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**SUBSTITUTE SENATE BILL 6223**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz, Deccio and Newhouse; by request of Department of Labor & Industries)

Read first time 02/02/96.

1 AN ACT Relating to uniform construction trade administrative  
2 procedures; and amending RCW 18.27.030, 18.106.100, 18.106.180,  
3 18.106.200, 19.28.123, 19.28.350, 19.28.540, and 19.28.620.

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

5 **Sec. 1.** RCW 18.27.030 and 1992 c 217 s 1 are each amended to read  
6 as follows:

7 (1) An applicant for registration as a contractor shall submit an  
8 application under oath upon a form to be prescribed by the director and  
9 which shall include the following information pertaining to the  
10 applicant:

11 (a) Employer social security number.

12 (b) As applicable: (i) The industrial insurance account number  
13 covering employees domiciled in Washington; and (ii) evidence of  
14 workers' compensation coverage in the applicant's state of domicile for  
15 the applicant's employees working in Washington who are not domiciled  
16 in Washington.

17 (c) Employment security department number.

18 (d) State excise tax registration number.

1 (e) Unified business identifier (UBI) account number may be  
2 substituted for the information required by (b), (c), and (d) of this  
3 subsection.

4 (f) Type of contracting activity, whether a general or a specialty  
5 contractor and if the latter, the type of specialty.

6 (g) The name and address of each partner if the applicant be a firm  
7 or partnership, or the name and address of the owner if the applicant  
8 be an individual proprietorship, or the name and address of the  
9 corporate officers and statutory agent, if any, if the applicant be a  
10 corporation. The information contained in such application shall be a  
11 matter of public record and open to public inspection.

12 (2) The department may verify the workers' compensation coverage  
13 information provided by the applicant under subsection (1)(b) of this  
14 section, including but not limited to information regarding the  
15 coverage of an individual employee of the applicant. If coverage is  
16 provided under the laws of another state, the department may notify the  
17 other state that the applicant is employing employees in Washington.

18 (3) Registration shall be denied if the applicant has been  
19 previously registered as a sole proprietor, partnership, or  
20 corporation, and was a principal or officer of the corporation, and if  
21 the applicant has an unsatisfied final judgment (~~((in an action))~~) based  
22 on (~~((RCW 18.27.040))~~) this chapter that incurred during a previous  
23 registration under this chapter.

24 **Sec. 2.** RCW 18.106.100 and 1977 ex.s. c 149 s 9 are each amended  
25 to read as follows:

26 (1) The department may revoke (~~((any))~~) or suspend a certificate of  
27 competency (~~((upon))~~) for any of the following (~~((grounds))~~) reasons:

28 (a) The certificate was obtained through error or fraud;

29 (b) The certificate holder (~~((thereof))~~) is judged to be incompetent  
30 to carry on the trade of plumbing as a journeyman plumber or specialty  
31 plumber;

32 (c) The certificate holder (~~((thereof))~~) has violated any (~~((of the))~~)  
33 provision(~~((s))~~) of this chapter or any rule (~~((or regulation promulgated~~  
34 ~~thereto))~~) adopted under this chapter.

35 (2) Before (~~((any))~~) a certificate of competency (~~((shall be))~~) is  
36 revoked or suspended, the (~~((holder thereof shall be given written~~  
37 ~~notice of the department's intention to do so, mailed by registered~~  
38 ~~mail, return receipt requested, to said holder's last known address.~~

1 ~~Said~~) department shall send written notice by registered mail with  
2 return receipt requested to the certificate holder's last known  
3 address. The notice (~~shall enumerate~~) must list the allegations  
4 against (~~such~~) the certificate holder(~~τ~~) and (~~shall~~) give him or  
5 her the opportunity to request a hearing before the advisory board. At  
6 (~~such~~) the hearing, the department and the certificate holder  
7 (~~shall~~) have opportunity to produce witnesses and give testimony.  
8 The hearing (~~shall~~) must be conducted in accordance with (~~the~~  
9 provisions of) chapter 34.05 RCW. The board shall render its decision  
10 based upon the testimony and evidence presented(~~τ~~) and shall notify  
11 the parties immediately upon reaching its decision. A majority of the  
12 board (~~shall be~~) is necessary to render a decision.

13 (3) The department may deny renewal of a certificate of competency  
14 issued under this chapter if the applicant owes outstanding penalties  
15 for a final judgment under this chapter. The department shall notify  
16 the applicant of the denial by registered mail, return receipt  
17 requested, to the address on the application. The applicant may appeal  
18 the denial within twenty days by filing a notice of appeal with the  
19 department accompanied by a certified check for two hundred dollars  
20 which shall be returned to the applicant if the decision of the  
21 department is not upheld by the hearings officer. The office of  
22 administrative hearings shall conduct the hearing under chapter 34.05  
23 RCW. If the hearings officer sustains the decision of the department,  
24 the two hundred dollars must be applied to the cost of the hearing.

25 **Sec. 3.** RCW 18.106.180 and 1994 c 174 s 3 are each amended to read  
26 as follows:

27 An authorized representative of the department may issue a notice  
28 of infraction as specified in RCW 18.106.020(3) if a person who is  
29 doing plumbing work or who is offering to do plumbing work fails to  
30 produce evidence of having a certificate or permit issued by the  
31 department in accordance with this chapter or of being supervised by a  
32 person who has such a certificate or permit. A notice of infraction  
33 issued under this section shall be personally served on the person  
34 named in the notice by an authorized representative of the department  
35 or sent by certified mail to the last known address provided to the  
36 department of the person named in the notice.

1       **Sec. 4.** RCW 18.106.200 and 1994 c 174 s 5 are each amended to read  
2 as follows:

3       A violation designated as an infraction under this chapter shall be  
4 heard and determined by an administrative law judge of the office of  
5 administrative hearings. If a party desires to contest the notice of  
6 infraction, the party shall file a notice of appeal with the department  
7 within ((fourteen)) twenty days of issuance of the infraction. The  
8 administrative law judge shall conduct hearings in these cases at  
9 locations in the county where the infraction is alleged to have  
10 occurred.

11       **Sec. 5.** RCW 19.28.123 and 1988 c 81 s 5 are each amended to read  
12 as follows:

13       It shall be the purpose and function of the board to establish, in  
14 addition to a general electrical contractors' license, such  
15 classifications of specialty electrical contractors' licenses as it  
16 deems appropriate with regard to individual sections pertaining to  
17 state adopted codes in this chapter ((19.28-RCW)). In addition, it  
18 shall be the purpose and function of the board to establish and  
19 administer written examinations for general electrical contractors'  
20 qualifying certificates and the various specialty electrical  
21 contractors' qualifying certificates. Examinations shall be designed  
22 to reasonably insure that general and specialty electrical contractor's  
23 qualifying certificate holders are competent to engage in and supervise  
24 the work covered by this statute and their respective licenses. The  
25 examinations shall include questions from the following categories to  
26 assure proper safety and protection for the general public: (1)  
27 Safety, (2) state electrical code, and (3) electrical theory. The  
28 department with the consent of the board shall be permitted to enter  
29 into a contract with a professional testing agency to develop,  
30 administer, and score these examinations. The fee for the examination  
31 may be set by the department in its contract with the professional  
32 testing agency. The department may direct that the applicant pay the  
33 fee to the professional testing agency. The fee shall cover but not  
34 exceed the costs of preparing and administering the examination. It  
35 shall be the further purpose and function of this board to advise the  
36 director as to the need of additional electrical inspectors and  
37 compliance officers to be utilized by the director on either a full-  
38 time or part-time employment basis and to carry out the duties

1 enumerated in RCW 19.28.510 through 19.28.620 as well as generally  
2 advise the department on all matters relative to RCW 19.28.510 through  
3 19.28.620.

4 **Sec. 6.** RCW 19.28.350 and 1988 c 81 s 12 are each amended to read  
5 as follows:

6 Any person, firm, partnership, corporation, or other entity  
7 violating any of the provisions of RCW 19.28.010 through 19.28.360  
8 shall be assessed a penalty of not less than fifty dollars or more than  
9 ten thousand dollars. The department shall set by rule a schedule of  
10 penalties for violating RCW 19.28.010 through 19.28.360. The  
11 department shall notify the person, firm, partnership, corporation, or  
12 other entity violating any of the provisions of RCW 19.28.010 through  
13 19.28.360 of the amount of the penalty and of the specific violation by  
14 certified mail, return receipt requested, sent to the last known  
15 address of the assessed party. Any penalty is subject to review by an  
16 appeal to the board. The filing of an appeal stays the effect of the  
17 penalty until the board makes its decision. The appeal shall be filed  
18 within (~~fifteen~~) twenty days after notice of the penalty is given to  
19 the assessed party by certified mail, return receipt requested, sent to  
20 the last known address of the assessed party and shall be made by  
21 filing a written notice of appeal with the department. The notice  
22 shall be accompanied by a certified check for two hundred dollars,  
23 which shall be returned to the assessed party if the decision of the  
24 department is not sustained by the board. If the board sustains the  
25 decision of the department, the two hundred dollars shall be applied by  
26 the department to the payment of the per diem and expenses of the  
27 members of the board incurred in the matter, and any balance remaining  
28 after payment of per diem and expenses shall be paid into the  
29 electrical license fund. The hearing and review procedures shall be  
30 conducted in accordance with chapter 34.05 RCW. The board shall assign  
31 its hearings to an administrative law judge to conduct the hearing and  
32 issue a proposed decision and order. The board shall be allowed a  
33 minimum of twenty days to review a proposed decision and shall issue  
34 its decision no later than the next regularly scheduled board meeting.

35 **Sec. 7.** RCW 19.28.540 and 1988 c 81 s 14 are each amended to read  
36 as follows:

1 The department, in coordination with the board, shall prepare an  
2 examination to be administered to applicants for journeyman and  
3 specialty certificates of competency. The examination shall be  
4 constructed to determine:

5 (1) Whether the applicant possesses varied general knowledge of the  
6 technical information and practical procedures that are identified with  
7 the status of journeyman electrician or specialty electrician; and

8 (2) Whether the applicant is sufficiently familiar with the  
9 applicable electrical codes and the rules of the department pertaining  
10 to electrical installations and electricians.

11 The department shall, at least four times annually, administer the  
12 examination to persons eligible to take it under RCW 19.28.530. A  
13 person may take the journeyman or specialty test as many times as  
14 necessary without limit. All applicants shall, before taking the  
15 examination, pay ~~((to the department an))~~ the required examination  
16 fee~~((. The department shall set the fee by rule))~~ to the agency  
17 administering the examination. The fee shall cover but not exceed the  
18 costs of preparing and administering the examination.

19 The department shall certify the results of the examination upon  
20 such terms and after such a period of time as the department, in  
21 cooperation with the board, deems necessary and proper.

22 (3) The department upon the consent of the board may enter into a  
23 contract with a professional testing agency to develop, administer, and  
24 score journeyman and/or specialty electrician certification  
25 examinations. The department may set the examination fee by contract  
26 with the professional testing agency.

27 **Sec. 8.** RCW 19.28.620 and 1988 c 81 s 16 are each amended to read  
28 as follows:

29 (1) It is unlawful for any person, firm, partnership, corporation,  
30 or other entity to employ an individual for purposes of RCW 19.28.510  
31 through 19.28.620 who has not been issued a certificate of competency  
32 or a training certificate. It is unlawful for any individual to engage  
33 in the electrical construction trade or to maintain or install any  
34 electrical equipment or conductors without having in his or her  
35 possession a certificate of competency or a training certificate under  
36 RCW 19.28.510 through 19.28.620. Any person, firm, partnership,  
37 corporation, or other entity found in violation of RCW 19.28.510  
38 through 19.28.620 shall be assessed a penalty of not less than fifty

1 dollars or more than five hundred dollars. The department shall set by  
2 rule a schedule of penalties for violating RCW 19.28.510 through  
3 19.28.620. An appeal may be made to the board as is provided in RCW  
4 19.28.350. The appeal shall be filed within (~~fifteen~~) twenty days  
5 after the notice of the penalty is given to the assessed party by  
6 certified mail, return receipt requested, sent to the last known  
7 address of the assessed party and shall be made by filing a written  
8 notice of appeal with the department. Any equipment maintained or  
9 installed by any person who does not possess a certificate of  
10 competency under RCW 19.28.510 through 19.28.620 shall not receive an  
11 electrical work permit and electrical service shall not be connected or  
12 maintained to operate the equipment. Each day that a person, firm,  
13 partnership, corporation, or other entity violates (~~the provisions~~  
14 ~~of~~) RCW 19.28.510 through 19.28.620 is a separate violation.

15 (2) A civil penalty shall be collected in a civil action brought by  
16 the attorney general in the county wherein the alleged violation arose  
17 at the request of the department if any of (~~the provisions of~~) RCW  
18 19.28.510 through 19.28.620 or any rules (~~promulgated~~) adopted under  
19 RCW 19.28.510 through 19.28.620 are violated.

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