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**HOUSE BILL 1153**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Blake and Wilcox

AN ACT Relating to lumber grading; and adding a new chapter to Title 76 RCW.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "License" or "native lumber grading license" means the native lumber grading license issued by the department in accordance with this chapter.

(3) "Native lumber" means lumber that has been inspected, graded, and certified to meet or exceed the standards established by the department and Washington State University in accordance with the provisions of this chapter, and for which a certificate of native lumber has been issued.

(4) "Sawmill" means a stationary or portable machine used to convert logs into lumber or other wood products.

(5) "Sawmill operator" means a person who operates a sawmill for commercial or personal purposes.

NEW SECTION. **Sec.**  Native lumber shall be deemed, for all intents and purposes, equivalent to lumber that has been graded, grade marked, or inspected by an agency approved by an accreditation body that complies with the national institute of standards and technology voluntary product standard PS 20-10, American softwood lumber standard, developed under procedures published by the United States department of commerce. Native lumber satisfies all lumber grading and stamping requirements of the state building code as adopted by reference in RCW 19.27.031, adopted and amended by the state building code council, or adopted and amended by any applicable city, town, or county legislative authority.

NEW SECTION. **Sec.**  (1) No person may certify native lumber without a valid native lumber grading license.

(2) A sawmill operator with a valid native lumber grading license is authorized to certify native lumber. The license holder must process, inspect, grade, and certify the lumber.

(3) To certify native lumber, a licensed sawmill operator must create and sign a native lumber certificate using a form prescribed by the department that states:

(a) The name and license number of the sawmill operator;

(b) The name of the sawmill or woodworking operation, if any;

(c) The wood species of the lumber;

(d) The quantity of lumber;

(e) Whether the lumber is green or seasoned;

(f) That all standards established by the department in rule under section 4 of this act for inspecting, grading, and certifying native lumber are satisfied;

(g) That the quality and safe working stresses of the lumber are equal to or better than number 2 grade for structural lumber in accordance with the national institute of standards and technology voluntary product standard PS 20-10, American softwood lumber standard, developed under procedures published by the United States department of commerce, and the national grade rule for dimension lumber;

(h) That the quality and safe working stresses of the lumber, if it is to be used in load bearing walls, are equal to or better than stud grade in accordance with the national institute of standards and technology voluntary product standard PS 20-10, American softwood lumber standard, developed under procedures published by the United States department of commerce, and the national grade rule for dimension lumber; and

(i) The date of sale, if any.

(4) A sawmill operator may stamp lumber in addition to certifying it under subsection (3) of this section.

NEW SECTION. **Sec.**  (1) The department, in collaboration with Washington State University, shall create and administer the native lumber grading program to provide training for inspecting, grading, certifying, and stamping native lumber.

(2) In creating and administering the native lumber grading program, the department and Washington State University shall:

(a) Establish and amend, as necessary, standards for inspecting, grading, certifying, and stamping native lumber. The adopted standards must, at a minimum, ensure that:

(i) The quality and safe working stresses of native lumber used in building construction are equal to or better than number 2 grade for structural lumber in accordance with the national institute of standards and technology voluntary product standard PS 20-10, American softwood lumber standard, developed under procedures published by the United States department of commerce, and the national grade rule for dimension lumber; and

(ii) The quality and safe working stresses of lumber, if it is to be used in load bearing walls, are equal to or better than stud grade in accordance with the national institute of standards and technology voluntary product standard PS 20-10, American softwood lumber standard, developed under procedures published by the United States department of commerce, and the national grade rule for dimension lumber;

(b) Design and administer a native lumber grading course that provides training to participants on inspecting, grading, certifying, and stamping native lumber, and a proficiency exam that tests participants' competency and skill with respect to the course material and procedures; and

(c) Charge a fee to program participants in an amount reasonably necessary to recover the costs of the program, and quarterly, remit moneys collected from the fee to the state treasury. No remittance is required under this section until a minimum of fifty dollars has accumulated.

(3) The native lumber grading program must be offered as a one-day course in person, and may also be offered as an online course.

(4) The department and Washington State University shall issue a certificate of completion to each program participant who satisfies the requirements of the native lumber grading program.

NEW SECTION. **Sec.**  The native lumber grading program account is created in the state treasury. All receipts from appropriations and fees charged to native lumber grading program participants in accordance with section 4 of this act must be deposited into the account. Moneys in the native lumber grading program account may be spent only after appropriation. Expenditures from the account may be used only for purposes of the native lumber grading program.

NEW SECTION. **Sec.**  (1) The department shall issue native lumber grading licenses to sawmill operators who submit complete license applications. License applications must include:

(a) An application on forms prescribed by the department providing:

(i) The name, mailing address, and telephone number of the applicant;

(ii) The location of the applicant's sawmill or woodworking operation, and the type of sawmills used, including whether they are stationary or portable;

(iii) The species, volumes, and states of origin of wood harvested and timber processed, purchased, or sold by the applicant; and

(iv) Any other information required under rules adopted by the department;

(b) A copy of the certificate of completion issued by the department and Washington State University in accordance with section 4 of this act, showing that the applicant satisfactorily completed and demonstrated proficiency in the native lumber grading program; and

(c) A license fee in an amount determined by the department to recover the costs of licensure, but which may not exceed one hundred forty dollars for an initial application or seventy-five dollars for an application to renew the license.

(2) Licenses expire five years from their date of issuance and may be renewed for additional five year periods.

(3) License fees collected by the department may only be used to recover the costs of native lumber grading licensure, including any necessary inspections, and enforcement of this chapter.

(4) Each sawmill operator issued a native lumber grading license shall annually update the information provided to the department in accordance with subsection (1) of this section.

(5) The department may suspend or revoke the license of any person who violates the provisions of this chapter or the rules adopted by the department in accordance with this chapter.

NEW SECTION. **Sec.**  (1) A qualified building code enforcement official may waive, in accordance with subsection (2) of this section, lumber grading and stamping requirements of the state building code as it is adopted by reference in RCW 19.27.031, adopted and amended by the state building code council, or adopted and amended by any applicable city, town, or county legislative authority.

(2) Lumber grading and stamping requirements of the state or local building code may only be waived if:

(a) At the time of applying for a building permit, the applicant submits an application for waiver of grading and stamping requirements for lumber that will be used to construct buildings or structures under the building permit; and

(b) A qualified building code enforcement official inspects the lumber for which waiver of the requirements is sought and finds that:

(i) The standards adopted by the department and Washington State University under section 4(2)(a) of this act are satisfied;

(ii) The quality and safe working stresses of the lumber are equal to or better than number 2 grade for structural lumber in accordance with the national institute of standards and technology voluntary product standard PS 20-10, American softwood lumber standard, developed under procedures published by the United States department of commerce, and the national grade rule for dimension lumber; and

(iii) The quality and safe working stresses of the lumber, if it is to be used in load bearing walls, are equal to or better than stud grade in accordance with the national institute of standards and technology voluntary product standard PS 20-10, American softwood lumber standard, developed under procedures published by the United States department of commerce, and the national grade rule for dimension lumber.

(3) For purposes of this section, a "qualified building code enforcement official" means a building code enforcement official who has completed the native lumber grading program and holds a valid certificate of completion issued under section 4(4) of this act.

NEW SECTION. **Sec.**  The department shall adopt rules by July 31, 2016, to implement the provisions of this chapter.

NEW SECTION. **Sec.**  This chapter may be known and cited as the native lumber act.

NEW SECTION. **Sec.**  Sections 1 through 9 of this act constitute a new chapter in Title 76 RCW.

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