
SENATE BILL 5491

State of Washington 60th Legislature 2007 Regular Session

By Senators Franklin, Clements and Kohl-Welles

Read first time 01/22/2007. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to the regulation of the plumbing profession; and
2 amending RCW 18.106.010, 18.106.020, 18.106.150, 18.106.180,
3 18.106.250, and 18.106.320.

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

5 **Sec. 1.** RCW 18.106.010 and 2006 c 185 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Advisory board" means the state advisory board of plumbers.

10 (2) "Plumbing contractor" means any person, corporate or otherwise,
11 who engages in, or offers or advertises to engage in, any plumbing work
12 covered by the provisions of this chapter by way of trade or business,
13 or any person, corporate or otherwise, who employs anyone, or offers or
14 advertises to employ anyone, to engage in any plumbing work covered by
15 the provisions of this chapter. The department shall separately
16 identify each contractor registered under chapter 18.27 RCW that
17 notifies the department that it will do plumbing work and the
18 department shall issue a unique contractor registration to those
19 contractors so they can be identified as authorized to do plumbing

1 work. The department may impose an additional fee on the contractor's
2 registration for a contractor that will do plumbing work that is
3 necessary to cover its costs to issue a unique contractor registration
4 to those contractors and maintain appropriate records to identify those
5 contractors. No contractor, except a registered plumbing contractor,
6 whether registered or not, may advertise, offer to do, or do plumbing
7 work in violation of this chapter.

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

9 (4) "Director" means the director of department of labor and
10 industries.

11 (5) "Journeyman plumber" means any person who has been issued a
12 certificate of competency by the department of labor and industries as
13 provided in this chapter.

14 (6) "Like-in-kind" means having similar characteristics such as
15 plumbing size, type, and function, and being in the same location.

16 (7) "Medical gas piping" means oxygen, nitrous oxide, high pressure
17 nitrogen, medical compressed air, and medical vacuum systems.

18 (8) "Medical gas piping installer" means a journeyman plumber who
19 has been issued a medical gas piping installer endorsement.

20 (9) "Plumbing" means that craft involved in installing, altering,
21 repairing and renovating potable water systems, liquid waste systems,
22 and medical gas piping systems within a building. Installation in a
23 water system of water softening or water treatment equipment is not
24 within the meaning of plumbing as used in this chapter.

25 (10) "Specialty plumber" means anyone who has been issued a
26 specialty certificate of competency limited to:

27 (a) Installation, maintenance, and repair of the plumbing of
28 single-family dwellings, duplexes, and apartment buildings that do not
29 exceed three stories;

30 (b) Maintenance and repair of backflow prevention assemblies; or

31 (c) A domestic water pumping system consisting of the installation,
32 maintenance, and repair of the pressurization, treatment, and
33 filtration components of a domestic water system consisting of: One or
34 more pumps; pressure, storage, and other tanks; filtration and
35 treatment equipment; if appropriate, a pitless adapter; along with
36 valves, transducers, and other plumbing components that:

37 (i) Are used to acquire, treat, store, or move water suitable for
38 either drinking or other domestic purposes, including irrigation, to:

1 (A) A single-family dwelling, duplex, or other similar place of
2 residence; (B) a public water system, as defined in RCW 70.119.020 and
3 as limited under RCW 70.119.040; or (C) a farm owned and operated by a
4 person whose primary residence is located within thirty miles of any
5 part of the farm;

6 (ii) Are located within the interior space, including but not
7 limited to an attic, basement, crawl space, or garage, of a residential
8 structure, which space is separated from the living area of the
9 residence by a lockable entrance and fixed walls, ceiling, or floor;

10 (iii) If located within the interior space of a residential
11 structure, are connected to a plumbing distribution system supplied and
12 installed into the interior space by either: (A) A person who,
13 pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary
14 permit or certificate of competency as a journeyman plumber, specialty
15 plumber, or trainee, as defined in this chapter; or (B) a person exempt
16 from the requirement to obtain a certified plumber to do such plumbing
17 work under RCW 18.106.150.

18 **Sec. 2.** RCW 18.106.020 and 2006 c 185 s 11 are each amended to
19 read as follows:

20 (1) No person may engage in or offer to engage in the trade of
21 plumbing without having a journeyman certificate, specialty
22 certificate, temporary permit, or trainee certificate. A trainee must
23 be supervised by a person who has a journeyman certificate, specialty
24 certificate, or temporary permit, as specified in RCW 18.106.070. No
25 contractor may employ a person to engage in or offer to engage in the
26 trade of plumbing unless the contractor is a registered plumbing
27 contractor and the person ((employed)) doing the plumbing work has a
28 journeyman certificate, specialty certificate, temporary permit, or
29 trainee certificate. This section does not apply to a contractor who
30 is contracting for work on his or her own residence. Until July 1,
31 2007, the department shall issue a written warning to any specialty
32 plumber defined by RCW 18.106.010(10)(c) not having a valid plumber
33 certification. The warning will state that the individual must apply
34 for a plumber training certificate or be qualified for and apply for
35 plumber certification under the requirements in RCW 18.106.040 within
36 thirty calendar days of the warning. Only one warning will be issued

1 to any individual. If the individual fails to comply with this
2 section, the department shall issue a penalty or penalties as
3 authorized by this chapter.

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

13 (3) No contractor may advertise, offer to do work, submit a bid, or
14 perform any work under this chapter without being registered as a
15 plumbing contractor under this chapter and chapter 18.27 RCW.

16 (4) Violation of this section is an infraction. Each day in which
17 a person engages in the trade of plumbing in violation of this section
18 or employs a person in violation of this section is a separate
19 infraction. Each worksite at which a person engages in the trade of
20 plumbing in violation of this section or at which a person is employed
21 in violation of this section is a separate infraction.

22 (5) Notices of infractions for violations of this section may be
23 issued to:

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

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

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

29 **Sec. 3.** RCW 18.106.150 and 2003 c 399 s 402 are each amended to
30 read as follows:

31 (1) Nothing in this chapter shall be construed to require that a
32 person obtain a license or a certified plumber in order to do plumbing
33 work at his or her residence or farm or place of business or on other
34 property owned by him or her, unless the plumbing work is on the
35 construction of a new building intended for rent, sale, or lease.
36 However, if the construction is of a new residential building with up
37 to four units intended for rent, sale, or lease, the owner may receive

1 an exemption from the requirement to obtain a plumbing contractor's
2 registration and use a plumber with a journeyman certificate, specialty
3 certificate, temporary permit, or trainee certificate if he or she
4 provides a signed affidavit to the department stating that he or she
5 will be performing the work and will occupy one of the units as his or
6 her principal residence. The owner shall apply to the department for
7 this exemption and may only receive an exemption once every twenty-four
8 months. It is intended that the owner receiving this exemption shall
9 occupy the unit as his or her principal residence for twenty-four
10 months after completion of the units.

11 (2) A current certificate of competency or apprentice permit is not
12 required for:

13 (a) Persons performing plumbing work on a farm; or

14 (b) Certified journeyman electricians, certified residential
15 specialty electricians, or electrical trainees working for an
16 electrical contractor and performing exempt work under RCW
17 18.27.090(18).

18 (3) Nothing in this chapter shall be intended to derogate from or
19 dispense with the requirements of any valid plumbing code enacted by a
20 political subdivision of the state, except that no code shall require
21 the holder of a certificate of competency to demonstrate any additional
22 proof of competency or obtain any other license or pay any fee in order
23 to engage in the trade of plumbing.

24 (4) This chapter shall not apply to common carriers subject to Part
25 I of the Interstate Commerce Act, nor to their officers and employees.

26 (5) Nothing in this chapter shall be construed to apply to any
27 farm, business, industrial plant, or corporation doing plumbing work on
28 premises it owns or operates.

29 (6) Nothing in this chapter shall be construed to restrict the
30 right of any householder to assist or receive assistance from a friend,
31 neighbor, relative or other person when none of the individuals doing
32 such plumbing hold themselves out as engaged in the trade or business
33 of plumbing.

34 **Sec. 4.** RCW 18.106.180 and 2002 c 82 s 3 are each amended to read
35 as follows:

36 (1) An authorized representative of the department may issue a
37 notice of infraction as specified in RCW 18.106.020 if:

1 (a) A person who is doing plumbing work or who is offering to do
2 plumbing work fails to produce evidence of:

3 (i) Having a certificate or permit issued by the department in
4 accordance with this chapter, or being supervised by a person who has
5 such a certificate or permit; and

6 (ii) Being registered as a plumbing contractor as required under
7 chapter 18.27 RCW or this chapter, or being employed by a person who is
8 registered as a plumbing contractor;

9 (b) A person who employs anyone, or offers or advertises to employ
10 anyone, to do plumbing work fails to produce evidence of being
11 registered as a plumbing contractor as required under (~~chapter 18.27~~
12 ~~RCW or~~) this chapter; or

13 (c) A contractor violates RCW 18.106.320.

14 (2) A notice of infraction issued under this section shall be
15 personally served on the person named in the notice by an authorized
16 representative of the department or sent by certified mail to the last
17 known address provided to the department of the person named in the
18 notice.

19 **Sec. 5.** RCW 18.106.250 and 2002 c 82 s 4 are each amended to read
20 as follows:

21 (1) The administrative law judge shall conduct notice of infraction
22 cases under this chapter pursuant to chapter 34.05 RCW.

23 (2) The burden of proof is on the department to establish the
24 commission of the infraction by a preponderance of the evidence. The
25 notice of infraction shall be dismissed if the defendant establishes
26 that, at the time the notice was issued:

27 (a) The defendant who was issued a notice of infraction authorized
28 by RCW 18.106.020(5)(a) had a certificate or permit issued by the
29 department in accordance with this chapter, was supervised by a person
30 who has such a certificate or permit, or was exempt from this chapter
31 under RCW 18.106.150; or

32 (b) For the defendant who was issued a notice of infraction
33 authorized by RCW 18.106.020(5) (b) or (c), the person employed or
34 supervised by the defendant has a certificate or permit issued by the
35 department in accordance with this chapter, was supervised by a person
36 who had such a certificate or permit, was exempt from this chapter

1 under RCW 18.106.150, or was registered as a plumbing contractor under
2 chapter 18.27 RCW.

3 (3) After consideration of the evidence and argument, the
4 administrative law judge shall determine whether the infraction was
5 committed. If it has not been established that the infraction was
6 committed, an order dismissing the notice shall be entered in the
7 record of the proceedings. If it has been established that the
8 infraction was committed, the administrative law judge shall issue
9 findings of fact and conclusions of law in its decision and order
10 determining whether the infraction was committed.

11 (4) An appeal from the administrative law judge's determination or
12 order shall be to the superior court. The decision of the superior
13 court is subject only to discretionary review pursuant to Rule 2.3 of
14 the Rules of Appellate Procedure.

15 **Sec. 6.** RCW 18.106.320 and 2005 c 274 s 229 are each amended to
16 read as follows:

17 (1) Plumbing contractors shall accurately verify and attest to the
18 trainee hours worked by plumbing trainees on behalf of the plumbing
19 contractor and that all training hours were under the supervision of a
20 certified plumber and within the proper ratio, and shall provide the
21 supervising plumbers' names and certificate numbers. However, plumbing
22 contractors are not required to identify which hours a trainee works
23 with a specific certified plumber.

24 (2) The department may audit the records of a plumbing contractor
25 that has verified the hours of experience submitted by a plumbing
26 trainee to the department under RCW 18.106.030 in the following
27 circumstances: Excessive hours were reported; hours were reported
28 outside the normal course of the plumbing contractor's business; or for
29 other similar circumstances in which the department demonstrates a
30 likelihood of excessive or improper hours being reported. The
31 department shall limit the audit to records necessary to verify hours.
32 The department shall adopt rules implementing audit procedures.
33 Information obtained from a plumbing contractor under the provisions of
34 this section is confidential and is not open to public inspection under
35 chapter 42.56 RCW.

36 (3) Violation of this section by a plumbing contractor is an
37 infraction.

1 NEW SECTION. **Sec. 7.** 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.

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