

**WAC 296-200A-300 What violations of chapter 18.27 RCW can result in the issuance of a notice of infraction?** (1) Under RCW 18.27.100, the department can issue a notice of infraction to a contractor and assess a penalty up to ten thousand dollars for:

- (a) Using an unregistered name while advertising as a contractor;
- (b) Using an unregistered name and address in advertising, correspondence, signs, documents, etc.;
- (c) Using a false or expired registration number in advertisements where a contractor's registration number is required;
- (d) Using the bond and insurance requirements of chapter 18.27 RCW to advertise as a bonded and insured contractor;
- (e) Using a false registration number to either solicit business or pose as a contractor or providing false information on an application for registration as a contractor;
- (f) Failing to include the contractor's current registration number in all advertising that shows the contractor's name or address. This registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number. The registration number may also be omitted on company vehicles and on "on-premise" signs. See RCW 18.27.100(3).

(2) Under RCW 18.27.114, the department may issue a notice of infraction to a contractor for:

- (a) Failing to provide a residential or commercial customer with a proper disclosure statement before beginning a repair, alterations or construction project; or
- (b) Failing to retain a signed copy of the disclosure statement for three years; or
- (c) Failing to produce the signed copy when requested by a compliance inspector.

See RCW 18.27.114 (1)(a) and/or (b) for both the project dollar cost limits affecting this requirement and a sample disclosure statement language.

This requirement does not apply to either contracts authorized under chapter 39.04 RCW or to contractors contracting with other contractors.

A service company is not required to execute a disclosure statement prior to receiving payment for a service call unless there is a bid or contract in place. In the case of an annual service contract they may execute the disclosure at the annual contract signing.

(3) Under RCW 18.27.200, the department must issue a notice of infraction to a contractor for:

- (a) Advertising, offering to work, submitting a bid, or performing any contracting work without being registered or when the contractor's registration is suspended or revoked; or
- (b) Transferring a valid contractor registration to an unregistered, suspended or expired contractor; or
- (c) Allowing an unregistered contractor to work under a registration issued to another contractor.

Each day that a contractor works without being registered, works while the registration is suspended or revoked, or works under a registration issued to another contractor is a separate infraction. A cited contractor who continues to work while unregistered, or while their registration is suspended or revoked, or under a registration issued to another contractor is guilty of a separate gross misdemeanor for each day worked.

Each workaday at which a contractor works without being registered, works while the registration is suspended or revoked, or works

under a registration issued to another contractor is a separate infraction. A cited contractor who continues to work while unregistered, or while their registration is suspended or revoked, or under a registration issued to another contractor is guilty of a separate gross misdemeanor for each worksite on which a violation occurs.

(4) Under RCW 18.27.200 (1)(a), the department may issue a notice of infraction to a registered contractor for:

(a) Working outside the scope of their designated specialty registration; or

(b) Subcontracting more than incidental work within the scope of their designated specialty registration.

(5) Under RCW 18.27.040 the department may issue a notice of infraction to a contractor, consumer, supplier or other for: Failure by the prevailing party in a lawsuit against a contractor and/or the contractor's surety or assigned savings account to provide the department a copy of the final judgment or settlement of that suit.

(6) See WAC 296-200A-400 for the specific monetary penalties associated with each of the violations discussed in this section.

[Statutory Authority: Chapter 18.27 RCW and 2007 c 436. WSR 08-16-091, § 296-200A-300, filed 8/4/08, effective 9/4/08. Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125, 2001 c 159, and chapter 18.27 RCW. WSR 03-20-097, § 296-200A-300, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. WSR 97-24-071, § 296-200A-300, filed 12/2/97, effective 1/5/98.]