestic or commercial use;
3 amending RCW 18.27.010, 18.27.040, 18.106.020, 19.28.041, and
4 19.28.131; adding new sections to chapter 18.27 RCW; and prescribing
5 penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.27 RCW,
8 to be codified between RCW 18.27.390 and 18.27.900, to read as follows:

9 The definitions in this section apply throughout sections 1 and 4
10 through 15 of this act unless the context clearly requires otherwise.

11 (1)(a) "Inhabitable building" means any structure intended or used:
12 (i) As a dwelling, or for the lodging of persons, including a garage
13 attached thereto; (ii) for the carrying on of any business therein; or
14 (iii) for the commercial use, sale, or deposit of goods; and

15 (b) "Inhabitable building" does not include any structure, commonly
16 referred to as a "pump house" or "garage," that is detached from an
17 inhabitable building as otherwise defined in this section and used for
18 no purpose other than the storage or protection of:

1 (i) Any of the following potable water or wastewater pressurization
2 or filtration equipment: Wellhead; pitless adapter; pumps, pipes, and
3 pipe fittings (not including sinks, toilets, or other plumbing fixtures
4 other than hose bibs); filtration, softening, and treatment equipment;
5 pressure and storage tanks; electric panel, wiring, controls,
6 conductors, telemetry, and auxiliary components; or

7 (ii) Tangible personal property for other than commercial purposes.

8 (2) "Potable water or wastewater system pump work" means the
9 installation, maintenance, and repair of the pressurization and
10 filtration components of a potable water or wastewater system,
11 consisting of one or more pumps, pressure tanks, filtration equipment,
12 and necessary plumbing and electrical connections that:

13 (a) Are located entirely (i) outside of an inhabitable building; or
14 (ii) within the interior space of not more than one room or confined
15 space of an inhabitable building (including but not limited to an
16 attic, crawl space, or attached garage), which room or space is
17 separated from the living area of the inhabitable building by a
18 lockable entrance and fixed walls, ceiling, or floor;

19 (b) Are connected to plumbing supplied and installed into the
20 interior room or space by a specialty plumber, or a journeyman plumber
21 as defined in RCW 18.106.010;

22 (c) Are connected to electrical service supplied and installed into
23 the interior room or space by a person who, pursuant to RCW 19.28.161,
24 possesses a valid certificate of competency as a master journeyman
25 electrician, journeyman electrician, master specialty residential
26 electrician, specialty residential electrician, or a properly
27 supervised electrical trainee; and

28 (d) Do not include any plumbing fixtures, mechanisms, or devices to
29 distribute or access potable or wastewater within the building, nor any
30 electric components other than as are necessary for maintenance,
31 safety, and testing purposes relating to the pressurization and
32 filtration portion of the system.

33 (3) "Pump installer advisory board" means the advisory board
34 established in section 8 of this act.

35 **Sec. 2.** RCW 18.27.010 and 2001 c 159 s 1 are each amended to read
36 as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Contractor" means any person, firm, or corporation who or
4 which, in the pursuit of an independent business undertakes to, or
5 offers to undertake, or submits a bid to, construct, alter, repair, add
6 to, subtract from, improve, move, wreck or demolish, for another, any
7 building, highway, road, railroad, excavation or other structure,
8 project, development, or improvement attached to real estate or to do
9 any part thereof including the installation of carpeting or other floor
10 covering, the erection of scaffolding or other structures or works in
11 connection therewith or who installs or repairs roofing or siding; or,
12 who, to do similar work upon his or her own property, employs members
13 of more than one trade upon a single job or project or under a single
14 building permit except as otherwise provided herein. "Contractor"
15 includes any person, firm, corporation, or other entity covered by this
16 subsection, whether or not registered as required under this chapter.

17 (2) "Department" means the department of labor and industries.

18 (3) "Director" means the director of the department of labor and
19 industries or designated representative employed by the department.

20 (4) "General contractor" means a contractor whose business
21 operations require the use of more than two unrelated building trades
22 or crafts whose work the contractor shall superintend or do in whole or
23 in part. "General contractor" shall not include an individual who does
24 all work personally without employees or other "specialty contractors"
25 as defined in this section. The terms "general contractor" and
26 "builder" are synonymous.

27 (5) "Partnership" means a business formed under Title 25 RCW.

28 (6) "Registration cancellation" means a written notice from the
29 department that a contractor's action is in violation of this chapter
30 and that the contractor's registration has been revoked.

31 (7) "Registration suspension" means a written notice from the
32 department that a contractor's action is a violation of this chapter
33 and that the contractor's registration has been suspended for a
34 specified time, or until the contractor shows evidence of compliance
35 with this chapter.

36 (8) "Residential homeowner" means an individual person or persons
37 owning or leasing real property:

1 (a) Upon which one single-family residence is to be built and in
2 which the owner or lessee intends to reside upon completion of any
3 construction; or

4 (b) Upon which there is a single-family residence to which
5 improvements are to be made and in which the owner or lessee intends to
6 reside upon completion of any construction.

7 (9)(a) "Specialty contractor" means a contractor whose operations
8 do not fall within the definition of "general contractor".

9 (b) "Specialty contractor with potable water and wastewater system
10 pump endorsement" means a specialty contractor recognized by the
11 department, in accordance with sections 1 and 4 through 15 of this act,
12 as possessing the necessary competency to engage in both the plumbing
13 and electrical work relating only to potable water or wastewater system
14 pump work, as defined in section 1 of this act.

15 (10) "Unregistered contractor" means a person, firm, corporation,
16 or other entity doing work as a contractor without being registered in
17 compliance with this chapter. "Unregistered contractor" includes
18 contractors whose registration is expired, revoked, or suspended.
19 "Unregistered contractor" does not include a contractor who has
20 maintained a valid bond and the insurance or assigned account required
21 by RCW 18.27.050, and whose registration has lapsed for thirty or fewer
22 days.

23 (11) "Unsatisfied final judgment" means a judgment that has not
24 been satisfied either through payment, court approved settlement,
25 discharge in bankruptcy, or assignment under RCW 19.72.070.

26 (12) "Verification" means the receipt and duplication by the city,
27 town, or county of a contractor registration card that is current on
28 its face, checking the department's contractor registration data base,
29 or calling the department to confirm that the contractor is registered.

30 **Sec. 3.** RCW 18.27.040 and 2001 c 159 s 3 are each amended to read
31 as follows:

32 (1) Each applicant shall file with the department a surety bond
33 issued by a surety insurer who meets the requirements of chapter 48.28
34 RCW in the sum of twelve thousand dollars if the applicant is a general
35 contractor, nine thousand dollars if the applicant is not a general
36 contractor and is a specialty contractor with a potable water and
37 wastewater system pump endorsement who is not a bona fide employee of

1 another contractor, and six thousand dollars if the applicant is a
2 specialty contractor. If no valid bond is already on file with the
3 department at the time the application is filed, a bond must accompany
4 the registration application. The bond shall have the state of
5 Washington named as obligee with good and sufficient surety in a form
6 to be approved by the department. The bond shall be continuous and may
7 be canceled by the surety upon the surety giving written notice to the
8 director. A cancellation or revocation of the bond or withdrawal of
9 the surety from the bond automatically suspends the registration issued
10 to the registrant until a new bond or reinstatement notice has been
11 filed and approved as provided in this section. The bond shall be
12 conditioned that the applicant will pay all persons performing labor,
13 including employee benefits, for the contractor, will pay all taxes and
14 contributions due to the state of Washington, and will pay all persons
15 furnishing labor or material or renting or supplying equipment to the
16 contractor and will pay all amounts that may be adjudged against the
17 contractor by reason of breach of contract including negligent or
18 improper work in the conduct of the contracting business. A change in
19 the name of a business or a change in the type of business entity shall
20 not impair a bond for the purposes of this section so long as one of
21 the original applicants for such bond maintains partial ownership in
22 the business covered by the bond.

23 (2) At the time of initial registration or renewal, the contractor
24 shall provide a bond or other security deposit as required by this
25 chapter and comply with all of the other provisions of this chapter
26 before the department shall issue or renew the contractor's certificate
27 of registration. Any contractor registered as of July 1, 2001, who
28 maintains that registration in accordance with this chapter is in
29 compliance with this chapter until the next renewal of the contractor's
30 certificate of registration.

31 (3) Any person, firm, or corporation having a claim against the
32 contractor for any of the items referred to in this section may bring
33 suit upon the bond or deposit in the superior court of the county in
34 which the work was done or of any county in which jurisdiction of the
35 contractor may be had. The surety issuing the bond shall be named as
36 a party to any suit upon the bond. Action upon the bond or deposit
37 brought by a residential homeowner for breach of contract by a party to
38 the construction contract shall be commenced by filing the summons and

1 complaint with the clerk of the appropriate superior court within two
2 years from the date the claimed contract work was substantially
3 completed or abandoned. Action upon the bond or deposit brought by any
4 other authorized party shall be commenced by filing the summons and
5 complaint with the clerk of the appropriate superior court within one
6 year from the date the claimed labor was performed and benefits
7 accrued, taxes and contributions owing the state of Washington became
8 due, materials and equipment were furnished, or the claimed contract
9 work was substantially completed or abandoned. Service of process in
10 an action against the contractor, the contractor's bond, or the deposit
11 shall be exclusively by service upon the department. Three copies of
12 the summons and complaint and a fee adopted by rule of not less than
13 twenty dollars to cover the costs shall be served by registered or
14 certified mail, or other delivery service requiring notice of receipt,
15 upon the department at the time suit is started and the department
16 shall maintain a record, available for public inspection, of all suits
17 so commenced. Service is not complete until the department receives
18 the fee and three copies of the summons and complaint. The service
19 shall constitute service on the registrant and the surety for suit upon
20 the bond or deposit and the department shall transmit the summons and
21 complaint or a copy thereof to the registrant at the address listed in
22 the registrant's application and to the surety within two days after it
23 shall have been received.

24 (4) The surety upon the bond shall not be liable in an aggregate
25 amount in excess of the amount named in the bond nor for any monetary
26 penalty assessed pursuant to this chapter for an infraction. The
27 liability of the surety shall not cumulate where the bond has been
28 renewed, continued, reinstated, reissued or otherwise extended. The
29 surety upon the bond may, upon notice to the department and the
30 parties, tender to the clerk of the court having jurisdiction of the
31 action an amount equal to the claims thereunder or the amount of the
32 bond less the amount of judgments, if any, previously satisfied
33 therefrom and to the extent of such tender the surety upon the bond
34 shall be exonerated but if the actions commenced and pending at any one
35 time exceed the amount of the bond then unimpaired, claims shall be
36 satisfied from the bond in the following order:

37 (a) Employee labor and claims of laborers, including employee
38 benefits;

1 (b) Claims for breach of contract by a party to the construction
2 contract;

3 (c) Registered or licensed subcontractors, material, and equipment;

4 (d) Taxes and contributions due the state of Washington;

5 (e) Any court costs, interest, and (~~attorney's~~[attorneys'])
6 attorneys' fees plaintiff may be entitled to recover. The surety is
7 not liable for any amount in excess of the penal limit of its bond.

8 A payment made by the surety in good faith exonerates the bond to
9 the extent of any payment made by the surety.

10 (5) The total amount paid from a bond or deposit required of a
11 general contractor by this section to claimants other than residential
12 homeowners must not exceed one-half of the bond amount. The total
13 amount paid from a bond or deposit required of a specialty contractor
14 by this section to claimants other than residential homeowners must not
15 exceed one-half of the bond amount or four thousand dollars, whichever
16 is greater.

17 (6) The prevailing party in an action filed under this section
18 against the contractor and contractor's bond or deposit, for breach of
19 contract by a party to a construction contract, is entitled to costs,
20 interest, and reasonable attorneys' fees. The surety upon the bond is
21 not liable in an aggregate amount in excess of the amount named in the
22 bond nor for any monetary penalty assessed pursuant to this chapter for
23 an infraction.

24 (7) If a final judgment impairs the liability of the surety upon
25 the bond so furnished that there is not in effect a bond in the full
26 amount prescribed in this section, the registration of the contractor
27 is automatically suspended until the bond liability in the required
28 amount unimpaired by unsatisfied judgment claims is furnished.

29 (8) In lieu of the surety bond required by this section the
30 contractor may file with the department a deposit consisting of cash or
31 other security acceptable to the department.

32 (9) Any person having filed and served a summons and complaint as
33 required by this section having an unsatisfied final judgment against
34 the registrant for any items referred to in this section may execute
35 upon the security held by the department by serving a certified copy of
36 the unsatisfied final judgment by registered or certified mail upon the
37 department within one year of the date of entry of such judgment. Upon
38 the receipt of service of such certified copy the department shall pay

1 or order paid from the deposit, through the registry of the superior
2 court which rendered judgment, towards the amount of the unsatisfied
3 judgment. The priority of payment by the department shall be the order
4 of receipt by the department, but the department shall have no
5 liability for payment in excess of the amount of the deposit.

6 (10) The director may require an applicant applying to renew or
7 reinstate a registration or applying for a new registration to file a
8 bond of up to three times the normally required amount, if the director
9 determines that an applicant, or a previous registration of a corporate
10 officer, owner, or partner of a current applicant, has had in the past
11 five years a total of six final judgments in actions under this chapter
12 involving a residential single-family dwelling on two or more different
13 structures.

14 (11) The director may adopt rules necessary for the proper
15 administration of the security.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.27 RCW,
17 to be codified between RCW 18.27.390 and 18.27.900, to read as follows:

18 (1) It is unlawful for any person, firm, partnership, corporation,
19 or other entity to advertise, offer to do work, submit a bid, engage
20 in, conduct, or carry on the business of installing or maintaining
21 wires or equipment to convey electric current, or installing or
22 maintaining equipment to be operated by electric current as it pertains
23 to any potable water or wastewater system pump work as defined in
24 section 1 of this act, without having an unrevoked, unsuspended, and
25 unexpired: (a) Electrical contractor license as required by RCW
26 19.28.041; (b) certificate of competency as a master journeyman
27 electrician, journeyman electrician, master specialty residential
28 electrician, specialty residential electrician, or a properly
29 supervised electrical trainee, as required by RCW 19.28.161; or (c) a
30 specialty contractor registration with potable water and wastewater
31 pump endorsement, issued by the department in accordance with this
32 chapter.

33 (2) It is unlawful for any person, firm, partnership, corporation,
34 or other entity to advertise, offer to do work, submit a bid, engage
35 in, conduct, or carry on the business of plumbing as it pertains to
36 potable water or wastewater system pump work as defined in section 1 of
37 this act, without having an unrevoked, unsuspended, and unexpired: (a)

1 Certificate of competency as a journeyman plumber, specialty plumber,
2 properly supervised plumbing trainee, or temporary permit, as required
3 by RCW 18.106.020, and provided in RCW 18.106.070; or (b) a specialty
4 contractor registration with potable water and wastewater pump
5 endorsement, issued by the department in accordance with this chapter.

6 (3) Nothing in section 1 or 4 through 15 of this act requires a
7 person to obtain a specialty contractor with potable water and
8 wastewater system pump work endorsement in order to do potable water
9 and wastewater systems pump work at his or her residence, farm, place
10 of business, or on other property owned by him or her.

11 (4) Nothing in this chapter eliminates the requirements of a valid
12 water or wastewater system code, pump installing code, plumbing code,
13 or electrical code enacted by statute or by a political subdivision of
14 the state. However, no code may require the licensee to demonstrate
15 additional proof of competency or obtain any other license or pay a fee
16 to engage in the trade of installing or repairing pumps or pump
17 stations, effluent or lift pumps, conveyance systems, ground source
18 heat pump loops, and irrigation pumps relating to potable water and
19 wastewater systems.

20 (5) Each hour of potable water or wastewater system pump work
21 engaged in by an applicant may be claimed by the applicant for the
22 purposes of satisfying the minimum experience requirement necessary to
23 become eligible to take an examination to be certified as competent as
24 either: (a) A pump and irrigation specialty electrician, as provided
25 by RCW 19.28.191(1)(g) in the amount of one hour of work; or (b) a
26 specialty plumber, as provided by RCW 18.106.040(1)(b) in the amount of
27 one hour of work; or (c) both (a) and (b) of this subsection.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.27 RCW,
29 to be codified between RCW 18.27.390 and 18.27.900, to read as follows:

30 The following classifications of potable water and wastewater
31 system pump endorsements are established:

32 (1) Limited endorsement: A person issued a general endorsement
33 under this section is authorized to perform only potable water or
34 wastewater system pump work relating to pumps, pitless adapters,
35 pressure and storage tanks, filtration equipment, electric controls,
36 conductors, service disconnect, telemetry, auxiliary components, and
37 plumbing or pipe fitting of water or wastewater systems in connection

1 with the installation or repair of pumps or pump stations, effluent or
2 lift pumps, conveyance systems, ground source heat pump loops, and
3 irrigation pumps serving one domestic residence, a group domestic
4 system that serves fourteen residences or less, or a business that has
5 twenty-five or fewer full-time employees, which does not involve
6 electrical work other than the extension of a branch circuit that is
7 supplied and installed by others and is not to exceed seven and one-
8 half horsepower at 250 volts AC single phase.

9 (2) General endorsement: A person issued a limited endorsement
10 under this section is authorized to perform only potable water or
11 wastewater system pump work relating to pumps, pitless adapters,
12 pressure and storage tanks, filtration equipment, electric controls,
13 conductors, service disconnect, telemetry, auxiliary components, and
14 plumbing or pipe fitting of water or wastewater systems in connection
15 with the installation or repair of pumps or pump stations, effluent or
16 lift pumps, conveyance systems, ground source heat pump loops, and
17 irrigation pumps, which does not involve electrical work other than the
18 electrical connection of circuits, feeders, controls, low voltage, and
19 related telecommunications and services relating to the potable water
20 or wastewater systems.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.27 RCW,
22 to be codified between RCW 18.27.390 and 18.27.900, to read as follows:

23 (1) Any person applying to register as a specialty contractor with
24 potable water and wastewater system pump endorsement shall, in addition
25 to the information required by RCW 18.27.030, deliver evidence in a
26 form prescribed by the department affirming that the applicant has met
27 the qualifications described in this section.

28 (2) Upon receipt of an application to register as a specialty
29 contractor with potable water and wastewater system pump endorsement,
30 in either the general or limited classification, the department shall
31 review the application and determine whether the applicant meets the
32 following qualifications to take an examination for a potable water and
33 wastewater system pump endorsements:

34 (a) An applicant for a general endorsement under section 5(2) of
35 this act is eligible to take an abbreviated examination for a general
36 endorsement if, before December 31, 2006, the applicant provides
37 credible documentation demonstrating that the applicant: (i) Was,

1 during the two consecutive years immediately preceding the effective
2 date of this section, either engaged at least two-thirds of the time in
3 the business of, or continuously employed at least two-thirds of the
4 time by, a contractor engaged in the business of installing,
5 maintaining, or repairing the pressurization and filtration components
6 of potable water or wastewater systems, as described in section 5(2) of
7 this act; and (ii) has attended a training program conducted by or on
8 behalf of the department, as provided under section 8 of this act.

9 (b) An applicant for a general endorsement under section 5(2) of
10 this act is eligible to take a standard examination for a general
11 endorsement if the applicant does not meet the requirements of (a) of
12 this subsection and provides credible documentation demonstrating that
13 the applicant has at least four thousand hours of supervised or
14 unsupervised work experience on the pressurization and filtration
15 components of potable water or wastewater systems, as described in
16 section 5(2) of this act. The department may, by rule, provide for the
17 substitution of hours of training for up to two thousand hours of work
18 experience.

19 (c) An applicant for a limited endorsement under section 5(1) of
20 this act is eligible to take an abbreviated examination for a limited
21 endorsement if, before December 31, 2006, the applicant provides
22 credible documentation demonstrating that the applicant: (i) Was,
23 during the two consecutive years immediately preceding the effective
24 date of this section, either engaged at least two-thirds of the time in
25 the business of, or continuously employed at least two-thirds of the
26 time by, a contractor engaged in the business of installing,
27 maintaining, or repairing the pressurization and filtration components
28 of potable water or wastewater systems, as described under section 5(1)
29 of this act; and (ii) has attended a training program conducted by or
30 on behalf of the department, as provided under section 8 of this act.

31 (d) An applicant for a limited endorsement under section 5(1) of
32 this act is eligible to take a standard examination for a limited
33 endorsement if the applicant does not meet the requirements of (c) of
34 this subsection and provides credible documentation demonstrating that
35 the applicant has at least four thousand hours of supervised or
36 unsupervised work experience on the pressurization and filtration
37 components of potable water or wastewater systems, as described in

1 section 5(1) of this act. The department may, by rule, provide for the
2 substitution of hours of training for up to two thousand hours of work
3 experience.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.27 RCW,
5 to be codified between RCW 18.27.390 and 18.27.900, to read as follows:

6 (1) Each applicant, other than an individual, seeking to register
7 as a specialty contractor with potable water and wastewater system pump
8 endorsement, shall, in addition to providing the information required
9 by RCW 18.27.030 and section 6 of this act, designate a full-time
10 supervisory employee or owner of the firm to take an endorsement
11 administrator's examination.

12 (2) No person may concurrently qualify as an endorsement
13 administrator for more than one contractor. If the relationship of the
14 endorsement administrator with the contractor is terminated, the
15 contractor's registration is void within ninety days unless another
16 endorsement administrator is qualified by the pump installer advisory
17 board. However, if the endorsement administrator dies or is otherwise
18 incapacitated, the contractor's registration is void within one hundred
19 eighty days unless another endorsement administrator is qualified by
20 the pump installer advisory board. The contractor must notify the
21 department in writing within ten days if the endorsement
22 administrator's relationship with the contractor terminates due to the
23 endorsement administrator's death or incapacitation.

24 (3) The department must issue an endorsement administrator's
25 certificate to all applicants who have passed the examination as
26 provided in section 9 of this act. The endorsement administrator's
27 certificate must bear the date of issuance, expires on the holder's
28 birthday, and is nontransferable. The certificate must be renewed
29 every three years, upon application, on or before the holder's
30 birthday.

31 (a) If the endorsement administrator certificate holder
32 demonstrates to the department that he or she has satisfactorily
33 completed an annual eight-hour continuing education course, the
34 certificate may be renewed by appropriate application without
35 examination unless the certificate has been revoked, suspended, or not
36 renewed within ninety days after the expiration date.

1 (b) The contents and requirements for satisfactory completion of
2 the continuing education course must be determined by the director and
3 approved by the pump installer advisory board.

4 (c) The department must accept proof of a certificate holder's
5 satisfactory completion of a continuing education course offered in
6 another state as meeting the requirements for maintaining a current
7 Washington state certificate if the department is satisfied the course
8 is comparable in nature to that required in Washington state for
9 maintaining a current certificate.

10 (4) A fee must be assessed for each endorsement administrator's
11 certificate and for each renewal. An individual holding more than one
12 administrator's certificate under this chapter is not required to pay
13 fees for more than one certificate. The department must set the fees
14 by rule for issuance and renewal of a certificate. The fees must
15 cover, but not exceed, the costs of issuing the certificates and of
16 administering and enforcing the administrator certification
17 requirements of this chapter.

18 (5) The department may deny an application for an endorsement
19 administrator's certificate for up to two years if the applicant's
20 previous endorsement administrator's certificate has been revoked for
21 a serious violation and all appeals concerning the revocation have been
22 exhausted. For the purposes of this section only, a serious violation
23 is a violation that presents imminent danger to the public. The
24 certificate may be renewed for a three-year period without examination
25 by appropriate application unless the certificate has been revoked,
26 suspended, or not renewed within ninety days after the expiration date.
27 If the certificate is not renewed before the expiration date, the
28 individual shall pay twice the usual fee. A person may take the
29 endorsement administrator's examination as many times as necessary to
30 pass without limit.

31 (6) The designated endorsement administrator shall:

32 (a) Be an owner of the firm or a supervisory employee and be
33 available during working hours to carry out the duties of an
34 endorsement administrator under this section;

35 (b) Ensure that all potable water or wastewater system pump work
36 complies with the electrical installation and plumbing laws and rules
37 of the state;

38 (c) Ensure that the proper electrical safety procedures are used;

1 (d) Ensure that all labels, permits, and licenses required to
2 perform potable water or wastewater system pump work are used;

3 (e) See that corrective notices issued by an inspecting authority
4 are complied with; and

5 (f) Notify the department in writing within ten days if the
6 endorsement administrator terminates the relationship with the
7 electrical contractor.

8 (7) The department shall not by rule change the endorsement
9 administrator's duties under subsection (6) of this section.

10 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.27 RCW,
11 to be codified between RCW 18.27.390 and 18.27.900, to read as follows:

12 (1) The pump installer advisory board is established. The board
13 consists of the following and their alternates:

14 (a) The director or the director's designee, who serves as chair of
15 the board;

16 (b) One owner of a contractor that possesses a specialty contractor
17 with potable water and wastewater system pump general endorsement;

18 (c) One owner of a contractor that possesses a specialty contractor
19 with potable water and wastewater system pump limited endorsement;

20 (d) One person employed as a water system pump installer or
21 mechanic by a contractor that possesses a specialty contractor with
22 potable water and wastewater general endorsement;

23 (e) One person employed as a water system pump installer or
24 mechanic by a contractor that possesses a specialty contractor with
25 potable water and wastewater limited endorsement;

26 (f) One licensed water well operator;

27 (g) Two persons who are members of, or nominated by, the electrical
28 board created under RCW 19.28.311; and

29 (h) Two persons who are members of, or nominated by, the state
30 advisory board of plumbers, as created by RCW 18.106.110.

31 (2) The director shall appoint all advisory board members and their
32 alternates; and, until December 31, 2006, the members identified in
33 subsection (1)(b) through (f) of this section may be contractors that
34 have applied for or possess the necessary endorsement, selected from
35 among a list of not less than three such persons recommended by the
36 Washington state ground water association, or other statewide trade

1 association exclusively or primarily representing the interests of
2 persons engaged in potable water and wastewater system pump work.

3 (3) Terms for the appointees are four years unless the appointee
4 voluntarily gives up his or her position or the director removes the
5 appointee for due cause. Due cause includes, but is not limited to:
6 Failure to obtain and maintain, after December 31, 2006, the required
7 endorsement from the department; absence from three consecutive regular
8 scheduled meetings; disregard for the orderly proceedings of the board;
9 or dishonest activities within the attendance of the board. At the
10 first meeting of the board lots must be drawn to determine the initial
11 terms of the first members and alternates. Two members and alternates
12 have four-year terms; two members and alternates have three-year terms;
13 and one member and alternate have a two-year term.

14 (4) The board must meet quarterly, but may meet more often to
15 accomplish board business. Alternates do not have a vote unless they
16 are filling in for a board member. The chair is a nonvoting member.
17 However, the chair may vote to break a tie vote among the board.

18 (5) The board must carry out all the functions and duties specified
19 in this chapter. The department shall consult with the board
20 regarding: (a) The development and revision of rules necessary to
21 implement this act; (b) the preparation and revision of training
22 programs and competency examinations required under sections 6 and 9 of
23 this act; (c) the administration of the continuing education program
24 relating to persons holding a specialty contractor with potable water
25 and wastewater general or limited endorsement; and (d) the
26 acceptability and sufficiency of evidence supporting an application to
27 become registered as a specialty contractor with potable water and
28 wastewater general or limited endorsement under the training and
29 abbreviated testing program provided by section 6(2) (a) or (c) of this
30 act. Upon an affirmative recommendation vote of sixty percent of the
31 members of the advisory board, the department may waive the requirement
32 of completing the abbreviated testing program provided by section 6(2)
33 (a) or (c) of this act.

34 (6) Each member of the pump installer advisory board shall receive
35 travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each
36 day in which such a member is actually engaged in attendance upon the
37 meetings of the pump installer advisory board.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.27 RCW,
2 to be codified between RCW 18.27.390 and 18.27.900, to read as follows:

3 (1) The department, in consultation with the pump installer
4 advisory board established in section 8 of this act, shall prepare
5 standard and abbreviated competency written examinations to be
6 administered to applicants for specialty contractor with potable water
7 and wastewater general or limited endorsement and related trainee and
8 endorsement administrator examinations. The examination must be
9 constructed to determine:

10 (a) Whether the applicant possesses varied general knowledge of the
11 technical information and practical procedures that are identified with
12 the trade of potable water and wastewater installation and maintenance;
13 and

14 (b) Whether the applicant is familiar with the applicable plumbing,
15 electrical, and well construction codes and the administrative rules of
16 the department and the department of ecology pertaining to potable
17 water and wastewater installation.

18 (2) The department shall administer the examination to eligible
19 persons. All applicants shall, before taking the examination, pay a
20 fee to the department.

21 (3) The department shall certify the results of the examination,
22 and shall notify the applicant in writing whether he or she has passed
23 or failed. Any applicant who has failed the examination may retake the
24 examination, upon the terms and after a period of time that the
25 director sets in rule. The director may not limit the number of times
26 that a person may take the examination.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.27
28 RCW, to be codified between RCW 18.27.390 and 18.27.900, to read as
29 follows:

30 (1)(a) The department shall issue a certificate of registration as
31 a specialty contractor with potable water and wastewater system pump
32 work general or limited endorsement to all applicants who have passed
33 the examination provided for in sections 6, 7, and 9 of this act, and
34 have paid the fee for the certificate. The certificate must bear the
35 date of issuance, and expires on the birthdate of the holder
36 immediately following the date of issuance. The certificate is
37 renewable every other year, upon application, on or before the

1 birthdate of the holder. The department shall renew a certificate of
2 competency if the applicant: (i) Pays the renewal fee assessed by the
3 department; and (ii) during the past two years, has completed sixteen
4 hours of continuing education approved by the department with the
5 advice of the pump installer advisory board, including four hours
6 related to electrical safety. If a person fails to renew the
7 certificate by the renewal date, he or she must pay a doubled fee. If
8 the person does not renew the certificate within ninety days of the
9 renewal date, he or she must retake the examination and pay the
10 examination fee.

11 (b) The certificate of registration as a specialty contractor with
12 potable water and wastewater system pump work endorsement grants the
13 holder the right to engage in potable water and wastewater system pump
14 work throughout the state and within any of its political subdivisions
15 on any job or any employment without additional proof of competency or
16 any other license or permit or fee to engage in the work. This section
17 does not preclude employees from adhering to a union security clause in
18 any employment where such a requirement exists.

19 (2) A person who is indentured in an apprenticeship program
20 approved under chapter 49.04 RCW for potable water and wastewater
21 system pump work within either the plumbing or electrical construction
22 trade or who is enrolled in a training program relating to potable
23 water and wastewater system pump work recognized by the pump installer
24 advisory board may perform potable water and wastewater system pump
25 work if supervised by a certified journeyman plumber, a certified
26 journeyman electrician, a certified pump and irrigation specialty
27 electrician, or a specialty contractor with potable water and
28 wastewater system pump work endorsement. All apprentices and
29 individuals learning potable water and wastewater system pump work must
30 obtain a potable water and wastewater system pump work training
31 certificate from the department. The certificate authorizes the holder
32 to learn potable water and wastewater system pump work while under the
33 direct supervision of a certified journeyman plumber, a certified
34 journeyman electrician, a certified pump and irrigation specialty
35 electrician, or a specialty contractor with potable water and
36 wastewater system pump work endorsement. The holder of the plumbing
37 training certificate must renew the certificate annually. At the time
38 of renewal, the holder must provide the department with an accurate

1 list of the holder's employers who employed the holder to engage in
2 potable water and wastewater system pump work during the previous year
3 and the number of hours worked for each employer. An annual fee must
4 be charged for the issuance or renewal of the certificate. The
5 department shall set the fee by rule. The fee must cover, but not
6 exceed, the cost of administering and enforcing the trainee
7 certification and supervision requirements of this chapter.
8 Apprentices and individuals learning potable water and wastewater
9 system pump work must have the training certificates issued under this
10 section in their possession at all times that they are performing
11 potable water and wastewater system pump work. They shall show their
12 certificates to an authorized representative of the department at the
13 representative's request.

14 (3) Any person who has been issued a training certificate under
15 this chapter may perform potable water and wastewater system pump work
16 if that person is under supervision. Supervision consists of a person
17 being on the same job site and under the control of a specialty
18 contractor with potable water and wastewater system pump work
19 endorsement authorized to do the general or limited scope of work
20 conducted by the person under supervision. An individual who has a
21 current training certificate issued under this section and who has
22 successfully completed or is currently enrolled in a potable water and
23 wastewater system pump work training course approved by the department
24 may engage in the same general or limited category of potable water and
25 wastewater system pump work as is permitted to be performed by the
26 person's supervisor, provided that the supervisor is a specialty
27 contractor with potable water and wastewater system pump work
28 endorsement and is on the same job site as the person for a minimum of
29 seventy-five percent of a working day on a one-to-one ratio, unless
30 otherwise provided in this chapter.

31 (4) An individual who has a current training certificate and who
32 has successfully completed or is currently enrolled in an approved
33 apprenticeship program or in a technical school program in the potable
34 water and wastewater system pump work in a school approved by the work
35 force training and education coordinating board may work without direct
36 on-site supervision during the last six months of meeting the practical
37 experience requirements of this chapter.

1 (5) The training to become registered as a specialty contractor
2 with potable water and wastewater system pump work endorsement must
3 include not less than sixteen hours of classroom training established
4 by the director with the advice of the pump installer advisory board.
5 The classroom training must include, but not be limited to, electrical
6 wiring safety, grounding, bonding, and other related items plumbers
7 need to know to work under RCW 19.28.091.

8 (6) All persons who become registered as a specialty contractor
9 with potable water and wastewater system pump work endorsement under
10 section 6(2) (a) or (c) of this act are deemed to have received the
11 classroom training required in subsection (5) of this section.

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.27
13 RCW, to be codified between RCW 18.27.390 and 18.27.900, to read as
14 follows:

15 (1) Contractors shall accurately verify and attest to the trainee
16 hours worked by potable water and wastewater system pump work trainees
17 on behalf of the contractor and that all training hours were under the
18 supervision of a holder of a general or limited potable water or
19 wastewater system pump work endorsement and within the proper ratio,
20 and shall provide the supervising potable water and wastewater system
21 installers' names and license numbers. However, contractors are not
22 required to identify which hours a trainee works with a specific holder
23 of a general or limited potable water and wastewater system
24 endorsement.

25 (2) The department may audit the records of a contractor that has
26 verified the hours of experience submitted by a potable water and
27 wastewater system trainee to the department under this chapter in the
28 following circumstances: Excessive hours were reported; hours were
29 reported outside the normal course of the contractor's business; or for
30 other similar circumstances in which the department demonstrates a
31 likelihood of excessive or improper hours being reported. The
32 department shall limit the audit to records necessary to verify hours
33 for the trainee in question. The department shall adopt rules
34 implementing audit procedures. Information obtained from a contractor
35 under this section is confidential and is not subject to public
36 inspection under chapter 42.17 RCW.

1 (3) Violation of this section by a contractor is an infraction
2 under this chapter.

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.27
4 RCW, to be codified between RCW 18.27.390 and 18.27.900, to read as
5 follows:

6 (1) To maintain a specialty contractor with potable water and
7 wastewater general or limited endorsement, the holder of the
8 endorsement shall complete the continuing education requirement as
9 determined by the department, in consultation with the pump installer
10 advisory board. Continuing education units will be on the subjects of
11 potable water and wastewater systems installation, testing, theory,
12 operation, maintenance, pump equipment, tools, safety, installation
13 methods, administrative rules, and electrical and plumbing codes as
14 applied to potable water and wastewater systems. Continuing education
15 units may include other subjects that apply to the potable water and
16 wastewater systems industry as established in rule. Every holder of a
17 certificate of registration issued pursuant to section 10 of this act
18 shall obtain the required continuing education units prior to renewing
19 the endorsement and submit to the department verification of completion
20 statements from approved providers.

21 (2) Any organization or individual may apply to the department to
22 become an approved continuing education provider. Continuing education
23 providers will be organizations or individuals with a history of
24 providing continuing education courses that have complied with the
25 requirements for course approval under this section and the rules
26 adopted by the department. Any individual or organization that desires
27 to become an approved provider but does not have a history of providing
28 continuing education courses must submit a comprehensive plan to the
29 department for approval. The department will, in consultation with the
30 pump installer advisory board, develop rules identifying elements of
31 the comprehensive plan and approval criteria. An approved continuing
32 education provider must, at a minimum, develop and implement methods to
33 evaluate its course offerings to determine their effectiveness and the
34 extent to which they meet the needs of persons holding a specialty
35 contractor with potable water and wastewater general or limited
36 endorsement. The continuing education provider must provide, upon
37 request from the department, course evaluations from attendees. The

1 continuing education provider will obtain course approval and credit
2 value before offering the course to licensees for approval. The
3 continuing education provider will present courses consistent with the
4 standards set forth in this section and rules adopted by the department
5 and make the course available to all persons holding a specialty
6 contractor with potable water and wastewater general or limited
7 endorsement and trainees at locations logistically chosen to facilitate
8 the attendance of licensees throughout the state. The department, in
9 consultation with the pump installer advisory board, will establish by
10 rule the procedure for approval of continuing education providers and
11 for sanctions including revocation of approval.

12 (3) The department, in consultation with the pump installer
13 advisory board, will adopt by rule methods to approve courses and
14 establish course credit for continuing education units and the amount
15 of continuing education units required by licensees. To be approved
16 for credit, a continuing education course must be of intellectual or
17 practical content, contribute directly to the potable water and
18 wastewater systems industry, promote professional competence or skills,
19 or contribute to licensees' education with respect to their
20 professional or ethical obligations. If a course does not bear
21 entirely on the general requirements for continuing education or the
22 ground water or well construction industry, or if the method of
23 presenting the course is below minimum standards, the department may
24 assign partial credit. Courses must be presented in a suitable setting
25 devoted to the educational activity of the program. The department may
26 approve alternate course curriculum to accommodate the needs of the
27 handicapped, incapacitated, or a licensee who may be out of state for
28 the majority of his or her compliance period. Video, motion picture,
29 or audiotape presentations may be used if a presenter is in attendance
30 at all presentations to comment and answer questions. The course must
31 be opened to all licensed operators and trainees. The department will
32 make available to all interested parties, upon request, a list of all
33 approved continuing education providers and courses. The department
34 must, in consultation with the pump installer advisory board, adopt by
35 rule procedures that allow providers to obtain prior approval of
36 continuing education courses or which may allow providers to obtain
37 postpresentation approval of continuing education courses. The

1 department may, in consultation with the pump installer advisory board,
2 establish by rule other requirements for continuing education course
3 approval.

4 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.27
5 RCW, to be codified between RCW 18.27.390 and 18.27.900, to read as
6 follows:

7 (1) The department must charge fees for issuance, renewal, and
8 reinstatement of all certificates of registration, endorsements,
9 permits, and examinations required by sections 6, 7, 9, and 10 of this
10 act. The department must set the fees by rule.

11 (2) The fees must cover the full costs of issuing the certificates
12 of registration, endorsements, permits, devising and administering the
13 examinations, and administering and enforcing this chapter. The costs
14 shall include travel, per diem, and administrative support costs, and
15 the costs associated with support provided by: (a) The plumbing
16 advisory board under chapter 18.106 RCW; and (b) the electrical board
17 under chapter 19.28 RCW.

18 (3) All moneys received under this section that the director
19 attributes to the support provided by the: (a) Plumbing advisory board
20 must be deposited in the plumbing certificate fund, as provided by RCW
21 18.106.130; and (b) electrical board must be deposited in the
22 electrical license fund, as provided by RCW 19.28.351.

23 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.27
24 RCW, to be codified between RCW 18.27.390 and 18.27.900, to read as
25 follows:

26 An authorized representative of the department may investigate
27 alleged or apparent violations of chapter 18.106 RCW, chapter 19.28
28 RCW, and other laws, codes, and rules governing potable water or
29 wastewater system pump work performed within the scope of the
30 endorsement defined in section 5 of this act, and the work defined in
31 section 1(2) of this act. An authorized representative of the
32 department upon presentation of credentials may inspect sites at which
33 a person is doing potable water or wastewater system pump work to
34 determine if that person has a relevant license or endorsement issued
35 by the department in accordance with this chapter or chapter 18.106 or
36 19.28 RCW, or is supervised by a person who has such a license or

1 endorsement. Upon request of the authorized representative of the
2 department, a person doing potable water and wastewater systems work
3 must produce evidence that the person has the appropriate relevant
4 license or endorsement issued by the department in accordance with this
5 chapter or chapter 18.106 or 19.28 RCW, or is supervised by a person
6 who has such a license or endorsement.

7 NEW SECTION. **Sec. 15.** A new section is added to chapter 18.27
8 RCW, to be codified between RCW 18.27.390 and 18.27.900, to read as
9 follows:

10 (1) An authorized representative of the department may issue a
11 notice of infraction as specified in section 11 of this act to any
12 person doing potable water or wastewater system pump work who does not
13 possess the appropriate certificate or certificates of competency as
14 either (a) a plumber under chapter 18.106 RCW; or (b) an electrician
15 under chapter 19.28 RCW, or both, and who:

16 (i) Is performing potable water or wastewater system pump work; and
17 who is offering to do potable water or wastewater system pump work, and
18 fails to produce evidence of being registered as a specialty contractor
19 with a potable water or wastewater system pump work endorsement issued
20 by the department in accordance with section 10(1) of this act, or
21 being supervised by a person who has such an endorsement; or

22 (ii) Employs anyone, or offers or advertises to employ anyone, to
23 do potable water or wastewater system pump work, and fails to produce
24 evidence of being registered as a specialty contractor with potable
25 water or wastewater system pump endorsement as required under this
26 chapter.

27 (2) A notice of infraction issued under this section must be
28 personally served on the person named in the notice by an authorized
29 representative of the department or sent by certified mail to the last
30 known address provided to the department of the person named in the
31 notice.

32 **Sec. 16.** RCW 18.106.020 and 2002 c 82 s 2 are each amended to read
33 as follows:

34 (1) Except as provided by section 4(2) of this act, no person may
35 engage in or offer to engage in the trade of plumbing without having a
36 journeyman certificate, specialty certificate, temporary permit, or

1 trainee certificate. A trainee must be supervised by a person who has
2 a journeyman certificate, specialty certificate, or temporary permit,
3 as specified in RCW 18.106.070. No contractor may employ a person to
4 engage in or offer to engage in the trade of plumbing unless the person
5 employed has a journeyman certificate, specialty certificate, temporary
6 permit, or trainee certificate. This section does not apply to a
7 contractor who is contracting for work on his or her own residence.

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

17 (3) No contractor may advertise, offer to do work, submit a bid, or
18 perform any work under this chapter without being registered as a
19 contractor under chapter 18.27 RCW.

20 (4) Violation of this section is an infraction. Each day in which
21 a person engages in the trade of plumbing in violation of this section
22 or employs a person in violation of this section is a separate
23 infraction. Each worksite at which a person engages in the trade of
24 plumbing in violation of this section or at which a person is employed
25 in violation of this section is a separate infraction.

26 (5) Notices of infractions for violations of this section may be
27 issued to:

28 (a) The person engaging in or offering to engage in the trade of
29 plumbing in violation of this section;

30 (b) The contractor in violation of this section; and

31 (c) The contractor's employee who authorized the work assignment of
32 the person employed in violation of this section.

33 **Sec. 17.** RCW 19.28.041 and 2002 c 249 s 2 are each amended to read
34 as follows:

35 (1) Except as provided by section 4(1) of this act, it is unlawful
36 for any person, firm, partnership, corporation, or other entity to
37 engage in, conduct, or carry on the business of installing or

1 maintaining wires or equipment to convey electric current, or
2 installing or maintaining equipment to be operated by electric current
3 as it pertains to the electrical industry, without having an unrevoked,
4 unsuspended, and unexpired electrical contractor license, issued by the
5 department in accordance with this chapter. All electrical contractor
6 licenses expire twenty-four calendar months following the day of their
7 issue. The department may issue an electrical contractors license for
8 a period of less than twenty-four months only for the purpose of
9 equalizing the number of electrical contractor licenses that expire
10 each month. Application for an electrical contractor license shall be
11 made in writing to the department, accompanied by the required fee.
12 The application shall state:

13 (a) The name and address of the applicant; in case of firms or
14 partnerships, the names of the individuals composing the firm or
15 partnership; in case of corporations, the names of the managing
16 officials thereof;

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

19 (c) Employer social security number;

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

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

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

26 (iii) For applicants domiciled in a state or province of Canada
27 subject to an agreement entered into under RCW 51.12.120(7), as
28 permitted by the agreement, filing a certificate of coverage issued by
29 the agency that administers the workers' compensation law in the
30 applicant's state or province of domicile certifying that the applicant
31 has secured the payment of compensation under the other state's or
32 province's workers' compensation law;

33 (e) Employment security department number;

34 (f) State excise tax registration number;

35 (g) Unified business identifier (UBI) account number may be
36 substituted for the information required by (d) of this subsection if
37 the applicant will not employ employees in Washington, and by (e) and
38 (f) of this subsection; and

1 (h) Whether a general or specialty electrical contractor license is
2 sought and, if the latter, the type of specialty. Electrical
3 contractor specialties include, but are not limited to: Residential,
4 pump and irrigation, limited energy system, signs, nonresidential
5 maintenance, restricted nonresidential maintenance, appliance repair,
6 and a combination specialty. A general electrical contractor license
7 shall grant to the holder the right to engage in, conduct, or carry on
8 the business of installing or maintaining wires or equipment to carry
9 electric current, and installing or maintaining equipment, or
10 installing or maintaining material to fasten or insulate such wires or
11 equipment to be operated by electric current, in the state of
12 Washington. A specialty electrical contractor license shall grant to
13 the holder a limited right to engage in, conduct, or carry on the
14 business of installing or maintaining wires or equipment to carry
15 electrical current, and installing or maintaining equipment; or
16 installing or maintaining material to fasten or insulate such wires or
17 equipment to be operated by electric current in the state of Washington
18 as expressly allowed by the license.

19 (2) The department may verify the workers' compensation coverage
20 information provided by the applicant under subsection (1)(d) of this
21 section, including but not limited to information regarding the
22 coverage of an individual employee of the applicant. If coverage is
23 provided under the laws of another state, the department may notify the
24 other state that the applicant is employing employees in Washington.

25 (3) The application for an electrical contractor license shall be
26 accompanied by a bond in the sum of four thousand dollars with the
27 state of Washington named as obligee in the bond, with good and
28 sufficient surety, to be approved by the department. The bond shall at
29 all times be kept in full force and effect, and any cancellation or
30 revocation thereof, or withdrawal of the surety therefrom, suspends the
31 license issued to the principal until a new bond has been filed and
32 approved as provided in this section. Upon approval of a bond, the
33 department shall on the next business day deposit the fee accompanying
34 the application in the electrical license fund and shall file the bond
35 in the office. The department shall upon request furnish to any
36 person, firm, partnership, corporation, or other entity a certified
37 copy of the bond upon the payment of a fee that the department shall
38 set by rule. The fee shall cover but not exceed the cost of furnishing

1 the certified copy. The bond shall be conditioned that in any
2 installation or maintenance of wires or equipment to convey electrical
3 current, and equipment to be operated by electrical current, the
4 principal will comply with the provisions of this chapter and with any
5 electrical ordinance, building code, or regulation of a city or town
6 adopted pursuant to RCW 19.28.010(3) that is in effect at the time of
7 entering into a contract. The bond shall be conditioned further that
8 the principal will pay for all labor, including employee benefits, and
9 material furnished or used upon the work, taxes and contributions to
10 the state of Washington, and all damages that may be sustained by any
11 person, firm, partnership, corporation, or other entity due to a
12 failure of the principal to make the installation or maintenance in
13 accordance with this chapter or any applicable ordinance, building
14 code, or regulation of a city or town adopted pursuant to RCW
15 19.28.010(3). In lieu of the surety bond required by this section the
16 license applicant may file with the department a cash deposit or other
17 negotiable security acceptable to the department. If the license
18 applicant has filed a cash deposit, the department shall deposit the
19 funds in a special trust savings account in a commercial bank, mutual
20 savings bank, or savings and loan association and shall pay annually to
21 the depositor the interest derived from the account.

22 (4) The department shall issue general or specialty electrical
23 contractor licenses to applicants meeting all of the requirements of
24 this chapter. The provisions of this chapter relating to the licensing
25 of any person, firm, partnership, corporation, or other entity
26 including the requirement of a bond with the state of Washington named
27 as obligee therein and the collection of a fee therefor, are exclusive,
28 and no political subdivision of the state of Washington may require or
29 issue any licenses or bonds or charge any fee for the same or a similar
30 purpose. No person, firm, partnership, corporation, or other entity
31 holding more than one specialty contractor license under this chapter
32 may be required to pay an annual fee for more than one such license or
33 to post more than one four thousand dollar bond, equivalent cash
34 deposit, or other negotiable security.

35 (5) To obtain a general or specialty electrical contractor license
36 the applicant must designate an individual who currently possesses a
37 valid master journeyman electrician's certificate of competency, master
38 specialty electrician's certificate of competency in the specialty for

1 which application has been made, or administrator's certificate as a
2 general electrical contractor administrator or as a specialty
3 electrical contractor administrator in the specialty for which
4 application has been made.

5 (6) Administrator certificate specialties include but are not
6 limited to: Residential, pump and irrigation, limited energy system,
7 signs, nonresidential maintenance, restricted nonresidential
8 maintenance, appliance repair, and combination specialty. To obtain an
9 administrator's certificate an individual must pass an examination as
10 set forth in RCW 19.28.051 unless the applicant was a licensed
11 electrical contractor at any time during 1974. Applicants who were
12 electrical contractors licensed by the state of Washington at any time
13 during 1974 are entitled to receive a general electrical contractor
14 administrator's certificate without examination if the applicants apply
15 prior to January 1, 1984. The board of electrical examiners shall
16 certify to the department the names of all persons who are entitled to
17 either a general or specialty electrical contractor administrator's
18 certificate.

19 **Sec. 18.** RCW 19.28.131 and 2001 c 211 s 8 are each amended to read
20 as follows:

21 Any person, firm, partnership, corporation, or other entity
22 violating any of the provisions of RCW 19.28.010 through 19.28.141 and
23 19.28.311 through 19.28.361 shall be assessed a penalty of not less
24 than fifty dollars or more than ten thousand dollars. The department
25 shall set by rule a schedule of penalties for violating RCW 19.28.010
26 through 19.28.141 and 19.28.311 through 19.28.361. The department
27 shall notify the person, firm, partnership, corporation, or other
28 entity violating any of the provisions of RCW 19.28.010 through
29 19.28.141 and 19.28.311 through 19.28.361 of the amount of the penalty
30 and of the specific violation by certified mail, return receipt
31 requested, sent to the last known address of the assessed party. Any
32 penalty is subject to review by an appeal to the board, except for any
33 appeal submitted by the holder of a certificate of registration as a
34 specialty contractor with potable water and wastewater system pump
35 endorsement, as provided in section 10 of this act, in which case the
36 appeal provided for under this section shall be transferred from the
37 board to the pump installer advisory board established under section 8

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

20 NEW SECTION. **Sec. 19.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

--- END ---