
SENATE BILL 6228

State of Washington

65th Legislature

2018 Regular Session

By Senators Kuderer, Hunt, Zeiger, and Miloscia; by request of Department of Enterprise Services

1 AN ACT Relating to technical changes by the department of
2 enterprise services; amending RCW 39.04.020, 39.04.320, 43.19.600,
3 and 46.08.065; and repealing RCW 41.04.460.

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

5 **Sec. 1.** RCW 39.04.020 and 1994 c 243 s 1 are each amended to
6 read as follows:

7 Whenever the state or any municipality shall determine that any
8 public work is necessary to be done, it shall cause plans,
9 specifications, or both thereof and an estimate of the cost of such
10 work to be made and filed in the office of the director, supervisor,
11 commissioner, trustee, board, or agency having by law the authority
12 to require such work to be done. The plans, specifications, and
13 estimates of cost shall be approved by the director, supervisor,
14 commissioner, trustee, board, or agency and the original draft or a
15 certified copy filed in such office before further action is taken.

16 If the state or such municipality shall determine that it is
17 necessary or advisable that such work shall be executed by any means
18 or method other than by contract or by a small works roster process,
19 and it shall appear by such estimate that the probable cost of
20 executing such work will exceed the sum of twenty-five thousand
21 dollars, then the state or such municipality shall at least fifteen

1 days before beginning work cause such estimate, together with a
2 description of the work, to be published at least once in a legal
3 newspaper of general circulation (~~published in or as near as~~
4 ~~possible to that part of the county in which such work is to be~~
5 ~~done~~) and posted on the state or municipality's web site. When any
6 emergency shall require the immediate execution of such public work,
7 upon a finding of the existence of such emergency by the authority
8 having power to direct such public work to be done and duly entered
9 of record, publication of description and estimate may be made within
10 seven days after the commencement of the work.

11 **Sec. 2.** RCW 39.04.320 and 2015 3rd sp.s. c 40 s 1 are each
12 amended to read as follows:

13 (1)(a) Except as provided in (b) through (d) of this subsection,
14 from January 1, 2005, and thereafter, for all public works estimated
15 to cost one million dollars or more, all specifications shall require
16 that no less than fifteen percent of the labor hours be performed by
17 apprentices.

18 (b)(i) This section does not apply to contracts advertised for
19 bid before July 1, 2007, for any public works by the department of
20 transportation.

21 (ii) For contracts advertised for bid on or after July 1, 2007,
22 and before July 1, 2008, for all public works by the department of
23 transportation estimated to cost five million dollars or more, all
24 specifications shall require that no less than ten percent of the
25 labor hours be performed by apprentices.

26 (iii) For contracts advertised for bid on or after July 1, 2008,
27 and before July 1, 2009, for all public works by the department of
28 transportation estimated to cost three million dollars or more, all
29 specifications shall require that no less than twelve percent of the
30 labor hours be performed by apprentices.

31 (iv) For contracts advertised for bid on or after July 1, 2015,
32 and before July 1, 2020, for all public works by the department of
33 transportation estimated to cost three million dollars or more, all
34 specifications shall require that no less than fifteen percent of the
35 labor hours be performed by apprentices.

36 (v) For contracts advertised for bid on or after July 1, 2020,
37 for all public works by the department of transportation estimated to
38 cost two million dollars or more, all specifications shall require

1 that no less than fifteen percent of the labor hours be performed by
2 apprentices.

3 (c)(i) This section does not apply to contracts advertised for
4 bid before January 1, 2008, for any public works by a school
5 district, or to any project funded in whole or in part by bond issues
6 approved before July 1, 2007.

7 (ii) For contracts advertised for bid on or after January 1,
8 2008, for all public works by a school district estimated to cost
9 three million dollars or more, all specifications shall require that
10 no less than ten percent of the labor hours be performed by
11 apprentices.

12 (iii) For contracts advertised for bid on or after January 1,
13 2009, for all public works by a school district estimated to cost two
14 million dollars or more, all specifications shall require that no
15 less than twelve percent of the labor hours be performed by
16 apprentices.

17 (iv) For contracts advertised for bid on or after January 1,
18 2010, for all public works by a school district estimated to cost one
19 million dollars or more, all specifications shall require that no
20 less than fifteen percent of the labor hours be performed by
21 apprentices.

22 (d)(i) For contracts advertised for bid on or after January 1,
23 2010, for all public works by a four-year institution of higher
24 education estimated to cost three million dollars or more, all
25 specifications must require that no less than ten percent of the
26 labor hours be performed by apprentices.

27 (ii) For contracts advertised for bid on or after January 1,
28 2011, for all public works by a four-year institution of higher
29 education estimated to cost two million dollars or more, all
30 specifications must require that no less than twelve percent of the
31 labor hours be performed by apprentices.

32 (iii) For contracts advertised for bid on or after January 1,
33 2012, for all public works by a four-year institution of higher
34 education estimated to cost one million dollars or more, all
35 specifications must require that no less than fifteen percent of the
36 labor hours be performed by apprentices.

37 (2) Awarding entities may adjust the requirements of this section
38 for a specific project for the following reasons:

39 (a) The demonstrated lack of availability of apprentices in
40 specific geographic areas;

1 (b) A disproportionately high ratio of material costs to labor
2 hours, which does not make feasible the required minimum levels of
3 apprentice participation;

4 (c) Participating contractors have demonstrated a good faith
5 effort to comply with the requirements of RCW 39.04.300 and 39.04.310
6 and this section; or

7 (d) Other criteria the awarding entity deems appropriate, which
8 are subject to review by the office of the governor.

9 (3) The secretary of the department of transportation shall
10 adjust the requirements of this section for a specific project for
11 the following reasons:

12 (a) The demonstrated lack of availability of apprentices in
13 specific geographic areas; or

14 (b) A disproportionately high ratio of material costs to labor
15 hours, which does not make feasible the required minimum levels of
16 apprentice participation.

17 (4) This section applies to public works contracts awarded by the
18 state, to public works contracts awarded by school districts, and to
19 public works contracts awarded by state four-year institutions of
20 higher education. However, this section does not apply to contracts
21 awarded by state agencies headed by a separately elected public
22 official.

23 (5)(a) The department of enterprise services must provide
24 information and technical assistance to the affected agencies they
25 serve and collect the following data (~~from~~) on behalf of those
26 affected agencies for each project covered by this section:

27 (i) The name of each apprentice and apprentice registration
28 number;

29 (ii) The name of each project;

30 (iii) The dollar value of each project;

31 (iv) The date of the contractor's notice to proceed;

32 (v) The number of apprentices and labor hours worked by them,
33 categorized by trade or craft;

34 (vi) The number of journey level workers and labor hours worked
35 by them, categorized by trade or craft; and

36 (vii) The number, type, and rationale for the exceptions granted
37 under subsection (2) of this section.

38 (b) The department of labor and industries shall assist the
39 department of enterprise services in providing information and
40 technical assistance.

1 (6) The secretary of transportation shall establish an
2 apprenticeship utilization advisory committee, which shall include
3 statewide geographic representation and consist of equal numbers of
4 representatives of contractors and labor. The committee must include
5 at least one member representing contractor businesses with less than
6 thirty-five employees. The advisory committee shall meet regularly
7 with the secretary of transportation to discuss implementation of
8 this section by the department of transportation, including
9 development of the process to be used to adjust the requirements of
10 this section for a specific project.

11 (7) At the request of the senate labor, commerce, research and
12 development committee, the house of representatives commerce and
13 labor committee, or their successor committees, and the governor, the
14 department of enterprise services and the department of labor and
15 industries shall compile and summarize the agency data and provide a
16 joint report to both committees. The report shall include
17 recommendations on modifications or improvements to the apprentice
18 utilization program and information on skill shortages in each trade
19 or craft.

20 **Sec. 3.** RCW 43.19.600 and 2011 1st sp.s. c 43 s 233 are each
21 amended to read as follows:

22 (1) Any passenger motor vehicles currently owned or hereafter
23 acquired by any state agency shall be purchased by or transferred to
24 the department. The director may accept vehicles subject to the
25 provisions of RCW 43.19.560 through 43.19.630, (~~43.41.130~~ and
26 ~~43.41.140~~) 43.19.622 and 43.19.623 prior to July 1, 1975, if he or
27 she deems it expedient to accomplish an orderly transition.

28 (2) The department, in cooperation with the office of financial
29 management, shall study and ascertain current and prospective needs
30 of state agencies for passenger motor vehicles and shall direct the
31 transfer to (~~a state motor pool~~) the department of enterprise
32 services or other appropriate disposition of any vehicle found not to
33 be required by a state agency.

34 (3) The department shall direct the transfer of passenger motor
35 vehicles from a state agency to (~~a state motor pool~~) the department
36 of enterprise services or other disposition as appropriate, based on
37 a study under subsection (2) of this section, if a finding is made
38 based on data therein submitted that the economy, efficiency, or
39 effectiveness of state government would be improved by such a

1 transfer or other disposition of passenger motor vehicles. Any
2 dispute over the accuracy of data submitted as to the benefits in
3 state governmental economy, efficiency, and effectiveness to be
4 gained by such transfer shall be resolved by the director and the
5 director of financial management. Unless otherwise determined by the
6 director after consultation with the office of financial management,
7 vehicles owned and managed by the department of transportation, the
8 department of natural resources, and the Washington state patrol are
9 exempt from the requirements of (~~subsections (1) through (3) of~~)
10 this section.

11 **Sec. 4.** RCW 46.08.065 and 2015 c 225 s 98 are each amended to
12 read as follows:

13 (1) It is unlawful for any public officer having charge of any
14 vehicle owned or controlled by any county, city, town, or public body
15 in this state other than the state of Washington and used in public
16 business to operate the same upon the public highways of this state
17 unless and until there shall be displayed upon such automobile or
18 other motor vehicle in letters of contrasting color not less than one
19 and one-quarter inches in height in a conspicuous place on the right
20 and left sides thereof, the name of such county, city, town, or other
21 public body, together with the name of the department or office upon
22 the business of which the said vehicle is used. This section shall
23 not apply to vehicles of a sheriff's office, local police department,
24 or any vehicles used by local peace officers under public authority
25 for special undercover or confidential investigative purposes. This
26 subsection shall not apply to: (a) Any municipal transit vehicle
27 operated for purposes of providing public mass transportation; (b)
28 any vehicle governed by the requirements of subsection (4) of this
29 section; nor to (c) any motor vehicle on loan to a school district
30 for driver training purposes. It shall be lawful and constitute
31 compliance with the provisions of this section, however, for the
32 governing body of the appropriate county, city, town, or public body
33 other than the state of Washington or its agencies to adopt and use a
34 distinctive insignia which shall be not less than six inches in
35 diameter across its smallest dimension and which shall be displayed
36 conspicuously on the right and left sides of the vehicle. Such
37 insignia shall be in a color or colors contrasting with the vehicle
38 to which applied for maximum visibility. The name of the public body
39 owning or operating the vehicle shall also be included as part of or

1 displayed above such approved insignia in colors contrasting with the
2 vehicle in letters not less than one and one-quarter inches in
3 height. Immediately below the lettering identifying the public entity
4 and agency operating the vehicle or below an approved insignia shall
5 appear the words "for official use only" in letters at least one inch
6 high in a color contrasting with the color of the vehicle. The
7 appropriate governing body may provide by rule or ordinance for
8 marking of passenger motor vehicles as prescribed in subsection (2)
9 of this section or for exceptions to the marking requirements for
10 local governmental agencies for the same purposes and under the same
11 circumstances as permitted for state agencies under subsection (3) of
12 this section.

13 (2) Except as provided by subsections (3) and (4) of this
14 section, passenger motor vehicles owned or controlled by the state of
15 Washington, and purchased after July 1, 1989, must be plainly and
16 conspicuously marked on the lower left-hand corner of the rear window
17 with the name of the operating agency or institution or the words
18 (~~"state motor pool,"~~) that would designate vehicles owned and
19 managed by the department of enterprise services, as appropriate, the
20 words "state of Washington — for official use only," and the seal of
21 the state of Washington or the appropriate agency or institution
22 insignia, approved by the department of enterprise services. Markings
23 must be on a transparent adhesive material and conform to the
24 standards established by the department of enterprise services. For
25 the purposes of this section, "passenger motor vehicles" means
26 sedans, station wagons, vans, light trucks, or other motor vehicles
27 under ten thousand pounds gross vehicle weight.

28 (3) Subsection (2) of this section shall not apply to vehicles
29 used by the Washington state patrol for general undercover or
30 confidential investigative purposes. Traffic control vehicles of the
31 Washington state patrol may be exempted from the requirements of
32 subsection (2) of this section at the discretion of the chief of the
33 Washington state patrol. The department of enterprise services shall
34 adopt general rules permitting other exceptions to the requirements
35 of subsection (2) of this section for other vehicles used for law
36 enforcement, confidential public health work, and public assistance
37 fraud or support investigative purposes, for vehicles leased or
38 rented by the state on a casual basis for a period of less than
39 ninety days, and those provided for in RCW 46.08.066. The exceptions
40 in this subsection, subsection (4) of this section, and those

1 provided for in RCW 46.08.066 shall be the only exceptions permitted
2 to the requirements of subsection (2) of this section.

3 (4) Any motorcycle, vehicle over 10,000 pounds gross vehicle
4 weight, or other vehicle that for structural reasons cannot be marked
5 as required by subsection (1) or (2) of this section that is owned or
6 controlled by the state of Washington or by any county, city, town,
7 or other public body in this state and used for public purposes on
8 the public highways of this state shall be conspicuously marked in
9 letters of a contrasting color with the words "State of Washington"
10 or the name of such county, city, town, or other public body,
11 together with the name of the department or office that owns or
12 controls the vehicle.

13 (5) All motor vehicle markings required under the terms of this
14 chapter shall be maintained in a legible condition at all times.

15 NEW SECTION. **Sec. 5.** RCW 41.04.460 (Financial planning for
16 retirement—Department of enterprise services to provide information
17 to retirement system members) and 2011 1st sp.s. c 43 s 472 & 1992 c
18 234 s 10 are each repealed.

--- END ---