

SB 5682 - S AMD 150
By Senator Braun

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.27.090 and 2007 c 436 s 6 are each amended to read
4 as follows:

5 The registration provisions of this chapter do not apply to:

6 (1) An authorized representative of the United States government,
7 the state of Washington, or any incorporated city, town, county,
8 township, irrigation district, reclamation district, or other municipal
9 or political corporation or subdivision of this state;

10 (2) Officers of a court when they are acting within the scope of
11 their office;

12 (3) Public utilities operating under the regulations of the
13 utilities and transportation commission in construction, maintenance,
14 or development work incidental to their own business;

15 (4) Any construction, repair, or operation incidental to the
16 discovering or producing of petroleum or gas, or the drilling, testing,
17 abandoning, or other operation of any petroleum or gas well or any
18 surface or underground mine or mineral deposit when performed by an
19 owner or lessee;

20 (5) The sale of any finished products, materials, or articles of
21 merchandise that are not fabricated into and do not become a part of a
22 structure under the common law of fixtures;

23 (6) Any construction, alteration, improvement, or repair of
24 personal property performed by the registered or legal owner, or by a
25 mobile/manufactured home retail dealer or manufacturer licensed under
26 chapter 46.70 RCW who shall warranty service and repairs under chapter
27 46.70 RCW;

28 (7) Any construction, alteration, improvement, or repair carried on
29 within the limits and boundaries of any site or reservation under the
30 legal jurisdiction of the federal government;

1 (8) Any person who only furnished materials, supplies, or equipment
2 without fabricating them into, or consuming them in the performance of,
3 the work of the contractor;

4 (9) Any work or operation on one undertaking or project by one or
5 more contracts, the aggregate contract price of which for labor and
6 materials and all other items is less than five hundred dollars, such
7 work or operations being considered as of a casual, minor, or
8 inconsequential nature. The exemption prescribed in this subsection
9 does not apply in any instance wherein the work or construction is only
10 a part of a larger or major operation, whether undertaken by the same
11 or a different contractor, or in which a division of the operation is
12 made into contracts of amounts less than five hundred dollars for the
13 purpose of evasion of this chapter or otherwise. The exemption
14 prescribed in this subsection does not apply to a person who advertises
15 or puts out any sign or card or other device which might indicate to
16 the public that he or she is a contractor, or that he or she is
17 qualified to engage in the business of contractor;

18 (10) Any construction or operation incidental to the construction
19 and repair of irrigation and drainage ditches of regularly constituted
20 irrigation districts or reclamation districts; or to farming, dairying,
21 agriculture, viticulture, horticulture, or stock or poultry raising; or
22 to clearing or other work upon land in rural districts for fire
23 prevention purposes; except when any of the above work is performed by
24 a registered contractor;

25 (11) An owner who contracts for a project with a registered
26 contractor, except that this exemption shall not deprive the owner of
27 the protections of this chapter against registered and unregistered
28 contractors. The exemption prescribed in this subsection does not
29 apply to a person who performs the activities of a contractor for the
30 purpose of leasing or selling improved property he or she has owned for
31 less than twelve months;

32 (12) Any person working on his or her own property, whether
33 occupied by him or her or not, and any person working on his or her
34 personal residence, whether owned by him or her or not but this
35 exemption shall not apply to any person who performs the activities of
36 a contractor on his or her own property for the purpose of selling,
37 demolishing, or leasing the property;

1 (13) An owner who performs maintenance, repair, and alteration work
2 in or upon his or her own properties, or who uses his or her own
3 employees to do such work;

4 (14) A licensed architect or civil or professional engineer acting
5 solely in his or her professional capacity, an electrician certified
6 under the laws of the state of Washington, or a plumber certified under
7 the laws of the state of Washington or licensed by a political
8 subdivision of the state of Washington while operating within the
9 boundaries of such political subdivision. The exemption provided in
10 this subsection is applicable only when the person certified is
11 operating within the scope of his or her certification;

12 (15) Any person who engages in the activities herein regulated as
13 an employee of a registered contractor with wages as his or her sole
14 compensation or as an employee with wages as his or her sole
15 compensation;

16 (16) Contractors on highway projects who have been prequalified as
17 required by RCW 47.28.070, with the department of transportation to
18 perform highway construction, reconstruction, or maintenance work;

19 (17) A mobile/manufactured home dealer or manufacturer who
20 subcontracts the installation, set-up, or repair work to actively
21 registered contractors. This exemption only applies to the
22 installation, set-up, or repair of the mobile/manufactured homes that
23 were manufactured or sold by the mobile/manufactured home dealer or
24 manufacturer;

25 (18) An entity who holds a valid electrical contractor's license
26 under chapter 19.28 RCW that employs a certified journeyman
27 electrician, a certified residential specialty electrician, a certified
28 HVAC/refrigeration specialty electrician as defined in RCW 19.28.006,
29 or an electrical trainee meeting the requirements of chapter 19.28 RCW
30 to perform plumbing work that is incidentally, directly, and
31 immediately appropriate to the like-in-kind replacement of a household
32 appliance or other small household utilization equipment that requires
33 limited electric power and limited waste and/or water connections. An
34 electrical trainee must be supervised by a certified electrician while
35 performing plumbing work.

36 **Sec. 2.** RCW 18.106.150 and 2003 c 399 s 402 are each amended to
37 read as follows:

1 (1) Nothing in this chapter shall be construed to require that a
2 person obtain a license or a certified plumber in order to do plumbing
3 work at his or her residence or farm or place of business or on other
4 property owned by him or her.

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

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

8 (b) Certified journeyman electricians, certified residential
9 specialty electricians, certified HVAC/refrigeration specialty
10 electricians as defined in RCW 19.28.006, or electrical trainees
11 working for an electrical contractor and performing exempt work under
12 RCW 18.27.090(18).

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

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

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

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

29 **Sec. 3.** RCW 19.28.006 and 2003 c 399 s 101 are each amended to
30 read as follows:

31 The definitions in this section apply throughout this subchapter.

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

35 (2) "Basic electrical work" means the work classified in (a) and
36 (b) of this subsection as class A and class B basic electrical work:

1 (a) "Class A basic electrical work" means the like-in-kind
2 replacement of a: Contactor, relay, timer, starter, circuit board, or
3 similar control component; household appliance; circuit breaker; fuse;
4 residential luminaire; lamp; snap switch; dimmer; receptacle outlet;
5 thermostat; heating element; luminaire ballast with an exact same
6 ballast; ten horsepower or smaller motor; or wiring, appliances,
7 devices, or equipment as specified by rule.

8 (b) "Class B basic electrical work" means work other than class A
9 basic electrical work that requires minimal electrical circuit
10 modifications and has limited exposure hazards. Class B basic
11 electrical work includes the following:

12 (i) Extension of not more than one branch electrical circuit
13 limited to one hundred twenty volts and twenty amps each where:

14 (A) No cover inspection is necessary; and

15 (B) The extension does not supply more than two outlets;

16 (ii) Like-in-kind replacement of a single luminaire not exceeding
17 two hundred seventy-seven volts and twenty amps;

18 (iii) Like-in-kind replacement of a motor larger than ten
19 horsepower;

20 (iv) The following low voltage systems:

21 (A) Repair and replacement of devices not exceeding one hundred
22 volt-amperes in Class 2, Class 3, or power limited low voltage systems
23 in one and two-family dwellings;

24 (B) Repair and replacement of the following devices not exceeding
25 one hundred volt-amperes in Class 2, Class 3, or power limited low
26 voltage systems in other buildings, provided the equipment is not for
27 fire alarm or nurse call systems and is not located in an area
28 classified as hazardous by the national electrical code; or

29 (v) Wiring, appliances, devices, or equipment as specified by rule.

30 (3) "Board" means the electrical board under RCW 19.28.311.

31 (4) "Chapter" or "subchapter" means the subchapter, if no chapter
32 number is referenced.

33 (5) "Department" means the department of labor and industries.

34 (6) "Director" means the director of the department or the
35 director's designee.

36 (7) "Electrical construction trade" includes but is not limited to
37 installing or maintaining electrical wires and equipment that are used

1 for light, heat, or power and installing and maintaining remote
2 control, signaling, power limited, or communication circuits or
3 systems.

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

8 (9) "Equipment" means any equipment or apparatus that directly
9 uses, conducts, insulates, or is operated by electricity but does not
10 mean: Plug-in appliances; or plug-in equipment as determined by the
11 department by rule.

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

17 (11) "Journeyman electrician" means a person who has been issued a
18 journeyman electrician certificate of competency by the department.

19 (12) "Like-in-kind" means having similar characteristics such as
20 voltage requirements, current draw, and function, and being in the same
21 location.

22 (13) "Master electrician" means either a master journeyman
23 electrician or master specialty electrician.

24 (14) "Master journeyman electrician" means a person who has been
25 issued a master journeyman electrician certificate of competency by the
26 department and who may be designated by an electrical contractor to
27 supervise electrical work and electricians in accordance with rules
28 adopted under this chapter.

29 (15) "Master specialty electrician" means a person who has been
30 issued a specialty electrician certificate of competency by the
31 department and who may be designated by an electrical contractor to
32 supervise electrical work and electricians in accordance with rules
33 adopted under this chapter.

34 (16) "Specialty electrician" means a person who has been issued a
35 specialty electrician certificate of competency by the department.

36 (17) "HVAC/refrigeration specialty electrician" means a person who
37 has been issued an HVAC/refrigeration specialty electrician certificate

1 of competency by the department that requires at least four thousand
2 hours of supervised work experience, or the equivalent military
3 training or work experience, prior to certification.

4 **Sec. 4.** RCW 19.28.091 and 2003 c 399 s 301 and 2003 c 242 s 1 are
5 each reenacted and amended to read as follows:

6 (1) No license under the provision of this chapter shall be
7 required from any utility or any person, firm, partnership,
8 corporation, or other entity employed by a utility because of work in
9 connection with the installation, repair, or maintenance of lines,
10 wires, apparatus, or equipment owned by or under the control of a
11 utility and used for transmission or distribution of electricity from
12 the source of supply to the point of contact at the premises and/or
13 property to be supplied and service connections and meters and other
14 apparatus or appliances used in the measurement of the consumption of
15 electricity by the customer.

16 (2) No license under the provisions of this chapter shall be
17 required from any utility because of work in connection with the
18 installation, repair, or maintenance of the following:

19 (a) Lines, wires, apparatus, or equipment used in the lighting of
20 streets, alleys, ways, or public areas or squares;

21 (b) Lines, wires, apparatus, or equipment owned by a commercial,
22 industrial, or public institution customer that are an integral part of
23 a transmission or distribution system, either overhead or underground,
24 providing service to such customer and located outside the building or
25 structure: PROVIDED, That a utility does not initiate the sale of
26 services to perform such work;

27 (c) Lines and wires, together with ancillary apparatus, and
28 equipment, owned by a customer that is an independent power producer
29 who has entered into an agreement for the sale of electricity to a
30 utility and that are used in transmitting electricity from an
31 electrical generating unit located on premises used by such customer to
32 the point of interconnection with the utility's system.

33 (3) Any person, firm, partnership, corporation, or other entity
34 licensed under RCW 19.28.041 may enter into a contract with a utility
35 for the performance of work under subsection (2) of this section.

36 (4) No license under the provisions of this chapter shall be

1 required from any person, firm, partnership, corporation, or other
2 entity because of the work of installing and repairing ignition or
3 lighting systems for motor vehicles.

4 (5) No license under the provisions of this chapter shall be
5 required from any person, firm, partnership, corporation, or other
6 entity because of work in connection with the installation, repair, or
7 maintenance of wires and equipment, and installations thereof, exempted
8 in RCW 19.28.010.

9 (6) The department may by rule exempt from licensing requirements
10 under this chapter work performed on premanufactured electric power
11 generation equipment assemblies and control gear involving the testing,
12 repair, modification, maintenance, or installation of components
13 internal to the power generation equipment, the control gear, or the
14 transfer switch.

15 (7) This chapter does not require an electrical contractor license
16 if: (a) An appropriately certified electrician or a properly
17 supervised certified electrical trainee is performing the installation,
18 repair, or maintenance of wires and equipment for a nonprofit
19 corporation that holds a current tax exempt status as provided under 26
20 U.S.C. Sec. 501(c)(3) or a nonprofit religious organization; (b) the
21 certified electrician or certified electrical trainee is not
22 compensated for the electrical work; and (c) the value of the
23 electrical work does not exceed thirty thousand dollars.

24 (8) An entity that currently holds a valid specialty or general
25 plumbing contractor's registration under chapter 18.27 RCW may employ
26 a certified plumber, a certified residential plumber, or a plumber
27 trainee meeting the requirements of chapter 18.106 RCW, or an entity
28 that currently holds a valid electrical contractor's license under this
29 chapter may employ a certified HVAC/refrigeration specialty
30 electrician, to perform electrical work that is incidentally, directly,
31 and immediately appropriate to the like-in-kind replacement of a
32 household appliance or other small household utilization equipment that
33 requires limited electric power and limited waste and/or water
34 connections. A plumber trainee must be supervised by a certified
35 plumber or a certified residential plumber while performing electrical
36 work. The electrical work is subject to the permitting and inspection
37 requirements of this chapter."

NOT CONSIDERED

1 On page 1, beginning on line 2 of the title, after "appliances;"
2 strike the remainder of the title and insert "amending RCW 18.27.090,
3 18.106.150, and 19.28.006; and reenacting and amending RCW 19.28.091."

EFFECT: Narrows the like-in-kind appliance replacement authority for HVAC/R certified electricians to the HVAC/R certification that requires at least 4,000 hours of supervised work experience (the 6A HVAC/R specialty license).

--- END ---