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**SENATE BILL 5744**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Valdez, Schoesler, and Warnick

AN ACT Relating to plumbing supervision; amending RCW 18.106.070; and reenacting and amending RCW 18.106.010.

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

**Sec.**  RCW 18.106.010 and 2021 c 65 s 15 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory board" means the state advisory board of plumbers.

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

(3) "Director" means the director of department of labor and industries.

(4) "Journey level plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter.

(5) "Like-in-kind" means having similar characteristics such as plumbing size, type, and function, and being in the same location.

(6) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and other medical gas or equipment, including but not limited to medical vacuum systems.

(7) "Medical gas piping installer" means a journey level plumber who has been issued a medical gas piping installer endorsement.

(8) "Plumber trainee" or "trainee" means any person who has been issued a plumbing training certificate under this chapter 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.

(9) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building as defined by the plumbing code as adopted and amended by the state building code council, and includes all piping, fixtures, pumps, and plumbing appurtenances that are used for rainwater catchment and reclaimed water systems within a building.

(10) "Plumbing contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any plumbing work covered by the provisions of this chapter by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any plumbing work as defined in this section. The plumbing contractor is responsible for ensuring the plumbing business is operated in accordance with rules adopted under this chapter.

(11) "Residential service plumber" means anyone who has been issued a certificate of competency limited to performing residential service plumbing in an existing residential structure.

(a) In single-family dwellings and duplexes only, 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, often((~~,~~)) but not necessarily 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 connection.

(b) A residential service plumber may directly supervise plumber trainees provided the trainees have been supervised by an appropriate journey level or specialty plumber for the trainees' first two thousand hours of training.

(c) A residential service plumber may not perform plumbing for new construction of any kind.

(12) "Residential structures" means single-family dwellings, duplexes, and multiunit buildings that do not exceed three stories.

(13) "Service plumbing" means plumbing work in which previously existing fixtures, fittings, and piping is repaired or replaced, often((~~,~~)) but not necessarily((~~,~~)) in a like-in-kind manner, or plumbing work being performed as necessary for drain cleaning.

(14) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to:

(a) Installation, maintenance, and repair of the plumbing of single-family dwellings, duplexes, and apartment buildings that do not exceed three stories;

(b) Maintenance and repair of backflow prevention assemblies; or

(c) A domestic water pumping system consisting of the installation, maintenance, and repair of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment; if appropriate, a pitless adapter; along with valves, transducers, and other plumbing components that:

(i) Are used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes, including irrigation, to: (A) A single-family dwelling, duplex, or other similar place of residence; (B) a public water system, as defined in RCW 70A.120.020 and as limited under RCW 70A.120.040; or (C) a farm owned and operated by a person whose primary residence is located within thirty miles of any part of the farm;

(ii) Are located within the interior space, including but not limited to an attic, basement, crawl space, or garage, of a residential structure, which space is separated from the living area of the residence by a lockable entrance and fixed walls, ceiling, or floor;

(iii) If located within the interior space of a residential structure, are connected to a plumbing distribution system supplied and installed into the interior space by either: (A) A person who, pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary permit or certificate of competency as a journey level plumber, specialty plumber, or trainee, as defined in this chapter; or (B) a person exempt from the requirement to obtain a certified plumber to do such plumbing work under RCW 18.106.150.

(15) "Unsatisfied final judgment" means a judgment or final tax warrant that has not been satisfied either through payment, court-approved settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

**Sec.**  RCW 18.106.070 and 2020 c 153 s 10 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate may include a photograph of the holder. The certificate shall bear the date of issuance, and be renewed every three years, upon application, on or before the birthdate of the holder. The department shall renew a certificate of competency if the applicant: (a) Pays the renewal fee assessed by the department; and (b) during the past three years has completed ((~~twenty-four~~)) 24 hours of continuing education approved by the department with the advice of the advisory board, including four hours related to electrical safety. For holders of the specialty plumber certificate under RCW 18.106.010(14)(c), the continuing education may comprise both electrical and plumbing education with a minimum of ((~~twelve~~)) 12 of the required ((~~twenty-four~~)) 24 hours of continuing education in plumbing. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ((~~ninety~~)) 90 days of the renewal date, he or she must retake the examination and pay the examination fee.

The journey level plumber, specialty plumber, and residential service plumber certificates of competency, the medical gas piping installer endorsement, and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journey level plumber, specialty plumber, residential service plumber, or medical gas piping installer, in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured to an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journey level plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journey level plumber or a specialty plumber working in his or her specialty. The certificate may include a photograph of the holder. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. Failure to provide plumbing hours worked for each employer is a violation of this chapter, subject to an infraction under RCW 18.106.320, and must result in nonrenewal of the trainee certificate. A fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter.

(3)(a) Trainee supervision shall consist of a trainee being on the same jobsite and under the control of either a journey level plumber, residential service plumber, or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. ((~~Either~~)) Subject to the ratio of trainees in subsection (4) of this section, either a journey level plumber, residential service plumber, or an appropriate specialty plumber shall be:

(i) On the same jobsite as the trainee for a minimum of ((~~seventy-five~~)) 75 percent of each working day unless otherwise provided in this chapter((~~.~~)); or

(ii) Available via mobile phone or similar device in a manner that allows both audio and visual direction to the trainee from the supervising plumber. Remote trainee supervision using these types of technology is only permitted in cases that meet the following criteria:

(A) The trainee has more than ((~~two thousand~~)) 2,000 hours of training;

(B) The supervising plumber is no more than ((~~forty~~)) 40 miles from the jobsite; and

(C) The scope of work on the trainee's jobsite is service plumbing in a residential structure.

(b) An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the workforce training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(4)(a) Until December 31, 2025, the ratio of trainees to certified journey level, residential service, or specialty plumbers working on a jobsite must be:

(i) Not more than three trainees working on any one residential structure jobsite for every certified specialty plumber or journey level plumber working as a specialty plumber;

(ii) Not more than one trainee working on any one jobsite for every certified journey level plumber working as a journey level plumber; and

(iii) Not more than one trainee working on any one jobsite for every certified residential service plumber.

(b) After December 31, 2025, not more than two trainees may work on any residential structure jobsite for every certified specialty plumber or journey level plumber working as a specialty plumber.

(5) An individual who has a current training certificate and who has successfully completed or is currently enrolled in a medical gas piping installer training course approved by the department may work on medical gas piping systems if the individual is under the direct supervision of a certified medical gas piping installer who holds a medical gas piping installer endorsement one hundred percent of a working day on a one-to-one ratio.

(6) The training to become a certified plumber must include not less than ((~~sixteen~~)) 16 hours of classroom training established by the director with the advice of the advisory board. The classroom training must include, but not be limited to, electrical wiring safety, grounding, bonding, and other related items plumbers need to know to work under this chapter.

(7) All persons who are certified plumbers before January 1, 2003, are deemed to have received the classroom training required in subsection (6) of this section.

(8)(a) The department shall instruct the advisory board of plumbers to convene a subgroup that 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 after the completion of the 2023 legislative session, the 2024 legislative session, and every three years thereafter.

(b) The work group shall evaluate the effects that the trainee ratio changes have had on the industry, including public safety and industry response to public demand for plumbing services. The work group shall determine a sustainable plan for maintaining sufficient numbers of plumbers and trainees within the plumbing workforce to safely meet the needs of the public. The report is due to the standing labor committees of the legislature before December 1st of each year that the work group convenes. The work group shall conclude on receipt of the report by the legislature. Within current funding appropriated to the department, the department must reimburse each member of the work group in accordance with the provisions of RCW 43.03.050 and 43.03.060 for each day in which the member is actually engaged in attendance of meetings of the advisory board.

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