

SENATE BILL REPORT

SB 6327

As of January 31, 2018

Title: An act relating to plumbing.

Brief Description: Concerning plumbing.

Sponsors: Senators Keiser, Conway and Miloscia.

Brief History:

Committee Activity: Labor & Commerce: 1/31/18.

Brief Summary of Bill

- Establishes master journey level, master specialty, and administrator plumbing certificates.
- Requires plumbing contractors to employ a full-time supervisory individual who possesses a master journey level certificate, a master specialty certificate, or an administrator's certificate.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

Background: In general, to perform plumbing work, a person must have a journey level or specialty certificate, a temporary permit, or a trainee certificate issued by the Department of Labor and Industries (L&I). A plumbing certificate is not required for an individual to do plumbing work at their residence, place of business, or on other property owned by the individual, or for plumbing work done on a farm.

To receive a journey level or specialty certificate, a person must meet certain work requirements and pass an examination. To qualify as a journey level plumber, a person must have 8000 documented hours, and not less than four years, working as a plumber trainee under the supervision of a certified plumber. To qualify as a specialty plumber, the number of hours one must work to qualify varies by specialty.

Plumber trainees must have a trainee certificate and work under supervision. Trainees must be supervised by a person with a journey level or specialty certificate, or with a temporary

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permit. The supervisor must be on the same job site for a minimum of 75 percent of each working day. There may not be more than two noncertified plumbers for every one certified specialty plumber or journey level plumber working in a specialty, or more than one noncertified plumber for every one certified journey level plumber doing journey level work on a job site. Trainees must renew their licenses every year until they pass the examination to become a journey level or specialty plumber. Additionally, trainees must take eight hours of continuing education per year.

Summary of Bill: Master Plumbers, Plumbing Administrators, and Plumbing Contractors.

It is unlawful for any person to engage in business as a plumbing contractor without a valid contractor registration or to perform or offer to perform plumbing work without a valid plumbing certificate. A plumbing contractor is any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any plumbing work by way of trade or business, or who offers or advertises to employ anyone to engage in plumbing work.

The requirement to obtain a plumbing contractor registration does not apply to a person who:

- is contracting for plumbing work on their own residence, unless the work is on a building that is for rent, sale, or lease; or
- is specifically exempted from contractor registration requirements under the contractor registration law.

A person who performs plumbing work on their own residence must obtain a license or hire a certified plumber if the work is done on a building for rent, sale, or lease, or for installing, altering, or repairing medical gas systems.

To obtain a general or specialty plumbing contractor registration, the applicant must employ a full-time supervisory individual who possesses a master journey level certificate, a master specialty plumber's certificate, or an administrator's certificate as a general or specialty plumbing contractor.

An administrator is a person designated by a plumbing contractor to manage a plumbing business and plumbers. L&I may deny an application for an administrator's certificate for up to two years if the applicant's previous administrator's certificate was revoked. An administrator's certificate may be renewed for a three-year period without examination unless the certificate has been revoked, suspended, or not renewed within 90 days after its expiration. An applicant for a plumbing administrator's certificate of competency must provide written evidence that they have owned, supervised, or managed a plumbing business for more than two years within the last four years.

A master journey level or a master specialty plumber is a person who has been issued a master journey level or a master specialty plumber certificate of competency by L&I, who may be designated by a plumbing contractor to supervise plumbing work and plumbers. An applicant for a master journey level or master specialty plumber's certificate must furnish written evidence that they have worked as a journey level or specialty plumber, respectively, in Washington for two years.

Applicants for a master plumber or a plumbing administrator's certificate who apply before July 1, 2019, must be issued a certificate without examination if they provide documentation

that they have two years of work experience in the last four years supervising certified plumbers or supervising or managing a plumbing company in Washington.

Certificates must be renewed every three years if the applicant pays the renewal fee and meets the continuing education requirements.

A designated master plumber or administrator must:

- be a member of the firm or a supervisory employee and available during work hours to carry out the duties of an administrator;
- ensure all plumbing work done complies with the certification laws and rules of the state;
- ensure that all plumbing work is performed by properly licensed and certified plumbing individuals; and
- notify L&I in writing within 15 days if the master plumber or administrator terminates their relationship with the plumbing contractor.

Penalties and Administrative Procedures. L&I may suspend, revoke, or issue a civil penalty upon determination that any one or more of the following exist:

- a false statement as to a material matter in the certificate, license, endorsement, or registration application;
- fraud, misrepresentation, or bribery in securing a certificate, license, endorsement, or registration;
- a violation of any part of the statutes related to plumbing; or
- if the plumbing contractor does not employ a plumbing administrator or a master journey level or master specialty plumber.

Other Provisions. The definition of plumbing is changed to incorporate the Building Code Council's definition of plumbing and includes the installing, altering, repairing, and renovating of piping, fixtures, pumps, or plumbing appurtenances that are used for a rainwater catchment or reclaimed water system.

The authorization for an individual who has a training certificate and who has successfully completed, or is currently enrolled in, an apprenticeship or technical school program to work without direct on-site supervision in the last six months of meeting the practical experience requirements is removed.

Appropriation: None.

Fiscal Note: Requested on January 11, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill promotes accountability in the industry. Many employers are not reporting the hours of plumbers, which means plumbers are not getting certified, which contributes to the plumber shortage. The industry has not changed in a long time and has not kept up with the shifting culture. Currently, there is no

reciprocity with Oregon because our systems are so different. The way schools promote going to college over the trades is contributing to the shortage of workers in all trades.

CON: The definition of plumbing in the bill is a problem because there is no way to know what definition the Building Code Council is using. Also, it is delegating the legislative power to private entities, which will lead to a broader definition of plumbing that will creep into other trades. The definition is so broad that it could apply to private wells with pumps. It is unclear in the bill what is required of administrators. The punitive measures in the bill will put a lot of people out of business, which will make the shortage worse. The bill prevents maintenance on someone's own building if they lease any of it, which is a far narrower exception than in current law.

OTHER: An update to the plumbing industry is needed, and the industry needs to act to solve the shortage. There are some concerns with this particular bill, however.

Persons Testifying: PRO: Senator Karen Keiser, Prime Sponsor; Ed Holmes, Vice Chair, Washington State Plumbers Advisory Board; Brad Moore, citizen; Tim Herbert, Washington Pipe Trades.

CON: James King, Washington State HVAC Industry Association; Gary Smith, Independent Business Association; Carolyn Logue, NW Hearth Patio & Barbecue Association; Kraig Stevenson, International Code Council; Todd Allred, Plumbing, Heating, Cooling Contractors of Washington; Kathy Thaut, Plumbing, Heating, Cooling Contractors of Washington; Brian Harding, Plumbing, Heating, Cooling Contractors of Washington.

OTHER: Michael Transue, Mechanical Contractors Association of Western Washington.

Persons Signed In To Testify But Not Testifying: No one.