

**Chapter 18.106 RCW
PLUMBERS**

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RCW 18.106.010 Definitions. 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. [2021 c 65 § 15; 2020 c 153 § 1; 2013 c 23 § 14; 2006 c 185 § 1; 2003 c 399 § 102; 2002 c 82 § 1; 2001 c 281 § 1; 1997 c 326 § 2; 1995 c 282 § 2; 1983 c 124 § 1; 1977 ex.s. c 149 § 1; 1975 1st ex.s. c 71 § 1; 1973 1st ex.s. c 175 § 1.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

Part headings not law—2003 c 399: See note following RCW 19.28.006.

Effective date—1997 c 326: "This act takes effect July 1, 1998."
[1997 c 326 § 7.]

RCW 18.106.020 Certificate or permit required—Photo identification—Trainee supervision required—Medical gas piping installer endorsement—Penalty—Notice of infraction. (1) No person may engage in or offer to engage in the trade of plumbing without having a journey level certificate, specialty certificate, residential service certificate, temporary permit, or trainee certificate and photo identification in his or her possession. The department must establish by rule a requirement that the person also wear and visibly display his or her certificate or permit. A trainee must be supervised by a person who has a journey level certificate, specialty certificate, residential service certificate, or temporary permit, as specified in RCW 18.106.070. Until January 1, 2021, no contractor may employ a person to engage in or offer to engage in the trade of plumbing unless the contractor is a registered plumbing contractor under chapter 18.27 RCW and the person performing the plumbing work has a journey level certificate, specialty certificate, temporary permit, or trainee certificate. After January 1, 2021, no contractor may employ a person to engage in or offer to engage in the trade of plumbing unless the contractor is a licensed plumbing contractor under this chapter and the person performing the plumbing work has a journey level certificate, specialty certificate, residential service certificate, temporary permit, or training certificate.

(2) Without exception, no person may engage in or offer to engage in medical gas piping installation without having a certificate of competency as a journey level plumber and a medical gas piping installer endorsement and photo identification in his or her possession. The department must establish by rule a requirement that the person also wear and visibly display his or her endorsement. A trainee may engage in medical gas piping installation if he or she has a training certificate and is supervised by a person with a medical gas piping installer endorsement. No plumbing contractor may employ a person to engage in or offer to engage in medical gas piping installation unless the person employed has a certificate of competency as a journey level plumber and a medical gas piping installer endorsement.

(3) Violation of this chapter is an infraction. Each day in which a person, firm, or corporation advertises, offers to do work, submits a bid, or performs any work in the trade of plumbing in violation of this chapter or employs a person in violation of this chapter is a separate infraction. Each worksite at which a person engages in the trade of plumbing in violation of this chapter or at which a person is employed in violation of this chapter is a separate infraction.

(4) Notices of infractions for violations of this chapter may be issued to:

(a) The person engaging in or offering to engage in the trade of plumbing in violation of this chapter;

(b) The contractor in violation of this chapter; and

(c) The contractor's employee who authorized the work assignment of the person employed in violation of this chapter.

(5) It is unlawful for anyone required to be licensed under this chapter or registered under chapter 18.27 RCW to subcontract to or use anyone not licensed under this chapter for work covered by the provisions of this chapter. [2020 c 153 § 6; 2013 c 23 § 15; 2009 c 36 § 2; 2006 c 185 § 11; 2002 c 82 § 2; 1997 c 326 § 3; 1994 c 174 § 2; 1983 c 124 § 4; 1977 ex.s. c 149 § 2; 1975 1st ex.s. c 71 § 2; 1973 1st ex.s. c 175 § 2.]

Finding—Intent—2009 c 36: "(1) The legislature finds that dishonest construction contractors sometimes hire workers without proper licenses, certificates, permits, and endorsements to do electrical, plumbing, and conveyance work. This practice gives these contractors an unfair competitive advantage and leaves workers and customers vulnerable.

(2) The legislature intends that electricians, plumbers, and conveyance workers be required to have their licenses, certificates, permits, and endorsements and photo identification in their possession while working. The legislature further intends that the department of labor and industries be authorized to require electricians, plumbers, and conveyance workers to wear and visibly display their licenses, certificates, permits, and endorsements while working, and to include photo identification on these documents. These requirements will help address the problems of the underground economy in the construction industry, level the playing field for honest contractors, and protect workers and consumers." [2009 c 36 § 1.]

Effective date—1997 c 326: See note following RCW 18.106.010.

Effective date—1994 c 174: "This act shall take effect July 1, 1994." [1994 c 174 § 10.]

Effective date—1983 c 124: "Sections 4 through 16 of this act shall take effect on January 1, 1984." [1983 c 124 § 21.]

RCW 18.106.030 Application for certificate of competency—Medical gas piping installer endorsement—Evidence required. (1) Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the trade of plumbing or specialty plumbing so as to qualify him or her to make an application for a certificate of competency as a journey level plumber, specialty plumber, or residential service plumber. Completion of a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the workforce training and education coordinating board shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency for a journey level plumber, specialty plumber, or residential service plumber.

(2) Any person desiring to be issued a medical gas piping installer endorsement shall deliver evidence in a form prescribed by the department affirming that the person has met the requirements established by the department for a medical gas piping installer endorsement.

(3) In addition to supplying the evidence as prescribed in this section, each applicant for a certificate of competency shall submit an application for such certificate on such form and in such manner as shall be prescribed by the director of the department. [2020 c 153 § 7; 2013 c 23 § 16; 2011 c 336 § 504; 1997 c 326 § 4; 1977 ex.s. c 149 § 3; 1973 1st ex.s. c 175 § 3.]

Effective date—1997 c 326: See note following RCW 18.106.010.

RCW 18.106.040 Examinations—Eligibility requirements—

Determination. (1) Upon receipt of the application and evidence set forth in RCW 18.106.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination:

(a) Each applicant for a journey level plumber's certificate of competency shall furnish written evidence that he or she has completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the workforce training and education coordinating board, or has had four or more years of experience under the direct supervision of a certified journey level plumber.

(b) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010(14) (a) shall furnish written evidence that he or she has completed a course of study in the plumbing trade in the armed services of the United States or at a school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, or that he or she has had at least three years of experience in the specialty under the supervision of a certified journey level plumber or a certified plumber.

(c) Each applicant for a residential service plumber's certificate of competency under RCW 18.106.010(11) shall furnish written evidence that he or she has completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the workforce training and education coordinating board, or has had two or more years of experience under the supervision of a certified journey level plumber, certified specialty plumber, or certified residential service plumber.

(d) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010(14) (b) or (c) shall furnish written evidence that he or she is eligible to take the examination. These eligibility requirements for the specialty plumbers defined by RCW 18.106.010(14) (c) shall be one year of practical experience working on pumping systems not exceeding one hundred gallons per minute, and two years of practical experience working on pumping systems exceeding one hundred gallons per minute, or equivalent as determined by rule by the department in consultation with the advisory board, and that experience may be obtained at the same time the individual is meeting the experience required by RCW 19.28.191. The eligibility requirements for other specialty plumbers shall be established by rule by the director pursuant to subsection (2) (b) of this section.

(2) (a) The director shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110.

(b) The director shall establish reasonable criteria by rule for determining an applicant's eligibility to take an examination for the certificate of competency for specialty plumbers under subsection (1)(d) of this section. In establishing the criteria, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110. These rules must take effect by December 31, 2006.

(3) Upon determination that the applicant is eligible to take the examination, the director shall so notify the applicant, indicating the time and place for taking the same.

(4) No other requirement for eligibility may be imposed. [2020 c 153 § 8; 2013 c 23 § 17; 2006 c 185 § 2; 2001 c 281 § 2; 1977 ex.s. c 149 § 4; 1975 1st ex.s. c 71 § 3; 1973 1st ex.s. c 175 § 4.]

RCW 18.106.050 Examinations—Scope—Results—Retaking. (1) The department, with the advice of the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency for journey level plumber, specialty plumber, and residential service plumber. The examination shall be constructed to determine:

(a) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the trade of journey level plumber, specialty plumber, or residential service plumber; and

(b) Whether the applicant is familiar with the applicable plumbing codes and the administrative rules of the department pertaining to plumbing and plumbers.

(2) The department, with the consent of the advisory board, may enter into a contract with a nationally recognized testing agency to develop, administer, and score any examinations required by this chapter. All applicants shall, before taking an examination, pay the required examination fee. The department shall set the examination fee by contract with a nationally recognized testing agency. The fee shall cover but not exceed the costs of preparing and administering the examination and the materials necessary to conduct the practical elements of the examination. The department shall approve training courses and set the fees for training courses for examinations provided by this chapter.

(3) An examination to determine the competency of an applicant for a domestic water pumping system specialty plumbing certificate as defined by RCW 18.106.010(14)(c) must be established by the department in consultation with the advisory board by December 31, 2006. The department may include an examination for appropriate electrical safety and technical requirements as required by RCW 19.28.191 with the examination required by this section. The department, in consultation with the advisory board, may accept the certification by a professional or trade association or other acceptable entity as meeting the examination requirement of this section. The department shall establish a single document for those who have received both the plumbing specialty certification defined by this subsection and have also met the certification requirements for a pump and irrigation or domestic pump specialty electrician, showing that the individual has received both certifications.

(4) The department shall certify the results of the examinations provided by this chapter, and shall notify the applicant in writing whether he or she has passed or failed. Any applicant who has failed

the examination may retake the examination, upon the terms and after a period of time that the director shall set by rule. The director may not limit the number of times that a person may take the examination. [2020 c 153 § 9; 2013 c 23 § 18; 2006 c 185 § 3; 1997 c 326 § 5; 1983 c 124 § 2; 1977 ex.s. c 149 § 5; 1973 1st ex.s. c 175 § 5.]

Effective date—1997 c 326: See note following RCW 18.106.010.

RCW 18.106.070 Certificates of competency, installer endorsement—Issuance—Renewal—Rights of holder—Training certificates—

Supervision—Training, certified plumber—Work group. (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 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 of the required twenty-four 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 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 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 percent of each working day unless otherwise provided in this chapter.

(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 hours of training;

(B) The supervising plumber is no more than forty 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 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. [2020 c 153 § 10; 2013 c 23 § 19; 2009 c 36 § 3; 2006 c 185 § 10; 2003 c 399 § 801; 1997 c 326 § 6; 1985 c 465 § 1; 1983 c 124 § 3; 1977 ex.s. c 149 § 7; 1973 1st ex.s. c 175 § 7.]

Finding—Intent—2009 c 36: See note following RCW 18.106.020.

Part headings not law—2003 c 399: See note following RCW 19.28.006.

Effective date—1997 c 326: See note following RCW 18.106.010.

RCW 18.106.075 Medical gas piping installer endorsement. The department shall adopt requirements that qualify a journey level plumber to be issued a medical gas piping installer endorsement. [2013 c 23 § 20; 1997 c 326 § 1.]

Effective date—1997 c 326: See note following RCW 18.106.010.

RCW 18.106.080 Persons engaged in plumbing business or trade on effective date. No examination shall be required of any applicant for a certificate of competency who, on July 16, 1973, was engaged in a bona fide business or trade of plumbing, or on said date held a valid journey level plumber's license issued by a political subdivision of the state of Washington and whose license is valid at the time of

making his or her application for said certificate. Applicants qualifying under this section shall be issued a certificate by the department upon making an application as provided in RCW 18.106.030 and paying the fee required under RCW 18.106.050: PROVIDED, That no applicant under this section shall be required to furnish such evidence as required by RCW 18.106.030. [2013 c 23 § 21; 2011 c 336 § 505; 1973 1st ex.s. c 175 § 8.]

RCW 18.106.090 Temporary permits. The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever a plumber coming into the state of Washington from another state requests the department for a temporary permit to engage in the trade of plumbing as a journey level plumber or as a specialty plumber during the period of time between filing of an application for a certificate as provided in RCW 18.106.030 as now or hereafter amended and taking the examination provided for in RCW 18.106.050. The temporary permit may include a photograph of the plumber. No temporary permit shall be issued to:

- (1) Any person who has failed to pass the examination for a certificate of competency;
- (2) Any applicant under this section who has not furnished the department with such evidence required under RCW 18.106.030;
- (3) Any apprentice plumber. [2013 c 23 § 22; 2009 c 36 § 4; 1985 c 7 § 78; 1977 ex.s. c 149 § 8; 1973 1st ex.s. c 175 § 9.]

Finding—Intent—2009 c 36: See note following RCW 18.106.020.

RCW 18.106.100 Revocation of certificate of competency, license, or endorsement—Grounds—Procedure. (1) The department may revoke or suspend a certificate of competency, license, or endorsement for any of the following reasons:

- (a) The certificate, license, or endorsement was obtained through error or fraud;
- (b) The certificate, license, or endorsement holder is judged to be incompetent to carry on the trade of plumbing as a journey level plumber, specialty plumber, or residential service plumber;
- (c) The certificate, license, or endorsement holder has violated any provision of this chapter or any rule adopted under this chapter.

(2) Before a certificate of competency, license, or endorsement is revoked or suspended, the department shall send written notice using a method by which the mailing can be tracked or the delivery can be confirmed to the certificate holder's last known address. The notice must list the allegations against the certificate holder and give him or her the opportunity to request a hearing before the advisory board. At the hearing, the department and the certificate holder have opportunity to produce witnesses and give testimony. The hearing must be conducted in accordance with chapter 34.05 RCW. The board shall render its decision based upon the testimony and evidence presented and shall notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

(3) The department may deny renewal of a certificate of competency, license, or endorsement issued under this chapter if the applicant owes outstanding penalties for a final judgment under this chapter. The department shall notify the applicant of the denial using

a method by which the mailing can be tracked or the delivery can be confirmed to the address on the application. The applicant may appeal the denial within twenty days by filing a notice of appeal with the department accompanied by a certified check for two hundred dollars which shall be returned to the applicant if the decision of the department is not upheld by the hearings officer. The office of administrative hearings shall conduct the hearing under chapter 34.05 RCW. If the hearings officer sustains the decision of the department, the two hundred dollars must be applied to the cost of the hearing. [2020 c 153 § 11; 2013 c 23 § 23; 2011 c 301 § 4; 1996 c 147 § 3; 1977 ex.s. c 149 § 9; 1973 1st ex.s. c 175 § 10.]

RCW 18.106.110 Advisory board of plumbers. (1) There is created a state advisory board of plumbers, to be composed of nine members appointed by the director. Two members shall be journey level plumbers, one member shall be a specialty plumber, three members shall be persons conducting a plumbing business, at least one of which shall be primarily engaged in a specialty plumbing business, one member representing the state-approved plumbing code body, one member from the department of health, and one member from the general public who is familiar with the business and trade of plumbing.

(2) The term of one journey level plumber expires July 1, 1995; the term of the second journey level plumber expires July 1, 2000; the term of the specialty plumber expires July 1, 2008; the term of one person conducting a plumbing business expires July 1, 1996; the term of the second person conducting a plumbing business expires July 1, 2000; the term of the third person conducting a plumbing business expires July 1, 2007; the terms of the member representing the state-approved plumbing code body and the member from the department of health expire July 1, 2022; and the term of the public member expires July 1, 1997. Thereafter, upon the expiration of said terms, the director shall appoint a new member to serve for a period of three years. However, to ensure that the board can continue to act, a member whose term expires shall continue to serve until his or her replacement is appointed. In the case of any vacancy on the board for any reason, the director shall appoint a new member to serve out the term of the person whose position has become vacant.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to the enforcement of this chapter including plumbing industry promotion, standards of plumbing installations, consumer protection, and standards for the protection of public health.

(4) Each member of the advisory board shall receive travel expenses in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day in which such member is actually engaged in attendance upon the meetings of the advisory board. [2020 c 153 § 12; 2013 c 23 § 24; 2011 1st sp.s. c 21 § 21; 2006 c 185 § 4; 1997 c 307 § 1; 1995 c 95 § 1; 1975-'76 2nd ex.s. c 34 § 56; 1973 1st ex.s. c 175 § 11.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Effective date—1995 c 95: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 18, 1995]." [1995 c 95 § 2.]

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 18.106.125 Fees. The department shall charge fees for issuance, renewal, and reinstatement of all certificates, endorsements, licenses, and permits and for examinations required by this chapter. The department shall set the fees by rule.

The fees shall cover the full cost of issuing the certificates and permits, devising and administering the examinations, and administering and enforcing this chapter. The costs shall include travel, per diem, and administrative support costs. [2020 c 153 § 13; 1983 c 124 § 17.]

RCW 18.106.130 Plumbing certificate fund. All moneys received from certificates, permits, or other sources, shall be paid to the state treasurer as ex officio custodian thereof and by him or her placed in a special fund designated as the "plumbing certificate fund." He or she shall pay out upon vouchers duly and regularly issued therefor and approved by the director. The treasurer shall keep an accurate record of payments into said fund, and of all disbursement therefrom. Said fund shall be charged with its pro rata share of the cost of administering said fund. [2011 c 336 § 506; 1973 1st ex.s. c 175 § 13.]

RCW 18.106.140 Powers and duties of director. The director may promulgate rules, make specific decisions, orders, and rulings, including therein demands and findings, and take other necessary action for the implementation and enforcement of his or her duties under this chapter: PROVIDED, That in the administration of this chapter the director shall not enter any controversy arising over work assignments with respect to the trades involved in the construction industry. [2011 c 336 § 507; 1973 1st ex.s. c 175 § 14.]

RCW 18.106.150 Exemptions. (1) Nothing in this chapter shall be construed to require that a person obtain a license in order to do plumbing work at his or her residence or farm or place of business or on other property owned by him or her.

(2) A current certificate of competency or apprentice permit is not required for:

(a) Persons performing plumbing work on a farm; or

(b) Certified journey level electricians, certified residential specialty electricians, or electrical trainees working for an electrical contractor and performing exempt work under:

(i) RCW 18.27.090(18) until January 1, 2021;

(ii) After January 1, 2021, under subsection (8) of this section.

(3) Nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid plumbing code enacted by a

political subdivision of the state, 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 trade of plumbing.

(4) This chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees.

(5) Nothing in this chapter shall be construed to apply to any farm, business, industrial plant, or corporation doing plumbing work on premises it owns or operates.

(6) Nothing in this chapter 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 such plumbing hold themselves out as engaged in the trade or business of plumbing.

(7) This section does not apply to anyone installing, altering, repairing, or renovating medical gas systems.

(8) As of January 1, 2021, nothing in this chapter shall be construed to apply to an entity who holds a valid electrical contractor's license under chapter 19.28 RCW that employs a certified journey level electrician, a certified residential specialty electrician, or an electrical trainee meeting the requirements of chapter 19.28 RCW to perform plumbing work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electrical power and limited waste, water connections, or both. An electrical trainee must be supervised by a certified electrician while performing plumbing work. [2020 c 153 § 14; 2013 c 23 § 25; 2003 c 399 § 402; 1973 1st ex.s. c 175 § 15.]

Part headings not law—2003 c 399: See note following RCW 19.28.006.

RCW 18.106.155 Reciprocity. The director may, upon payment of the appropriate fees, grant a certificate of competency without examination to any applicant who is a registered journey level plumber or specialty plumber in any other state whose requirements for registration are at least substantially equivalent to the requirements of this state, and which extends the same privileges of reciprocity to journey level plumbers or specialty plumbers registered in this state. [2013 c 23 § 26; 1977 ex.s. c 149 § 11.]

RCW 18.106.170 Violations—Inspections—Production of credentials. An authorized representative of the department may investigate alleged or apparent violations of this chapter. An authorized representative of the department upon presentation of credentials may inspect sites at which a person is doing plumbing work for the purpose of determining whether that person has a certificate or permit issued by the department in accordance with this chapter. Upon request of the authorized representative of the department, a person doing plumbing work shall produce his or her certificate or permit and photo identification. [2009 c 36 § 5; 1983 c 124 § 6.]

Finding—Intent—2009 c 36: See note following RCW 18.106.020.

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.180 Notice of infraction—Issuance, service. (1) An authorized representative of the department may issue a notice of infraction as specified in RCW 18.106.020 if:

(a) A person who is doing plumbing work or who is offering to do plumbing work fails to produce evidence of:

(i) Having a certificate or permit issued by the department in accordance with this chapter, or being supervised by a person who has such a certificate or permit; and

(ii) Until January 1, 2021, being registered as a contractor as required under chapter 18.27 RCW, or being employed by a person who is registered as a contractor as required under chapter 18.27 RCW;

(b) Until January 1, 2021, a person who employs anyone, or offers or advertises to employ anyone, to do plumbing work fails to produce evidence of being registered as a contractor as required under chapter 18.27 RCW;

(c) After January 1, 2021, a person who employs anyone, or offers or advertises to employ anyone, to do plumbing work fails to produce evidence of being licensed as a plumbing contractor as required under this chapter; or

(d) A contractor violates RCW 18.106.320.

(2) A notice of infraction issued under this section shall be personally served on the person or contractor named in the notice by an authorized representative of the department or sent using a method by which the mailing can be tracked or the delivery can be confirmed to the last known address provided to the department of the person named in the notice. [2020 c 153 § 15; 2011 c 301 § 5; 2002 c 82 § 3; 2000 c 171 § 27; 1996 c 147 § 4; 1994 c 174 § 3; 1983 c 124 § 7.]

Effective date—1994 c 174: See note following RCW 18.106.020.

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.190 Notice—Contents. The form of the notice of infraction issued under this chapter shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the specific infraction for which the notice was issued;

(4) A statement of the monetary penalty that has been established for the infraction;

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(6) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may

subpoena witnesses, including the authorized representative of the department who issued and served the notice of infraction; and

(7) A statement that the person must respond to the notice of infraction in one of the ways provided in this chapter.

A statement that failure to timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options is a misdemeanor and may be punished by a fine or imprisonment in jail. [2006 c 270 § 9; 1994 c 174 § 4; 1983 c 124 § 9.]

Effective date—1994 c 174: See note following RCW 18.106.020.

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.200 Notice—Hearing—Contest—Notice of appeal. A violation designated as an infraction under this chapter shall be heard and determined by an administrative law judge of the office of administrative hearings. If a party desires to contest the notice of infraction, the party shall file a notice of appeal with the department specifying the grounds of the appeal within twenty days of service of the infraction in a manner provided by this chapter. The appeal must be accompanied by a certified check for two hundred dollars, which must be returned to the assessed party if the decision of the department is not sustained following the final decision in the appeal. If the final decision sustains the decision of the department, the department must apply the two hundred dollars to the payment of the expenses of the appeal, including costs charged by the office of administrative hearings. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction is alleged to have occurred. [2020 c 153 § 16; 1996 c 147 § 5; 1994 c 174 § 5; 1983 c 124 § 8.]

Effective date—1994 c 174: See note following RCW 18.106.020.

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.210 Notice—Determination infraction committed. Unless contested in accordance with this chapter, the notice of infraction represents a determination that the person to whom the notice was issued committed the infraction. [1983 c 124 § 10.]

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.220 Notice—Penalty payment—Filing answer of protest—Failure to respond or appear. (1) If the person or contractor named in the notice of infraction does not wish to contest the notice of infraction, the person or contractor shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response which does not contest the determination is received by the department with the appropriate payment, the department shall make the appropriate entry in its records.

(2) If the person or contractor named in the notice of infraction wishes to contest the notice of infraction, the person or contractor shall respond by filing an answer of protest with the department specifying the grounds of protest.

(3) If any person or contractor issued a notice of infraction:

(a) Fails to respond to the notice of infraction as provided in subsection (1) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (2) of this section;

the administrative law judge shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and shall notify the department of the failure to respond to the notice of infraction or to appear at a requested hearing. [2020 c 153 § 17; 1994 c 174 § 6; 1983 c 124 § 11.]

Effective date—1994 c 174: See note following RCW 18.106.020.

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.230 Notice—Failure to respond—Misdemeanor. It is a misdemeanor for any person who has been personally served with a notice of infraction:

(1) To refuse to sign a written promise to respond to the notice; or

(2) To wilfully violate the written promise to respond to a notice of infraction as provided in this chapter, regardless of the ultimate disposition of the infraction. [1983 c 124 § 14.]

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.240 Representation by attorney—Department represented by attorney general. A person subject to proceedings under this chapter may appear or be represented by counsel. The department shall be represented by the attorney general in any proceeding under this chapter. [1983 c 124 § 12.]

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.250 Infraction—Cases—Administrative Procedure Act—Burden of proof—Order—Appeal. (1) The administrative law judge shall conduct notice of infraction cases under this chapter pursuant to chapter 34.05 RCW.

(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the notice was issued: For the defendant who was issued a notice of infraction authorized by RCW 18.106.020(4) (a) through (c), the person employed or supervised by the defendant has a certificate, license, endorsement, temporary permit, or registration issued by the department in accordance with this chapter, was supervised by a person who had such a certificate, license, temporary permit, or endorsement, was exempt from this chapter under RCW

18.106.150, or was registered as a plumbing contractor under this chapter and registered as a contractor under chapter 18.27 RCW.

(3) After consideration of the evidence and argument, the administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the record of the proceedings. If it has been established that the infraction was committed, the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.

(4) An appeal from the administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure. [2020 c 153 § 18; 2002 c 82 § 4; 2000 c 171 § 28; 1994 c 174 § 7; 1983 c 124 § 13.]

Effective date—1994 c 174: See note following RCW 18.106.020.

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.270 Infraction—Monetary penalties—Suspension—Rules.

(1) A person found to have committed an infraction under RCW 18.106.020 shall be assessed a minimum monetary penalty of one hundred dollars for the first infraction. A contractor found to have committed an infraction under RCW 18.106.020 must be assessed a minimum monetary penalty of five hundred dollars for the first infraction. The maximum penalty for an infraction under RCW 18.106.020 must not exceed five thousand dollars for a second or subsequent infraction. The department shall set by rule a schedule of penalties for infractions imposed under this chapter.

(2) The administrative law judge may not waive, reduce, or suspend the monetary penalty imposed for the infraction.

(3) The director may waive or reduce collection of payment for good cause.

(4) Any individual or plumbing contractor who acquires three infractions within a thirty-six month period may have his or her certificate, license, endorsement, or registration suspended for a period of up to two years upon recommendation of the advisory board of plumbers. For purposes of this subsection, multiple violations created by a single inspection or audit are counted as one violation.

(5) Monetary penalties collected under this chapter shall be deposited in the plumbing certificate fund. [2020 c 153 § 19; 1994 c 174 § 8; 1983 c 124 § 16.]

Effective date—1994 c 174: See note following RCW 18.106.020.

Effective date—1983 c 124: See note following RCW 18.106.020.

RCW 18.106.280 Pilot project—Enforcement of chapter—Reimbursement fee. The department of labor and industries may establish one pilot project in which the department will enter into an agreement with a city and the county within which the city is located regarding compliance inspections by the city or county to enforce this chapter. Under the terms of the agreement, the city and county shall

be permitted to submit declarations of noncompliance to the department for the department's enforcement under RCW 18.106.180, with reimbursement to the city or county at an established fee. The pilot project shall be located in eastern Washington. [1995 c 294 § 1; 1994 c 174 § 1.]

Effective date—1994 c 174: See note following RCW 18.106.020.

RCW 18.106.300 Certificate suspension—Noncompliance with support order—Reissuance. The department shall immediately suspend any certificate of competency issued under this chapter if the holder of the certificate has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of competency shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. [1997 c 58 § 829.]

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

RCW 18.106.310 Backflow assembly testers—Specialty plumber's certificate of competency. (1) Those actively certified by the department of health on or before July 1, 2001, as backflow assembly testers and registered as a contractor under chapter 18.27 RCW or employed by a registered contractor, may perform maintenance and repair of backflow prevention assemblies, without being a certified plumber under this chapter, until January 1, 2003. For the purposes of this section, "maintenance and repair" include cleaning and replacing internal parts of an assembly, but do not include installing or replacing backflow prevention assemblies.

(2) After January 1, 2003, backflow assembly testers exempted under subsection (1) of this section are required to meet the eligibility requirements for a specialty plumber's certificate of competency under *RCW 18.106.040(1)(c). [2001 c 281 § 3.]

***Reviser's note:** RCW 18.106.040 was amended by 2020 c 153 § 8, changing subsection (1)(c) to subsection (1)(d).

RCW 18.106.320 Contractor's duties—Records audit—Department's rule-making authority—Penalty. (1) (a) The plumbing contractor shall:

(i) Accurately report all plumbing hours worked by plumbing trainees and, effective June 30, 2021, report all plumbing trainee hours worked on a quarterly basis on a form prescribed by the department;

(ii) Attest that trainee hours were under the supervision of a certified plumber and within the proper ratio;

(iii) Provide the names and certification numbers of the supervising plumbers; and

(iv) Upon request, provide the department with trainee hours worked by all trainees within their employment for the past two-year period.

(b) Plumbing contractors are not required to identify which hours a trainee works with a specific certified plumber. Plumbing hours reported on all payroll reports for audit purposes will be considered work performed by a certified plumber or trainee working within ratio. Plumbing work reported for noncertified plumbers or supervision and ratio requirements is a violation of this chapter and subject to issuance of an infraction.

(2) The department may audit the records of a plumbing contractor that has verified the hours of experience submitted by a plumbing trainee to the department under RCW 18.106.030 in the following circumstances: Excessive hours were reported; hours were reported outside the normal course of the plumbing contractor's business; or for other similar circumstances in which the department demonstrates a likelihood of excessive or improper hours being reported. The department shall limit the audit to records necessary to verify hours. Failure to have or maintain payroll and other records for each employee performing plumbing work for the company is a violation of this chapter and subject to issuance of an infraction. The department may assess a penalty of up to five thousand dollars for failure to maintain adequate records. Records used to document plumbing work must be maintained for a minimum of three years. The department shall adopt rules implementing audit procedures. Information obtained from a plumbing contractor under the provisions of this section is confidential and is not open to public inspection under chapter 42.56 RCW.

(3) Violation of this section by a contractor is an infraction. [2020 c 153 § 20; 2005 c 274 § 229; 2002 c 82 § 5.]

RCW 18.106.400 Plumbing contractor license—Application—Requirements—Exemption. (1) Except as provided in this chapter, as of July 1, 2021, it is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, or perform any work under this chapter without being licensed as a plumbing contractor under this chapter. A plumbing contractor license expires twenty-four calendar months following the day of its issuance. An application for a plumbing contractor license must be made in writing to the department, accompanied by the required fee. The application shall state:

(a) The name and address of the applicant. In the case of firms or partnerships, the application must state the names of the individuals comprising the firm or partnership. In the case of

corporations, the application must 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;

(iii) For applicants domiciled in another state or a province of Canada subject to an agreement entered into under RCW 51.12.120(7), filing a certificate of coverage issued by the agency that administers 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.

The department may verify the workers' compensation coverage information required by this subsection (1)(d), including information regarding 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;

(e) The employment security department number; and

(f) The state excise tax registration number.

(2) The unified business identifier account number may be substituted for the information required by subsection (1)(d), (e), and (f) of this section if the applicant will not employ employees in Washington.

(3) Contractors licensed under this chapter are not required to be registered under chapter 18.27 RCW.

(4) To obtain a plumbing contractor license, the applicant must employ a full-time individual who currently possesses a valid journey level plumber's certificate of competency, or specialty plumber's certificate of competency in the specialty for the scope of work performed. No individual may serve as the certified plumber for any work exceeding the scope of his or her certificate, license, or endorsement.

(5) A plumbing contractor shall:

(a) Ensure that all plumbing work complies with the certification laws and rules of the state; and

(b) Ensure that all plumbing work is performed by properly licensed and certified plumbing individuals.

(6) As of January 1, 2021, for a contractor who employs specialty plumbers as described in RCW 18.106.010(14)(c), and is also required to be licensed as an electrical contractor as required in RCW 19.28.041, while doing pump and irrigation or domestic pump work described in rule as authorized by RCW 19.28.251, the department shall establish a single licensing document for those who qualify for both plumbing contractor license as defined by this chapter and an electrical contractor license as defined by chapter 19.28 RCW.

(7) This section does not apply to: A person who is contracting for plumbing work on his or her own residence, unless the plumbing work is on a building that is for rent, sale, or lease. [2020 c 153 § 2.]

RCW 18.106.410 Plumbing contractor license—Surety bond. (1)

Each applicant for a plumbing contractor license shall file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of six thousand dollars. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the license application. The bond must have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond must be continuous and may be canceled by the surety upon the surety giving written notice to the director. A cancellation or revocation of the bond or withdrawal of the surety from the bond automatically suspends the license issued to the contractor until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond must be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of breach of contract including improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity does not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) At the time of initial license or renewal, the contractor shall provide a bond or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department may issue or renew the contractor's license.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit against the contractor and the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond must be named as a party to any suit upon the bond. Action upon the bond or deposit brought by a residential homeowner for breach of contract by a party to the construction contract must be commenced by filing the summons and complaint with the clerk of the appropriate superior court within two years from the date the claimed contract work was substantially completed or abandoned, whichever occurred first. Action upon the bond or deposit brought by any other authorized party must be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was substantially completed or abandoned, whichever occurred first. Service of process in an action filed under this chapter against the contractor and the contractor's bond or the deposit must be exclusively by service upon the department. Three copies of the summons and complaint and a fee adopted by rule of not less than fifty dollars to cover the costs must be served by registered or certified mail, or other delivery service requiring notice of receipt, upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the

fee and three copies of the summons and complaint. This service constitutes service and confers personal jurisdiction on the contractor and the surety for suit on claimant's claim against the contractor and the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the contractor at the address listed in the contractor's application and to the surety within two days after it has been received.

(4) The surety upon the bond is not liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety does not cumulate where the bond has been renewed, continued, reinstated, reissued, or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond is exonerated but if the actions commenced and pending and provided to the department as required in subsection (3) of this section, at any one time exceed the amount of the bond then unimpaired, claims must be satisfied from the bond in the following order:

(a) Employee labor and claims of laborers, including employee benefits;

(b) Claims for breach of contract by a party to the construction contract;

(c) Registered or licensed subcontractors, material, and equipment;

(d) Taxes and contributions due the state of Washington;

(e) Any court costs, interest, and attorneys' fees plaintiff may be entitled to recover.

The surety is not liable for any amount in excess of the penal limit of its bond. A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety.

(5) The total amount paid from a bond or deposit required of a plumbing contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount.

(6) The prevailing party in an action filed under this section against the contractor and contractor's bond or deposit, for breach of contract by a party to the construction contract involving a residential homeowner, is entitled to costs, interest, and reasonable attorneys' fees. The surety upon the bond or deposit is not liable in an aggregate amount in excess of the amount named in the bond or deposit nor for any monetary penalty assessed pursuant to this chapter for an infraction.

(7) If a final judgment impairs the liability of the surety upon the bond or deposit so furnished that there is not in effect a bond or deposit in the full amount prescribed in this section, the contractor license is automatically suspended until the bond or deposit liability in the required amount unimpaired by unsatisfied judgment claims is furnished.

(8) In lieu of the surety bond required by this section the contractor may file with the department an assigned savings account, upon forms provided by the department.

(9) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy

of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department must be the order of receipt by the department, but the department has no liability for payment in excess of the amount of the deposit.

(10) Within ten days after resolution of the case, a certified copy of the final judgment and order, or any settlement documents where a case is not disposed of by a court trial, a certified copy of the dispositive settlement documents must be provided to the department by the prevailing party. Failure to provide a copy of the final judgment and order or the dispositive settlement documents to the department within ten days of entry of such an order constitutes a violation of this chapter and a penalty adopted by rule of not less than two hundred fifty dollars may be assessed against the prevailing party.

(11) If the director determines that an applicant, or a previous license of a corporate officer, owner, or partner of a current applicant, has had in the past five years a final judgment in actions under this chapter involving a residential structure, the director may require an applicant applying to renew or reinstate a plumbing contractor's license or applying for a new plumbing contractor's license to file a bond of up to three times the normally required amount. [2020 c 153 § 3.]

RCW 18.106.420 Plumbing contractor licensing—Insurance—Financial responsibility. (1) At the time of plumbing contractor licensing and subsequent license renewal, the applicant shall furnish insurance or financial responsibility in the form of an assigned account in the amount of fifty thousand dollars for injury or damages to property, and one hundred thousand dollars for injury or damage including death to any one person, and two hundred thousand dollars for injury or damage including death to more than one person.

(2) An expiration, cancellation, or revocation of the insurance policy or withdrawal of the insurer from the insurance policy automatically suspends the license issued to the registrant until a new insurance policy or reinstatement notice has been filed and approved as provided in this section.

(3) (a) Proof of financial responsibility authorized in this section may be given by providing, in the amount required by subsection (1) of this section, an assigned account acceptable to the department. The assigned account shall be held by the department to satisfy any execution on a judgment issued against the contractor for damage to property or injury or death to any person occurring in the contractor's contracting operations, according to the provisions of the assigned account agreement. The department has no liability for payment in excess of the amount of the assigned account.

(b) The assigned account filed with the director as proof of financial responsibility must be canceled at the expiration of three years after:

(i) The contractor's license has expired or been revoked; or

(ii) The contractor has furnished proof of insurance as required by subsection (1) of this section;

If, in either case, no legal action has been instituted against the contractor or on the account at the expiration of the three-year period.

(c) If a contractor chooses to file an assigned account as authorized in this section, the contractor shall, on any contracting project, notify each person with whom the contractor enters into a contract or to whom the contractor submits a bid that the contractor has filed an assigned account in lieu of insurance and that recovery from the account for any claim against the contractor for property damage or personal injury or death occurring in the project requires the claimant to obtain a court judgment. [2020 c 153 § 4.]

RCW 18.106.430 Plumbing contractor license—Suspension—

Revocation—Penalties. (1) A certificate, license, or endorsement issued under this chapter may be suspended, revoked, or subject to civil penalty by the department upon determination that any one or more of the following exist:

(a) A false statement as to a material matter in the application for a certificate, license, or endorsement;

(b) Fraud, misrepresentation, or bribery in securing a certificate, license, or endorsement;

(c) A violation of any provision of this chapter; or

(d) If the plumbing contractor does not employ a full-time individual who currently possesses a valid journey level plumber's certificate of competency or specialty plumber's certificate of competency in the specialty for the scope of work performed.

(2) If the department has suspended or revoked a certificate, license, or endorsement, because of fraud or error and a hearing is requested, the suspension or revocation must be stayed until the hearing is concluded and a decision is issued.

(3) The department must remove a suspension or reinstate a revoked certificate, license, or endorsement, if the licensee pays all assessed civil penalties and is able to demonstrate to the department that the licensee has met all the qualifications established by this chapter. [2020 c 153 § 5.]

RCW 18.106.440 Plumbing contractor license—Permitting

requirements. (1) No city, town, or county shall issue a plumbing permit for work which is to be done by any contractor required to be licensed under this chapter without verification that such contractor is currently licensed as required by law. When such verification is made, nothing contained in this section is intended to be, nor shall be construed to create, or form the basis for any liability under this chapter on the part of any city, town, or county, or its officers, employees, or agents.

(2) At the time of issuing the plumbing permit, all cities, towns, or counties are responsible for:

(a) Printing the plumbing contractor license number on the plumbing permit; and

(b) Providing a written notice to the plumbing permit applicant informing them of plumbing contractor license laws and the potential risk and monetary liability to the homeowner for using an unlicensed plumbing contractor.

(3) If a plumbing permit is obtained by an applicant or contractor who falsifies information to obtain an exemption provided under RCW 18.106.150 the plumbing permit shall be forfeited. [2020 c 153 § 28.]

Effective date—2020 c 153 §§ 21, 22, and 28: See note following RCW 18.27.060.