AN ACT Relating to requiring electrical licensing for electrical work associated with flipping property; and amending RCW 19.28.261 and 19.28.420.

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

Sec. 1. RCW 19.28.261 and 2013 c 23 s 37 are each amended to read as follows:

(1) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless:

(a) The electrical work is on the construction of a new building intended for rent, sale, or lease; or

(b) The electrical work is on property that is offered for sale within twenty-four months after obtaining the property.

However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence.
The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units.

(2) Nothing in RCW 19.28.161 through 19.28.271 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade.

(3) RCW 19.28.161 through 19.28.271 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees.

(4) Nothing in RCW 19.28.161 through 19.28.271 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines, or systems.

(5) The licensing provisions of RCW 19.28.161 through 19.28.271 shall not apply to:
   (a) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on (the):
      (i) The construction of a new building intended for rent, sale, or lease; or
      (ii) Property offered for sale within twenty-four months after obtaining the property;
   (b) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.091 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside lineworker apprenticeship course that is recognized by the department and that qualifies a person to perform such work;
   (c) Any work exempted under RCW 19.28.091(6); and
   (d) Certified plumbers, certified residential plumbers, or plumber trainees meeting the requirements of chapter 18.106 RCW and performing exempt work under RCW 19.28.091(8).
Nothing in RCW 19.28.161 through 19.28.271 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative, or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations.

(7) Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journey level or specialty certificate of competency if they otherwise meet the requirements of this chapter.

Sec. 2. RCW 19.28.420 and 2000 c 238 s 206 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, engage in, conduct, or carry on the business of installing or maintaining telecommunications systems without having a telecommunications contractor license. Electrical contractors licensed as general electrical (01) or specialty electrical (06) contractors under this chapter (19.28 RCW) and their designated administrators qualify to perform all telecommunications work defined in this chapter. Telecommunications contractors licensed under this chapter are not required to be registered under chapter 18.27 RCW. All telecommunications licenses expire twenty-four calendar months following the day of their issue. A telecommunications contractor license is not required for a licensed specialty electrical contractor to perform telecommunications installations or maintenance integral to the equipment or occupancy limitations of their electrical specialty. A telecommunications contractor license is not required for persons making telecommunications installations or performing telecommunications maintenance on their own property or for regularly employed employees working on the premises of their employer, unless on:

(a) A new building intended for rent, sale, or lease; or

(b) Property offered for sale within twenty-four months after obtaining the property.

(2) Application for a telecommunications contractor license shall be made in writing to the department accompanied by the required fee. The applications shall state:
(a) The name and address of the applicant. In the case of firms
or partnerships, the applications shall state the names of the
individuals composing the firm or partnership. In the case of
corporations, the applications shall state the names of the
corporation's managing officials;
(b) The location of the place of business of the applicant and
the name under which the business is conducted;
(c) The employer social security number or tax identification
number;
(d) Evidence of workers' compensation coverage for the
applicant's employees working in Washington, as follows:
   (i) The applicant's industrial insurance account number issued by
       the department;
   (ii) The applicant's self-insurer number issued by the
        department; or
   (iii) For applicants domiciled in a state or province of Canada
        subject to an agreement entered into under RCW 51.12.120(7), as
        permitted by the agreement, filing a certificate of coverage issued
        by the agency that administers the workers' compensation law in the
        applicant's state or province of domicile certifying that the
        applicant has secured the payment of compensation under the other
        state's or province's workers' compensation law;
(e) The employment security department number; and
(f) The state excise tax registration number.
(3) The unified business identifier account number may be
    substituted for the information required by subsection (2)(d), (e),
    and (f) of this section if the applicant will not employ employees in
    Washington.
(4) The department may verify the workers' compensation coverage
    information provided by the applicant under subsection (2)(d) of this
    section including, but not limited to, information regarding the
    coverage of an individual employee of the applicant. If coverage is
    provided under the laws of another state, the department may notify
    the other state that the applicant is employing employees in
    Washington.
(5) To obtain a telecommunications contractor license the
    applicant must designate an individual who currently possesses a
    telecommunications administrator certificate. To obtain an
    administrator's certificate an individual must pass an examination as
set forth in this chapter. Examination criteria will be determined by
the board.

(6) No examination may be required of any applicant for an
initial telecommunications administrator certificate qualifying under
this section. Applicants qualifying under this section shall be
issued an administrator certificate by the department upon making an
application and paying the required fee. Individuals must apply
before July 1, 2001, to qualify for an administrator certificate
without examination under this section. The board shall certify to
the department the names of all persons entitled to this
administrator certificate.

Prior to July 1, 2001, bona fide registered contractors under
chapter 18.27 RCW engaged in the business of installing or
maintaining telecommunications wiring in this state on or before June
8, 2000, may designate the following number of persons to receive a
telecommunications administrator certificate without examination:

(a) One owner or officer of a contractor, registered under
chapter 18.27 RCW on or before June 8, 2000, currently engaged in the
business of installing telecommunications wiring;

(b) One employee, principal, or officer, with a minimum of two
years experience performing telecommunications installations, per
registered telecommunication contractor; and

(c) One employee for each one hundred employees, or fraction
thereof, with a minimum of two years experience performing
telecommunications installations.

(7) The application for a contractor license shall be accompanied
by a bond in the sum of four thousand dollars with the state of
Washington named as obligee in the bond, with good and sufficient
surety, to be approved by the department. The bond shall at all times
be kept in full force and effect, and any cancellation or revocation
thereof, or withdrawal of the surety therefrom, suspends the license
issued to the principal until a new bond has been filed and approved
as provided in this section. Upon approval of a bond, the department
shall, on the next business day, deposit the fee accompanying the
application in the electrical license fund and shall file the bond in
the office. The department shall, upon request, furnish to any
person, firm, partnership, corporation, or other entity a certified
copy of the bond upon the payment of a fee that the department shall
set by rule. The fee shall cover but not exceed the cost of
furnishing the certified copy. The bond shall be conditioned that the
principal will pay for all labor, including employee benefits, and
material furnished or used upon the work, taxes and contributions to
the state of Washington, and all damages that may be sustained by any
person, firm, partnership, corporation, or other entity due to a
failure of the principal to make the installation or maintenance in
accordance with this chapter. In lieu of the surety bond required by
this section the applicant may file with the department a cash
deposit or other negotiable security acceptable to the department. If
the applicant has filed a cash deposit, the department shall deposit
the funds in a special trust savings account in a commercial bank,
mutual savings bank, or savings and loan association and shall pay
annually to the depositor the interest derived from the account.

(8) Any person, firm, or corporation sustaining any damage or
injury by reason of the principal's breach of the conditions of the
bond required under this section may bring an action against the
surety named therein, joining in the action the principal named in
the bond; the action shall be brought in the superior court of any
county in which the principal on the bond resides or transacts
business, or in the county in which the work was performed as a
result of which the breach is alleged to have occurred; the action
shall be maintained and prosecuted as other civil actions. Claims or
actions against the surety on the bond shall be paid in full in the
following order of priority: (a) Labor, including employee benefits,
(b) materials and equipment used upon such work, (c) taxes and
contributions due to the state, (d) damages sustained by any person,
firm, or corporation due to the failure of the principal to make the
installation in accordance with this chapter, or any ordinance,
building code, or regulation applicable thereto. However, the total
liability of the surety on any bond may not exceed the sum of four
thousand dollars, and the surety on the bond may not be liable for
monetary penalties. Any action shall be brought within one year from
the completion of the work in the performance of which the breach is
alleged to have occurred. The surety shall mail a conformed copy of
the judgment against the bond to the department within seven days. In
the event that a cash or securities deposit has been made in lieu of
the surety bond, and in the event of a judgment being entered against
the depositor and deposit, the director shall upon receipt of a
certified copy of a final judgment, pay the judgment from the
deposit.

p. 6 SB 5267
(9) The department shall issue a telecommunications contractor license to applicants meeting all of the requirements of this chapter applicable to electrical and telecommunications installations. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee and the collection of a fee for that bond, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose.

--- END ---