
HOUSE BILL 1855

State of Washington

63rd Legislature

2013 Regular Session

By Representative Hargrove

Read first time 02/12/13. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to credential and permit requirements for generator
2 load bank testing; amending RCW 19.28.161 and 19.28.101; and reenacting
3 and amending RCW 19.28.041.

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

5 **Sec. 1.** RCW 19.28.041 and 2006 c 224 s 1 and 2006 c 185 s 5 are
6 each reenacted and amended to read as follows:

7 (1) It is unlawful for any person, firm, partnership, corporation,
8 or other entity to advertise, offer to do work, submit a bid, engage
9 in, conduct, or carry on the business of installing or maintaining
10 wires or equipment to convey electric current, or installing or
11 maintaining equipment to be operated by electric current as it pertains
12 to the electrical industry, without having an unrevoked, unsuspended,
13 and unexpired electrical contractor license, issued by the department
14 in accordance with this chapter. All electrical contractor licenses
15 expire twenty-four calendar months following the day of their issue.
16 The department may issue an electrical contractors license for a period
17 of less than twenty-four months only for the purpose of equalizing the
18 number of electrical contractor licenses that expire each month.

1 Application for an electrical contractor license shall be made in
2 writing to the department, accompanied by the required fee. The
3 application shall state:

4 (a) The name and address of the applicant; in case of firms or
5 partnerships, the names of the individuals composing the firm or
6 partnership; in case of corporations, the names of the managing
7 officials thereof;

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

10 (c) Employer social security number;

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

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

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

16 or

17 (iii) For applicants domiciled in a state or province of Canada
18 subject to an agreement entered into under RCW 51.12.120(7), as
19 permitted by the agreement, filing a certificate of coverage issued by
20 the agency that administers the workers' compensation law in the
21 applicant's state or province of domicile certifying that the applicant
22 has secured the payment of compensation under the other state's or
23 province's workers' compensation law;

24 (e) Employment security department number;

25 (f) State excise tax registration number;

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

30 (h) Whether a general or specialty electrical contractor license is
31 sought and, if the latter, the type of specialty. Electrical
32 contractor specialties include, but are not limited to: Residential,
33 pump and irrigation, limited energy system, signs, nonresidential
34 maintenance, restricted nonresidential maintenance, appliance repair,
35 and a combination specialty. A general electrical contractor license
36 shall grant to the holder the right to engage in, conduct, or carry on
37 the business of installing or maintaining wires or equipment to carry
38 electric current, and installing or maintaining equipment, or

1 installing or maintaining material to fasten or insulate such wires or
2 equipment to be operated by electric current, in the state of
3 Washington. A specialty electrical contractor license shall grant to
4 the holder a limited right to engage in, conduct, or carry on the
5 business of installing or maintaining wires or equipment to carry
6 electrical current, and installing or maintaining equipment; or
7 installing or maintaining material to fasten or insulate such wires or
8 equipment to be operated by electric current in the state of Washington
9 as expressly allowed by the license. A specialty electrical contractor
10 license in nonresidential maintenance includes the right to engage in,
11 conduct, or carry on the business of load bank testing of generators
12 and the related connection of cables.

13 (2) The department may verify the workers' compensation coverage
14 information provided by the applicant under subsection (1)(d) of this
15 section, including but not limited to information regarding the
16 coverage of an individual employee of the applicant. If coverage is
17 provided under the laws of another state, the department may notify the
18 other state that the applicant is employing employees in Washington.

19 (3) The application for an electrical contractor license shall be
20 accompanied by a bond in the sum of four thousand dollars with the
21 state of Washington named as obligee in the bond, with good and
22 sufficient surety, to be approved by the department. The bond shall at
23 all times be kept in full force and effect, and any cancellation or
24 revocation thereof, or withdrawal of the surety therefrom, suspends the
25 license issued to the principal until a new bond has been filed and
26 approved as provided in this section. Upon approval of a bond, the
27 department shall on the next business day deposit the fee accompanying
28 the application in the electrical license fund and shall file the bond
29 in the office. The department shall upon request furnish to any
30 person, firm, partnership, corporation, or other entity a certified
31 copy of the bond upon the payment of a fee that the department shall
32 set by rule. The fee shall cover but not exceed the cost of furnishing
33 the certified copy. The bond shall be conditioned that in any
34 installation or maintenance of wires or equipment to convey electrical
35 current, and equipment to be operated by electrical current, the
36 principal will comply with the provisions of this chapter and with any
37 electrical ordinance, building code, or regulation of a city or town
38 adopted pursuant to RCW 19.28.010(3) that is in effect at the time of

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

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

29 (5) To obtain a general or specialty electrical contractor license
30 the applicant must designate an individual who currently possesses a
31 valid master journeyman electrician's certificate of competency, master
32 specialty electrician's certificate of competency in the specialty for
33 which application has been made, or administrator's certificate as a
34 general electrical contractor administrator or as a specialty
35 electrical contractor administrator in the specialty for which
36 application has been made.

37 (6) Administrator certificate specialties include but are not
38 limited to: Residential, pump and irrigation or domestic pump, limited

1 energy system, signs, nonresidential maintenance, restricted
2 nonresidential maintenance, appliance repair, and combination
3 specialty. To obtain an administrator's certificate an individual must
4 pass an examination as set forth in RCW 19.28.051 unless the applicant
5 was a licensed electrical contractor at any time during 1974.
6 Applicants who were electrical contractors licensed by the state of
7 Washington at any time during 1974 are entitled to receive a general
8 electrical contractor administrator's certificate without examination
9 if the applicants apply prior to January 1, 1984. The board of
10 electrical examiners shall certify to the department the names of all
11 persons who are entitled to either a general or specialty electrical
12 contractor administrator's certificate.

13 (7) For a contractor doing domestic water pumping system work as
14 defined by RCW 18.106.010(10)(c), the department shall consider the
15 requirements of subsections (1)(a) through (h), (2), and (3) of this
16 section to have been met to be a pump and irrigation or domestic pump
17 licensed electrical contractor if the contractor has met the contractor
18 registration requirements of chapter 18.27 RCW. The department shall
19 establish a single registration/licensing document for those who
20 qualify for both general contractor registration as defined in chapter
21 18.27 RCW and a pump and irrigation or domestic pump electrical
22 contractor license as defined by this chapter.

23 **Sec. 2.** RCW 19.28.161 and 2010 c 33 s 1 are each amended to read
24 as follows:

25 (1) No person may engage in the electrical construction trade
26 without having a valid master journeyman electrician certificate of
27 competency, journeyman electrician certificate of competency, master
28 specialty electrician certificate of competency, or specialty
29 electrician certificate of competency issued by the department in
30 accordance with this chapter. Electrician certificate of competency
31 specialties include, but are not limited to: Residential, pump and
32 irrigation, limited energy system, signs, nonresidential maintenance,
33 restricted nonresidential maintenance, and appliance repair. A
34 specialty electrician certificate of competency in nonresidential
35 maintenance includes the right to engage in, conduct, or carry on the
36 business of load bank testing of generators and the related connection
37 of cables. Until July 1, 2007, the department of labor and industries

1 shall issue a written warning to any specialty pump and irrigation or
2 domestic pump electrician not having a valid electrician certification.
3 The warning will state that the individual must apply for an electrical
4 training certificate or be qualified for and apply for electrician
5 certification under the requirements in RCW 19.28.191(1)(g) within
6 thirty calendar days of the warning. Only one warning will be issued
7 to any individual. If the individual fails to comply with this
8 section, the department shall issue a penalty as defined in RCW
9 19.28.271 to the individual.

10 (2) A person who is indentured in an apprenticeship program
11 approved under chapter 49.04 RCW for the electrical construction trade
12 or who is learning the electrical construction trade may work in the
13 electrical construction trade if supervised by a certified master
14 journeyman electrician, journeyman electrician, master specialty
15 electrician in that electrician's specialty, or specialty electrician
16 in that electrician's specialty. All apprentices and individuals
17 learning the electrical construction trade shall obtain an electrical
18 training certificate from the department. The certificate shall
19 authorize the holder to learn the electrical construction trade while
20 under the direct supervision of a master journeyman electrician,
21 journeyman electrician, master specialty electrician working in that
22 electrician's specialty, or specialty electrician working in that
23 electrician's specialty. The certificate may include a photograph of
24 the holder. The holder of the electrical training certificate shall
25 renew the certificate biennially. At the time of renewal, the holder
26 shall provide the department with an accurate list of the holder's
27 employers in the electrical construction industry for the previous
28 biennial period and the number of hours worked for each employer. The
29 holder shall also provide proof of sixteen hours of: Approved
30 classroom training covering this chapter, the national electrical code,
31 or electrical theory; or equivalent classroom training taken as part of
32 an approved apprenticeship program under chapter 49.04 RCW or an
33 approved electrical training program under RCW 19.28.191(1)(h). The
34 number of hours of approved classroom training required for certificate
35 renewal shall increase as follows: (a) Beginning on July 1, 2011, the
36 holder of an electrical training certificate shall provide the
37 department with proof of thirty-two hours of approved classroom
38 training; and (b) beginning on July 1, 2013, the holder of an

1 electrical training certificate shall provide the department with proof
2 of forty-eight hours of approved classroom training. At the request of
3 the chairs of the house of representatives commerce and labor committee
4 and the senate labor, commerce and consumer protection committee, or
5 their successor committees, the department of labor and industries
6 shall provide information on the implementation of the new classroom
7 training requirements for electrical trainees to both committees by
8 December 1, 2012. A biennial fee shall be charged for the issuance or
9 renewal of the certificate. The department shall set the fee by rule.
10 The fee shall cover but not exceed the cost of administering and
11 enforcing the trainee certification and supervision requirements of
12 this chapter. Apprentices and individuals learning the electrical
13 construction trade shall have their electrical training certificates in
14 their possession at all times that they are performing electrical work.
15 They shall show their certificates to an authorized representative of
16 the department at the representative's request.

17 (3) Any person who has been issued an electrical training
18 certificate under this chapter may work if that person is under
19 supervision. Supervision shall consist of a person being on the same
20 job site and under the control of either a certified master journeyman
21 electrician, journeyman electrician, master specialty electrician
22 working in that electrician's specialty, or specialty electrician
23 working in that electrician's specialty. Either a certified master
24 journeyman electrician, journeyman electrician, master specialty
25 electrician working in that electrician's specialty, or specialty
26 electrician working in that electrician's specialty shall be on the
27 same job site as the noncertified individual for a minimum of seventy-
28 five percent of each working day unless otherwise provided in this
29 chapter.

30 (4) The ratio of noncertified individuals to certified master
31 journeymen electricians, journeymen electricians, master specialty
32 electricians, or specialty electricians on any one job site is as
33 follows:

34 (a) When working as a specialty electrician, not more than two
35 noncertified individuals for every certified master specialty
36 electrician working in that electrician's specialty, specialty
37 electrician working in that electrician's specialty, master journeyman
38 electrician, or journeyman electrician, except that the ratio

1 requirements are one certified master specialty electrician working in
2 that electrician's specialty, specialty electrician working in that
3 electrician's specialty, master journeyman electrician, or journeyman
4 electrician working as a specialty electrician to no more than four
5 students enrolled in and working as part of an electrical construction
6 program at public community or technical colleges, or not-for-profit
7 nationally accredited trade or technical schools licensed by the
8 workforce training and education coordinating board under chapter
9 28C.10 RCW. In meeting the ratio requirements for students enrolled in
10 an electrical construction program at a trade school, a trade school
11 may receive input and advice from the electrical board; and

12 (b) When working as a journeyman electrician, not more than one
13 noncertified individual for every certified master journeyman
14 electrician or journeyman electrician, except that the ratio
15 requirements shall be one certified master journeyman electrician or
16 journeyman electrician to no more than four students enrolled in and
17 working as part of an electrical construction program at public
18 community or technical colleges, or not-for-profit nationally
19 accredited trade or technical schools licensed by the workforce
20 training and education coordinating board under chapter 28C.10 RCW. In
21 meeting the ratio requirements for students enrolled in an electrical
22 construction program at a trade school, a trade school may receive
23 input and advice from the electrical board.

24 An individual who has a current training certificate and who has
25 successfully completed or is currently enrolled in an approved
26 apprenticeship program or in an electrical construction program at
27 public community or technical colleges, or not-for-profit nationally
28 accredited technical or trade schools licensed by the workforce
29 training and education coordinating board under chapter 28C.10 RCW, may
30 work without direct on-site supervision during the last six months of
31 meeting the practical experience requirements of this chapter.

32 (5) For the residential (as specified in WAC 296-46B-920(2)(a)),
33 pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as
34 specified in WAC 296-46B-920(2)(d)), limited energy (as specified in
35 WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC
36 296-46B-920(2)(g)), restricted nonresidential maintenance as determined
37 by the department in rule, or other new nonresidential specialties, not
38 including appliance repair, as determined by the department in rule,

1 either a master journeyman electrician, journeyman electrician, master
2 specialty electrician working in that electrician's specialty, or
3 specialty electrician working in that electrician's specialty must be
4 on the same job site as the noncertified individual for a minimum of
5 seventy-five percent of each working day. Other specialties must meet
6 the requirements specified in RCW 19.28.191(1)(g)(ii). When the ratio
7 of certified electricians to noncertified individuals on a job site is
8 one certified electrician to three or four noncertified individuals,
9 the certified electrician must:

10 (a) Directly supervise and instruct the noncertified individuals
11 and the certified electrician may not directly make or engage in an
12 electrical installation; and

13 (b) Be on the same job site as the noncertified individual for a
14 minimum of one hundred percent of each working day.

15 (6) The electrical contractor shall accurately verify and attest to
16 the electrical trainee hours worked by electrical trainees on behalf of
17 the electrical contractor.

18 **Sec. 3.** RCW 19.28.101 and 2008 c 181 s 201 are each amended to
19 read as follows:

20 (1) The director shall cause an inspector to inspect all wiring,
21 appliances, devices, and equipment to which this chapter applies except
22 for basic electrical work as defined in this chapter. The department
23 may not require an electrical work permit for class A basic electrical
24 work unless deficiencies in the installation or repair require
25 inspection. The department may not require an electrical work permit
26 to conduct load bank testing of generators and the related connection
27 of cables. The department may inspect class B basic electrical work on
28 a random basis as specified by the department in rule. Nothing
29 contained in this chapter may be construed as providing any authority
30 for any subdivision of government to adopt by ordinance any provisions
31 contained or provided for in this chapter except those pertaining to
32 cities and towns pursuant to RCW 19.28.010(3).

33 (2) Upon request, electrical inspections will be made by the
34 department within forty-eight hours, excluding holidays, Saturdays, and
35 Sundays. If, upon written request, the electrical inspector fails to
36 make an electrical inspection within twenty-four hours, the serving
37 utility may immediately connect electrical power to the installation if

1 the necessary electrical work permit is displayed: PROVIDED, That if
2 the request is for an electrical inspection that relates to a mobile
3 home installation, the applicant shall provide proof of a current
4 building permit issued by the local government agency authorized to
5 issue such permits as a prerequisite for inspection approval or
6 connection of electrical power to the mobile home.

7 (3) Whenever the installation of any wiring, device, appliance, or
8 equipment is not in accordance with this chapter, or is in such a
9 condition as to be dangerous to life or property, the person, firm,
10 partnership, corporation, or other entity owning, using, or operating
11 it shall be notified by the department and shall within fifteen days,
12 or such further reasonable time as may upon request be granted, make
13 such repairs and changes as are required to remove the danger to life
14 or property and to make it conform to this chapter. The director,
15 through the inspector, is hereby empowered to disconnect or order the
16 discontinuance of electrical service to conductors or equipment that
17 are found to be in a dangerous or unsafe condition and not in
18 accordance with this chapter. Upon making a disconnection the
19 inspector shall attach a notice stating that the conductors have been
20 found dangerous to life or property and are not in accordance with this
21 chapter. It is unlawful for any person to reconnect such defective
22 conductors or equipment without the approval of the department, and
23 until the conductors and equipment have been placed in a safe and
24 secure condition, and in a condition that complies with this chapter.

25 (4) The director, through the electrical inspector, has the right
26 during reasonable hours to enter into and upon any building or premises
27 in the discharge of his or her official duties for the purpose of
28 making any inspection or test of the installation of new construction
29 or altered electrical wiring, electrical devices, equipment, or
30 material contained in or on the buildings or premises. No electrical
31 wiring or equipment subject to this chapter may be concealed until it
32 has been approved by the inspector making the inspection. At the time
33 of the inspection, electrical wiring or equipment subject to this
34 chapter must be sufficiently accessible to permit the inspector to
35 employ any testing methods that will verify conformance with the
36 national electrical code and any other requirements of this chapter.

37 (5) Persons, firms, partnerships, corporations, or other entities
38 making electrical installations shall obtain inspection and approval

1 from an authorized representative of the department as required by this
2 chapter before requesting the electric utility to connect to the
3 installations. Electric utilities may connect to the installations if
4 approval is clearly indicated by certification of the electrical work
5 permit required to be affixed to each installation or by equivalent
6 means, except that increased or relocated services may be reconnected
7 immediately at the discretion of the utility before approval if an
8 electrical work permit is displayed. The permits shall be furnished
9 upon payment of the fee to the department.

10 (6) The director, subject to the recommendations and approval of
11 the board, shall set by rule a schedule of license and electrical work
12 permit fees that will cover the costs of administration and enforcement
13 of this chapter. The rules shall be adopted in accordance with the
14 administrative procedure act, chapter 34.05 RCW. No fee may be charged
15 for plug-in mobile homes, recreational vehicles, or portable
16 appliances.

17 (7) Nothing in this chapter shall authorize the inspection of any
18 wiring, appliance, device, or equipment, or installations thereof, by
19 any utility or by any person, firm, partnership, corporation, or other
20 entity employed by a utility in connection with the installation,
21 repair, or maintenance of lines, wires, apparatus, or equipment owned
22 by or under the control of the utility. All work covered by the
23 national electric code not exempted by the 1981 edition of the national
24 electric code 90-2(B)(5) shall be inspected by the department.

25 (8) During a state of emergency declared under RCW 43.06.010(12),
26 the governor may waive or suspend the collection of fees under this
27 section or any portion of this section or under any administrative
28 rule, and issue any orders to facilitate the operation of state or
29 local government or to promote and secure the safety and protection of
30 the civilian population.

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