

# SENATE BILL REPORT

## SB 6170

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As of January 14, 2020

**Title:** An act relating to plumbing.

**Brief Description:** Concerning plumbing.

**Sponsors:** Senators Keiser and Conway.

**Brief History:**

**Committee Activity:** Labor & Commerce: 1/14/20.

### Brief Summary of Bill

- Establishes requirements for contractors to receive and maintain a plumbing contractor license.
- Creates a residential service plumbing certificate.
- Modifies the acceptable supervisory ratios of plumber trainees to certified plumbers and authorizes remote supervision in certain circumstances.
- Increases the number of members on the Advisory Board of Plumbers.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Staff:** Jarrett Sacks (786-7448)

**Background:** Plumbing Contractors and Licenses. The Department of Labor and Industries (L&I) administers and enforces the plumbing trade laws. A plumbing contractor must register as a contractor under laws applicable to construction generally, and a plumber must be certified as either a journey level or specialty plumber. 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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Plumbing certificates of competency must be renewed every other year. To renew a certificate of competency, the applicant must complete 16 hours of continuing education, including four hours related to electrical safety.

Plumber Trainees. 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. 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.

Advisory Board of Plumbers. The Advisory Board of Plumbers (Advisory Board) conducts hearings on revocation and suspension of certificates, must consent to any contract L&I enters into for the development and administration of required examinations, and otherwise advises L&I on all matters relative to the plumbing provisions. The Advisory Board consists of seven members: two journey level plumbers, one specialty plumber, three members conducting a plumbing business, and one public member familiar with the business and trade of plumbing. The director of L&I appoints the members.

**Summary of Bill:** Plumbing Contractors. Laws pertaining specifically to plumbing contractors are added and apply to plumbing contractors instead of the laws that apply to construction contractors in general. It is unlawful to advertise, offer to do work, submit a bid, or perform any plumbing work without being licensed as a plumbing contractor. In addition to other plumbing contractor license application requirements, such as providing the location of the business and proof of workers' compensation, an applicant for a plumbing contractor license must employ a full-time individual who currently possesses a valid journey level or specialty plumber's certificate of competency. Applicants must also file a \$6,000 surety bond with L&I. At the time of licensing and at subsequent license renewals, the applicant must also provide proof of insurance or financial responsibility in the amount of \$50,000 for injury or damage to property, \$100,000 for injury or damage, including death, to any one person, and \$200,000 for injury or damage, including death, to more than one person. A plumbing contractor license expires two years after the date of issuance.

A plumbing contractor is required to ensure all plumbing work complies with the certification laws and rules of the state and is performed by properly licensed plumbing individuals. A person who contracts for plumbing work on their own residence does not need to acquire a plumbing contractor license, unless the work is on a building that is for rent, sale, or lease.

Plumbing contractors must also:

- report all plumbing hours worked by plumbing trainees, and, beginning June 30, 2021, report all plumbing trainee hours worked on a quarterly basis;
- attest that trainee hours were under the supervision of a certified plumber and within the proper ratio;
- provide the names and certification numbers of supervising plumbers; and

- upon request, provide L&I with trainee hours worked by all trainees within their employment for the past two-year period.

Failure to have or maintain payroll and other records for each employee performing plumbing work for the company is subject to the issuance of an infraction. L&I may assess a penalty of up to \$5,000 for failure to maintain adequate records. Records must be maintained for three years.

Residential Service Plumbing. A residential service plumbing certificate is established. A residential service plumber performs residential service plumbing in an existing residential structure. In single-family dwellings and duplexes, a residential service plumber may service, repair, or replace previously existing fixtures, piping, and fittings that are outside the interior wall or above the floor, generally in a like-in-kind manner. In any residential structure, a residential service plumber may perform plumbing work as needed to perform drain cleaning and may perform leak repairs on any pipe, fitting, or fixture from the leak to the next serviceable location. A residential service plumber may not perform plumbing for new construction of any kind. A residential service plumber may supervise a plumbing trainee if the trainee was supervised by an appropriate journey level or specialty plumber for the trainee's first 2000 hours.

To be eligible to take an examination for a certificate of competency, applicants for a residential service plumber certificate must furnish evidence of completion of a course of study in the plumbing trade in the armed services or at a school accredited by the Workforce Training and Education Coordinating Board, or have two or more years of experience under the supervision of a certified journey level plumber, certified specialty plumber, or certified residential service plumber.

Plumbing Licenses. Certificates of competency must be renewed every three years, rather than every other year. For renewal, the applicant must complete 24, rather than 16, hours of continuing education.

A plumbing certificate, license, or endorsement may be suspended, revoked, or subject to civil penalty for one or more of the following:

- a false statement as to a material matter in the application for a certificate, license, or endorsement;
- fraud, misrepresentation, or bribery in securing a certificate, license, or endorsement;
- a violation of any provision of the plumbing laws; or
- a plumbing contractor does not employ a full-time individual who possesses a valid journey level or specialty certificate of competency.

Plumber Trainees. A plumber trainee means any person who has been issued a plumbing training certificate but has not been issued an appropriate certificate of competency for work being performed. A trainee may perform plumbing work if that person is under the appropriate level of supervision.

Remote supervision, via mobile phone or similar device, of plumbing trainees is authorized in cases where:

- the trainee has more than 2000 hours of training;

- the supervising plumber is no more than 40 miles from the job site; and
- the scope of work on the trainee's job site is service plumbing in a residential structure.

Until December 31, 2025, the ratio of trainees to certified journey level, residential service, or specialty plumbers working on a job site must not be more than:

- three trainees working on any one residential structure job site for every certified specialty plumber or journey level plumber working as a specialty plumber;
- one trainee working on any one job site for every certified journey level plumber working as a journey level plumber; and
- one trainee working on any one job site for every certified residential service plumber.

After December 31, 2025, no more than two trainees may work on any residential structure job site for every certified specialty plumber or journey level plumber working as a specialty plumber.

L&I must instruct the Advisory Board to convene a subgroup (work group) after the 2023 legislative session, the 2024 legislative session, and every three years after to evaluate the effects trainee ratio changes have on the industry, including public safety and industry response to public demand for plumbing services. The work group must determine a sustainable plan for maintaining sufficient numbers of plumbers and trainees within the plumbing workforce to safely meet the needs of the public. A report is due to the standing labor committees of the Legislature by December 1st of each year the work group convenes.

The work group includes:

- the statewide association representing plumbing, heating, and cooling contractors;
- the union representing plumbers and pipefitters;
- the association representing plumbing contractors who employ union plumbers and pipefitters; and
- other directly affected stakeholders.

Advisory Board of Plumbers. The number of members on the advisory board is changed from seven to nine. Members representing the state-approved plumbing code body and the Department of Health are added. The advisory board must generally advise L&I on all matters relative to the enforcement of the plumbing laws, standards of plumbing installations, consumer protection, and standards for the protection of public health.

Infractions, Penalties, and Appeals. Appeals of infractions must be made within 20 days of service of the infraction and must be accompanied by a certified check for \$200. The check must be returned to the assessed party if L&I's decision is not sustained. If the final decision sustains L&I's determination, L&I must apply the \$200 to the payment of expenses of the appeal, including costs charged by the Office of Administrative Hearings.

A person found to have engaged in the trade of plumbing without having a valid license or certificate must be assessed a minimum penalty of \$100. A contractor found to have engaged in the trade of plumbing without a valid plumbing contractor license must be assessed a minimum monetary penalty of \$500 for the first infraction. The maximum penalty for engaging in the trade of plumbing without a license is \$5,000 for a second or subsequent

infraction. The director of L&I, instead of the administrative law judge, may waive or reduce collection of payment for good cause. An individual or a contractor who acquires three infractions in three years may have their certificate, license, endorsement, or registration suspended for up to two years upon recommendation of the advisory board. For the purposes of license suspension, multiple violations created in a single inspection or audit are counted as one violation.

**Plumbing Permits.** No city, town, or county may issue a plumbing permit for work to be done by a plumbing contractor without verification the contractor is currently licensed. At the time the permit is issued, all cities, towns, and counties are responsible for printing the contractor license number on the permit and providing written notice to the applicant of the plumbing contractor license laws and the potential risk and monetary liability to the homeowner for using an unlicensed plumbing contractor. If a plumbing permit is obtained by an applicant or contractor who falsifies information to obtain an exemption from plumbing licensure requirements, the permit is forfeited.

**Definitions.** The definition of plumbing is modified to incorporate definitions used in the plumbing code as adopted and amended by the State Building Code Council. It specifies the definition of plumbing includes all piping, fixtures, pumps, and plumbing appurtenances used for rainwater catchment and reclaimed water systems within a building. The definition of medical gas piping is modified to include other medical gas or equipment in addition to the gases and equipment previously listed.

**Appropriation:** None.

**Fiscal Note:** Requested on January 9, 2020.

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

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony:** PRO: This bill is the result of many stakeholders working a lot of hours to come to an agreement. Previous proposals did not have industry-wide approval, so there was a concerted effort to get that. The bill protects consumers by requiring the display of certifications and allows businesses to grow by modifying the trainee ratios and authorizing a new certification. Adding the Department of Health to the advisory board is a good step as the industry expands. This bill allows the honest contractors to compete and allows more young people into the industry. The bill solves the issue of some employers not verifying trainee hours. There are not enough plumbers currently, and the residential service plumber certificate will help fix that.

CON: A member of the approved plumbing code body should not be on the advisory board. Some of the terminology in the bill is inconsistent with the state building code. The bill may unintentionally make violating the plumbing code an infraction that could lead to a license suspension. The homeowner exemption is inconsistent. The definition of plumbing should not be dependent on the code, the Legislature should establish it.

OTHER: The Legislature should align the pump and irrigation specialty with what residential plumbers get. The requirement to have the certification on the individual's body should be removed. The language regarding penalties is unclear.

**Persons Testifying:** PRO: Senator Karen Keiser, Prime Sponsor; Michael Transue, Mechanical Contractors Association of Western Washington; Tim Herbert, Washington Pipe Trades; Todd Allred, Plumbing Heating Cooling Contractors of Washington; Ed Holms, Chair, Washington State Plumber Advisory Board; Kathy Thaut, Plumbing Heating Cooling Contractors; Brad Moore, Washington State Association of Plumbers and Pipefitters; Brian Harding, Plumbing Heating Cooling Contractors.

CON: Kraig Stevenson, International Code Council.

OTHER: Glen Smith, Washington State Ground Water Association.

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