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HOUSE BILL 2463

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State of Washington

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2000 Regular Session

By Representatives Cooper, Campbell, Cairnes, Cody, Radcliff, Kastama, O'Brien, Koster, Veloria, Reardon, McDonald, Kenney, Conway, Kagi, Ruderman, Scott, Edwards, Keiser, Edmonds, Santos, Lantz, Linville, Wood and Lovick

Read first time 01/13/2000. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to regulation of plumbers; amending RCW 18.106.010,  
2 18.106.020, 18.106.030, 18.106.050, 18.106.070, 18.106.090, 18.106.155,  
3 18.106.170, 18.106.180, and 18.106.250; creating a new section; and  
4 providing an expiration date.

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

6 **Sec. 1.** RCW 18.106.010 and 1997 c 326 s 2 are each amended to read  
7 as follows:

8 Unless a different meaning is plainly required by the context, the  
9 following words and phrases as hereinafter used in this chapter shall  
10 have the following meaning:

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

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

13 (3) "Director" means the director of department of labor and  
14 industries;

15 (4) "Fuel gas piping" means the craft involved in installing,  
16 altering, and repairing natural gas, manufactured gas, liquefied  
17 petroleum, or a mixture of these gas piping systems. "Fuel gas piping"  
18 is not restricted to activities occurring only within a building;

1        (5) "Journeyman fuel gas fitter" means any person who has been  
2 issued a certificate of competency by the department as a journeyman  
3 fuel gas fitter;

4        (6) "Journeyman pipefitter" means any person who has been issued a  
5 certificate of competency as a journeyman pipefitter by the department;

6        (7) "Journeyman plumber" means any person who has been issued a  
7 certificate of competency as a journeyman plumber by the department of  
8 labor and industries as provided in this chapter;

9        ~~((+5))~~ (8) "Medical gas piping" means oxygen, nitrous oxide, high  
10 pressure nitrogen, medical compressed air, and medical vacuum systems;

11        ~~((+6))~~ (9) "Medical gas piping installer" means a journeyman  
12 plumber who has been issued a medical gas piping installer endorsement;

13        ~~((+7))~~ (10) "Pipefitting" means the craft involved in installing,  
14 altering, repairing, and renovating all hydronic heating, steam piping  
15 systems, and fuel gas piping systems. "Pipefitting" is not restricted  
16 to activities occurring only within a building;

17        (11) "Plumbing" means that craft involved in installing, altering,  
18 repairing and renovating potable water systems, liquid waste systems,  
19 and medical gas piping systems within a building. The installation,  
20 repair, or alteration of fuel gas piping systems is not restricted to  
21 activities occurring only within a building. Installation in a water  
22 system of water softening or water treatment equipment is not within  
23 the meaning of plumbing as used in this chapter;

24        ~~((+8))~~ (12) "Specialty plumber" means anyone who has been issued  
25 a specialty certificate of competency limited to installation,  
26 maintenance, and repair of the plumbing or pipefitting of single-family  
27 dwelling, duplexes, and apartment buildings that do not exceed three  
28 stories.

29        **Sec. 2.** RCW 18.106.020 and 1997 c 326 s 3 are each amended to read  
30 as follows:

31        (1) No person may engage in or offer to engage in the trade of  
32 plumbing without having a journeyman plumbing certificate, specialty  
33 certificate, temporary permit, or trainee certificate. A trainee must  
34 be supervised by a person who has a journeyman certificate, specialty  
35 certificate, or temporary permit, as specified in RCW 18.106.070. No  
36 contractor may employ a person to engage in or offer to engage in the  
37 trade of plumbing unless the person employed has a journeyman  
38 certificate, specialty certificate, temporary permit, or trainee

1 certificate. For the purposes of this section, "contractor" means any  
2 person or body of persons, corporate or otherwise, engaged in any work  
3 covered by the provisions of this chapter, chapter 18.27 RCW, or  
4 chapter 19.28 RCW, by way of trade or business. However, in no case  
5 shall this section apply to a contractor who is contracting for work on  
6 his or her own residence.

7 (2) No person may engage in or offer to engage in medical gas  
8 piping installation without having a certificate of competency as a  
9 journeyman plumber and a medical gas piping installer endorsement. A  
10 trainee may engage in medical gas piping installation if he or she has  
11 a training certificate and is supervised by a person with a medical gas  
12 piping installer endorsement. No contractor may employ a person to  
13 engage in or offer to engage in medical gas piping installation unless  
14 the person employed has a certificate of competency as a journeyman  
15 plumber and a medical gas piping installer endorsement.

16 (3) No person may engage in or offer to engage in the trade of  
17 pipefitting without having a certificate of competency as a journeyman  
18 pipefitter. A trainee may engage in pipefitting if he or she is  
19 supervised as specified in RCW 18.106.070. No contractor may employ a  
20 person to engage in or offer to engage in the trade of pipefitting  
21 unless the person employed has a certificate of competency as a  
22 journeyman pipefitter.

23 (4) No person may engage in or offer to engage in fuel gas fitting  
24 without having a certificate of competency as a journeyman plumber,  
25 specialty plumber, journeyman pipefitter, or journeyman fuel gas  
26 fitter. A trainee may engage in fuel gas fitting if he or she is  
27 supervised as specified in RCW 18.106.070. No contractor may employ a  
28 person to engage in or offer to engage in fuel gas fitting unless the  
29 person employed has a certificate of competency as a journeyman  
30 plumber, specialty plumber, journeyman pipefitter, or journeyman fuel  
31 gas fitter.

32 (5) Violation of subsection (1) (~~(1)~~), (2), (3), or (4) of this  
33 section is an infraction. Each day in which a person engages in the  
34 trade of plumbing, pipefitting, or fuel gas piping, in violation of  
35 subsection (1) (~~(1)~~), (2), (3), or (4) of this section or employs a  
36 person in violation of subsection (1) (~~(1)~~), (2), (3), or (4) of this  
37 section is a separate infraction. Each worksite at which a person  
38 engages in the trade of plumbing, pipefitting, or fuel gas piping, in  
39 violation of subsection (1) (~~(1)~~), (2), (3), or (4) of this section or

1 at which a person is employed in violation of subsection (1) ~~((~~or~~))~~,  
2 (2), (3), or (4) of this section is a separate infraction.

3 ~~((~~4~~))~~ (6) Notices of infractions for violations of subsection (1)  
4 ~~((~~or~~))~~, (2), (3), or (4) of this section may be issued to:

5 (a) The person engaging in or offering to engage in the trade of  
6 plumbing in violation of subsection (1) ~~((~~or~~))~~, (2), (3), or (4) of  
7 this section;

8 (b) The contractor in violation of subsection (1) ~~((~~or~~))~~, (2), (3),  
9 or (4) of this section; and

10 (c) The contractor's employee who authorized the work assignment of  
11 the person employed in violation of subsection (1) ~~((~~or~~))~~, (2), (3), or  
12 (4) of this section.

13 **Sec. 3.** RCW 18.106.030 and 1997 c 326 s 4 are each amended to read  
14 as follows:

15 Any person desiring to be issued a certificate of competency as  
16 provided in this chapter shall deliver evidence in a form prescribed by  
17 the department affirming that ~~((said))~~ the person has had sufficient  
18 experience in as well as demonstrated general competency in the trade  
19 of plumbing or specialty plumbing so as to qualify him or her to make  
20 an application for a certificate of competency as a journeyman plumber  
21 or specialty plumber. Completion of a course of study in the plumbing  
22 trade in the armed services of the United States or at a school  
23 accredited by the work force training and education coordinating board  
24 shall constitute sufficient evidence of experience and competency to  
25 enable such person to make application for a certificate of competency.

26 Any person desiring to be issued a medical gas piping installer  
27 endorsement shall deliver evidence in a form prescribed by the  
28 department affirming that the person has met the requirements  
29 established by the department for a medical gas piping installer  
30 endorsement.

31 Any person desiring to be issued a certificate of competency as a  
32 journeyman pipefitter or as a journeyman fuel gas fitter shall deliver  
33 evidence in a form prescribed by the department affirming that the  
34 person has met the requirements established by the department for a  
35 certificate of competency as a journeyman pipefitter or as a journeyman  
36 fuel gas fitter.

37 In addition to supplying the evidence as prescribed in this  
38 section, each applicant for a certificate of competency shall submit an

1 application for such certificate on such form and in such manner as  
2 shall be prescribed by the director of the department.

3 **Sec. 4.** RCW 18.106.050 and 1997 c 326 s 5 are each amended to read  
4 as follows:

5 (1) The department, with the advice of the advisory board, shall  
6 prepare a written examination to be administered to applicants for  
7 certificates of competency for journeyman plumber ~~((and))~~, specialty  
8 plumber, journeyman pipefitter, and journeyman fuel gas fitter. The  
9 examination shall be constructed to determine:

10 (a) Whether the applicant possesses varied general knowledge of the  
11 technical information and practical procedures that are identified with  
12 the trade of journeyman plumber ~~((or))~~, specialty plumber, journeyman  
13 pipefitter, or journeyman fuel gas fitter; and

14 (b) Whether the applicant is familiar with the applicable  
15 ~~((plumbing))~~ codes and the administrative rules of the department  
16 pertaining to ~~((plumbing and))~~ plumbers, pipefitters, and fuel gas  
17 fitters.

18 The department shall administer the examination to eligible  
19 persons. All applicants shall, before taking the examination, pay to  
20 the department a fee.

21 (2) For purposes of the medical gas piping installer endorsement,  
22 the department may enter into a contract with a nationally recognized  
23 testing agency to develop, administer, and score medical gas piping  
24 installer examinations. All applicants shall, before taking an  
25 examination for a medical gas piping installer endorsement, pay the  
26 required examination fee. The department shall set the examination fee  
27 by contract with a nationally recognized testing agency. The fee shall  
28 cover but not exceed the costs of preparing and administering the  
29 examination and the materials necessary to conduct the practical  
30 elements of the examination. The department shall approve training  
31 courses and set the fees for training courses for the medical gas  
32 piping installer endorsement.

33 The department shall certify the results of the examination, and  
34 shall notify the applicant in writing whether he or she has passed or  
35 failed. Any applicant who has failed the examination may retake the  
36 examination, upon the terms and after a period of time that the  
37 director shall set by rule. The director may not limit the number of  
38 times that a person may take the examination.

1       **Sec. 5.** RCW 18.106.070 and 1997 c 326 s 6 are each amended to read  
2 as follows:

3       (1) The department shall issue a certificate of competency to all  
4 applicants who have passed the examination and have paid the fee for  
5 the certificate. The certificate shall bear the date of issuance, and  
6 shall expire on the birthdate of the holder immediately following the  
7 date of issuance. The certificate shall be renewable every other year,  
8 upon application, on or before the birthdate of the holder. A renewal  
9 fee shall be assessed for each certificate. If a person fails to renew  
10 the certificate by the renewal date, he or she must pay a doubled fee.  
11 If the person does not renew the certificate within ninety days of the  
12 renewal date, he or she must retake the examination and pay the  
13 examination fee.

14       The journeyman plumber (~~and~~), specialty plumber, journeyman  
15 pipefitter, and journeyman fuel gas fitter certificates of competency,  
16 the medical gas piping installer endorsement, and the temporary permits  
17 provided for in this chapter grant the holder the right to engage in  
18 the work of plumbing, pipefitting, or fuel gas fitting, as a journeyman  
19 plumber, specialty plumber, journeyman pipefitter, journeyman fuel gas  
20 fitter, or medical gas piping installer, in accordance with their  
21 provisions throughout the state and within any of its political  
22 subdivisions on any job or any employment without additional proof of  
23 competency or any other license or permit or fee to engage in the work.  
24 This section does not preclude employees from adhering to a union  
25 security clause in any employment where such a requirement exists.

26       (2) A person who is indentured in an apprenticeship program  
27 approved under chapter 49.04 RCW for the plumbing (~~construction~~),  
28 pipefitting, or fuel gas fitting trade or who is learning the plumbing  
29 (~~construction~~), pipefitting, or fuel gas fitting trade may work in  
30 the plumbing (~~construction~~), pipefitting, or fuel gas fitting trade  
31 if supervised by ((a)) an appropriate certified journeyman plumber,  
32 journeyman pipefitter, journeyman fuel gas fitter, or ((a)) certified  
33 specialty plumber in that plumber's specialty. All apprentices and  
34 individuals learning the plumbing (~~construction~~) trade shall obtain  
35 a plumbing training certificate from the department. The certificate  
36 shall authorize the holder to learn the plumbing (~~construction~~) trade  
37 while under the direct supervision of a journeyman plumber or a  
38 specialty plumber working in his or her specialty. All apprentices and  
39 individuals learning the pipefitting trade shall obtain a pipefitting

1 training certificate from the department. The certificate shall  
2 authorize the holder to learn the pipefitting trade while under the  
3 direct supervision of a journeyman pipefitter. All apprentices and  
4 individuals learning the fuel gas fitting trade shall obtain a fuel gas  
5 fitter installation training certificate from the department. The  
6 certificate shall authorize the holder to learn the fuel gas fitting  
7 trade while under the direct supervision of a journeyman fuel gas  
8 fitter, journeyman pipefitter, or journeyman plumber. The holder of  
9 the ((~~plumbing~~)) training certificate shall renew the certificate  
10 annually. At the time of renewal, the holder shall provide the  
11 department with an accurate list of the holder's employers in the  
12 ((~~plumbing-construction~~)) industry for the previous year and the number  
13 of hours worked for each employer. An annual fee shall be charged for  
14 the issuance or renewal of the certificate. The department shall set  
15 the fee by rule. The fee shall cover but not exceed the cost of  
16 administering and enforcing the trainee certification and supervision  
17 requirements of this chapter. Apprentices and individuals learning the  
18 plumbing ((~~construction~~)), pipefitting, or fuel gas fitting trade shall  
19 have their ((~~plumbing~~)) training certificates in their possession at  
20 all times that they are performing plumbing, pipefitting, or fuel gas  
21 fitting work. They shall show their certificates to an authorized  
22 representative of the department at the representative's request.

23 (3) Any person who has been issued a ((~~plumbing~~)) training  
24 certificate under this chapter may work if that person is under  
25 supervision. Supervision shall consist of a person being on the same  
26 job site and under the control of ((~~either-a~~)) an appropriate  
27 journeyman ((~~plumber~~)) or an appropriate specialty plumber who has an  
28 applicable certificate of competency issued under this chapter.  
29 ((~~Either-a~~)) An appropriate journeyman ((~~plumber~~)) or an appropriate  
30 specialty plumber shall be on the same job site as the noncertified  
31 individual for a minimum of seventy-five percent of each working day  
32 unless otherwise provided in this chapter. The ratio of noncertified  
33 individuals to certified journeymen or specialty plumbers working on a  
34 job site shall be: (a) ((~~From July 28, 1985, through June 30, 1988,~~  
35 ~~not more than three noncertified plumbers working on any one job site~~  
36 ~~for every certified journeyman or specialty plumber;~~ (b)) Effective  
37 July 1, 1988, not more than two noncertified plumbers working on any  
38 one job site for every certified specialty plumber or journeyman  
39 plumber working as a specialty plumber; ((~~and-e~~)) (b) effective July

1 1, 1988, not more than one noncertified plumber working on any one job  
2 site for every certified journeyman plumber working as a journeyman  
3 plumber; and (c) effective the effective date of this section, not more  
4 than one noncertified pipefitter for every journeyman pipefitter, and  
5 not more than one noncertified fuel gas fitter for each fuel gas  
6 fitter, journeyman pipefitter, or journeyman plumber.

7 An individual who has a current training certificate and who has  
8 successfully completed or is currently enrolled in an approved  
9 apprenticeship program or in a technical school program in the plumbing  
10 ~~((construction))~~, pipefitting, or fuel gas fitting trade in a school  
11 approved by the work force training and education coordinating board,  
12 may work without direct on-site supervision during the last six months  
13 of meeting the practical experience requirements of this chapter.

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

21 **Sec. 6.** RCW 18.106.090 and 1985 c 7 s 78 are each amended to read  
22 as follows:

23 (1) The department is authorized to grant and issue temporary  
24 permits in lieu of certificates of competency whenever: (a) A plumber  
25 coming into the state of Washington from another state requests the  
26 department for a temporary permit to engage in the trade of plumbing as  
27 a journeyman plumber or as a specialty plumber; (b) a journeyman  
28 pipefitter coming into the state of Washington from another state  
29 requests the department for a temporary permit to engage in the trade  
30 of pipefitting as a journeyman pipefitter; or (c) a fuel gas fitter  
31 coming into the state of Washington from another state requests the  
32 department for a temporary permit to engage in fuel gas fitting, during  
33 the period of time between filing of an application for a certificate  
34 as provided in RCW 18.106.030 ((as now or hereafter amended)) and  
35 taking the examination provided for in RCW 18.106.050( (:—PROVIDED,  
36 That)).

37 (2) No temporary permit shall be issued to:



1       (~~(1)~~) (a) Any person who has failed to pass the examination for  
2 a certificate of competency;

3       (~~(2)~~) (b) Any applicant under this section who has not furnished  
4 the department with such evidence required under RCW 18.106.030;

5       (~~(3)~~) (c) To any apprentice plumber or pipefitter.

6       **Sec. 7.** RCW 18.106.155 and 1977 ex.s. c 149 s 11 are each amended  
7 to read as follows:

8       The director may, upon payment of the appropriate fees, grant a  
9 certificate of competency without examination to any applicant who is  
10 a registered journeyman plumber, journeyman pipefitter, journeyman fuel  
11 gas fitter, or specialty plumber in any other state whose requirements  
12 for registration are at least substantially equivalent to the  
13 requirements of this state, and which extends the same privileges of  
14 reciprocity to journeymen plumbers, journeymen pipefitters, journeyman  
15 fuel gas fitters, or specialty plumbers registered in this state.

16       **Sec. 8.** RCW 18.106.170 and 1983 c 124 s 6 are each amended to read  
17 as follows:

18       An authorized representative of the department may investigate  
19 alleged or apparent violations of this chapter. An authorized  
20 representative of the department upon presentation of credentials may  
21 inspect sites at which a person is doing plumbing, pipefitting, or fuel  
22 gas fitting work for the purpose of determining whether that person has  
23 (~~(a)~~) an appropriate certificate or permit issued by the department in  
24 accordance with this chapter or has an appropriate training certificate  
25 and is supervised by a person who has such a certificate or permit.  
26 Upon request of the authorized representative of the department, a  
27 person doing plumbing, pipefitting, or fuel gas fitting work shall  
28 produce evidence that the person has (~~(a)~~) an appropriate certificate  
29 or permit issued by the department in accordance with this chapter or  
30 has an appropriate training certificate and is supervised by a person  
31 who has such a certificate or permit.

32       NEW SECTION. **Sec. 9.** No examination is required of an applicant  
33 for a certificate of competency as a journeyman pipefitter or as a  
34 journeyman fuel gas fitter if the applicant was engaged in a bona fide  
35 business or trade of pipefitting or fuel gas fitting and has  
36 accumulated a minimum of ten thousand hours of experience as a

1 pipefitter or fuel gas fitter prior to July 1, 2001. Applicants  
2 qualifying under this section shall be issued a certificate by the  
3 department of labor and industries upon making an application as  
4 provided in RCW 18.106.030 and paying the fee required under RCW  
5 18.106.050.

6 This section expires one year after the effective date of this act.

7 **Sec. 10.** RCW 18.106.180 and 1996 c 147 s 4 are each amended to  
8 read as follows:

9 An authorized representative of the department may issue a notice  
10 of infraction as specified in RCW 18.106.020(~~((3))~~) (6) if a person who  
11 is doing plumbing, pipefitting, or fuel gas fitting work or who is  
12 offering to do plumbing, pipefitting, or fuel gas fitting work fails to  
13 produce evidence of having a certificate or permit issued by the  
14 department in accordance with this chapter or of being supervised by a  
15 person who has such a certificate or permit. A notice of infraction  
16 issued under this section shall be personally served on the person  
17 named in the notice by an authorized representative of the department  
18 or sent by certified mail to the last known address provided to the  
19 department of the person named in the notice.

20 **Sec. 11.** RCW 18.106.250 and 1994 c 174 s 7 are each amended to  
21 read as follows:

22 (1) The administrative law judge shall conduct notice of infraction  
23 cases under this chapter pursuant to chapter 34.05 RCW.

24 (2) The burden of proof is on the department to establish the  
25 commission of the infraction by a preponderance of the evidence. The  
26 notice of infraction shall be dismissed if the defendant establishes  
27 that, at the time the notice was issued:

28 (a) The defendant who was issued a notice of infraction authorized  
29 by RCW 18.106.020(~~((3)(a))~~) (6)(a) had a certificate or permit issued  
30 by the department in accordance with this chapter, was supervised by a  
31 person who has such a certificate or permit, or was exempt from this  
32 chapter under RCW 18.106.150; or

33 (b) For the defendant who was issued a notice of infraction  
34 authorized by RCW 18.106.020(~~((3)(b) or (c))~~) (6) (b) or (c), the  
35 person employed or supervised by the defendant has a certificate or  
36 permit issued by the department in accordance with this chapter, was

1 supervised by a person who had such a certificate or permit, or was  
2 exempt from this chapter under RCW 18.106.150.

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

11 (4) An appeal from the administrative law judge's determination or  
12 order shall be to the superior court. The decision of the superior  
13 court is subject only to discretionary review pursuant to Rule 2.3 of  
14 the Rules of Appellate Procedure.

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