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**SENATE BILL 5235**

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**State of Washington**                      **66th Legislature**                      **2019 Regular Session**

**By** Senators Keiser, King, Saldaña, Conway, Hasegawa, and Fortunato

Read first time 01/16/19. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to plumbing; amending RCW 18.106.010, 18.106.020,  
2 18.106.030,      18.106.040,      18.106.050,      18.106.070,      18.106.100,  
3 18.106.110,      18.106.125,      18.106.150,      18.106.180,      18.106.200,  
4 18.106.220,      18.106.250,      18.106.270,      18.106.320,      18.27.060,      and  
5 19.28.041; reenacting and amending RCW 19.28.091; adding new sections  
6 to chapter 18.106 RCW; prescribing penalties; providing an effective  
7 date; and providing an expiration date.

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

9            **Sec. 1.** RCW 18.106.010 and 2013 c 23 s 14 are each amended to  
10 read as follows:

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

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

14            (2) (~~"Contractor" means any person, corporate or otherwise, who~~  
15 ~~engages in, or offers or advertises to engage in, any work covered by~~  
16 ~~the provisions of this chapter by way of trade or business, or any~~  
17 ~~person, corporate or otherwise, who employs anyone, or offers or~~  
18 ~~advertises to employ anyone, to engage in any work covered by the~~  
19 ~~provisions of this chapter.~~

20            ~~(3))~~ "Department" means the department of labor and industries.

1       ~~((4))~~ (3) "Director" means the director of department of labor  
2 and industries.

3       ~~((5))~~ (4) "Journey level plumber" means any person who has been  
4 issued a certificate of competency by the department of labor and  
5 industries as provided in this chapter.

6       ~~((6))~~ (5) "Like-in-kind" means having similar characteristics  
7 such as plumbing size, type, and function, and being in the same  
8 location.

9       ~~((7))~~ (6) "Medical gas piping" means oxygen, nitrous oxide,  
10 high pressure nitrogen, medical compressed air, and other medical gas  
11 or equipment, including but not limited to medical vacuum systems.

12       ~~((8))~~ (7) "Medical gas piping installer" means a journey level  
13 plumber who has been issued a medical gas piping installer  
14 endorsement.

15       ~~((9))~~ (8) "Plumbing" means that craft involved in installing,  
16 altering, repairing and renovating potable water systems, liquid  
17 waste systems, and medical gas piping systems within a building as  
18 defined by the plumbing code as adopted and amended by the state  
19 building code council, and includes all piping, fixtures, pumps, and  
20 plumbing appurtenances that are used for rainwater catchment and  
21 reclaimed water systems. ~~((Installation in a water system of water~~  
22 ~~softening or water treatment equipment is not within the meaning of~~  
23 ~~plumbing as used in this chapter.~~

24       ~~(10))~~ (9) "Plumbing contractor" means any person, corporate or  
25 otherwise, who engages in, or offers or advertises to engage in, any  
26 plumbing work covered by the provisions of this chapter by way of  
27 trade or business, or any person, corporate or otherwise, who employs  
28 anyone, or offers or advertises to employ anyone, to engage in any  
29 work covered by the provisions of this chapter. The plumbing  
30 contractor is responsible for ensuring the plumbing business is  
31 operated in accordance with rules adopted under this chapter.

32       (10) "Plumber trainee" or "trainee" means any person who has been  
33 issued a plumbing training certificate under this chapter but has not  
34 been issued an appropriate certificate of competency for work being  
35 performed. A trainee may perform plumbing work if that person is  
36 under the appropriate level of supervision.

37       (11) "Residential service plumber" means anyone who has been  
38 issued a certificate of competency limited to performing residential  
39 service plumbing in an existing residential structure. In single-  
40 family dwellings and duplexes only, a residential service plumber may

1 service, repair, or replace previously existing fixtures, piping, and  
2 fittings that are outside the wall or above the floor, often, but not  
3 necessarily in a like-in-kind manner. In any residential structure, a  
4 residential service plumber may perform plumbing work as needed to  
5 perform drain cleaning and may perform leak repairs on any pipe,  
6 fitting, or fixture from the leak to the next serviceable connection.  
7 A residential service plumber may directly supervise plumber trainees  
8 provided the trainees have been supervised by an appropriate journey  
9 level or specialty plumber for the trainees' first two thousand hours  
10 of training. A residential service plumber may not perform plumbing  
11 for new construction of any kind.

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

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

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

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

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

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

31 (i) Are used to acquire, treat, store, or move water suitable for  
32 either drinking or other domestic purposes, including irrigation, to:

33 (A) A single-family dwelling, duplex, or other similar place of  
34 residence; (B) a public water system, as defined in RCW 70.119.020  
35 and as limited under RCW 70.119.040; or (C) a farm owned and operated  
36 by a person whose primary residence is located within thirty miles of  
37 any part of the farm;

38 (ii) Are located within the interior space, including but not  
39 limited to an attic, basement, crawl space, or garage, of a  
40 residential structure, which space is separated from the living area

1 of the residence by a lockable entrance and fixed walls, ceiling, or  
2 floor;

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

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.106  
12 RCW to read as follows:

13 (1) Except as provided in this chapter, as of July 1, 2020, it is  
14 unlawful for any person, firm, partnership, corporation, or other  
15 entity to advertise, offer to do work, submit a bid, or perform any  
16 work under this chapter without being licensed as a plumbing  
17 contractor under this chapter. A plumbing contractor license expires  
18 twenty-four calendar months following the day of its issuance. An  
19 application for a plumbing contractor license must be made in writing  
20 to the department, accompanied by the required fee. The application  
21 shall state:

22 (a) The name and address of the applicant. In the case of firms  
23 or partnerships, the application must state the names of the  
24 individuals comprising the firm or partnership. In the case of  
25 corporations, the application must state the names of the  
26 corporation's managing officials;

27 (b) The location of the place of business of the applicant and  
28 the name under which the business is conducted;

29 (c) The employer social security number or tax identification  
30 number;

31 (d) Evidence of workers' compensation coverage for the  
32 applicant's employees working in Washington, as follows:

33 (i) The applicant's industrial insurance account number issued by  
34 the department;

35 (ii) The applicant's self-insurer number issued by the  
36 department;

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

1 administers workers' compensation law in the applicant's state or  
2 province of domicile certifying that the applicant has secured the  
3 payment of compensation under the other state's or province's  
4 workers' compensation law.

5 The department may verify the workers' compensation coverage  
6 information required by this subsection (1)(d), including information  
7 regarding coverage of an individual employee of the applicant. If  
8 coverage is provided under the laws of another state, the department  
9 may notify the other state that the applicant is employing employees  
10 in Washington;

11 (e) The employment security department number; and

12 (f) The state excise tax registration number.

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

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

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

26 (5) A plumbing contractor shall:

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

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

31 (6) As of January 1, 2021, for a contractor who employs specialty  
32 plumbers as described in RCW 18.106.010(14)(c), and is also required  
33 to be licensed as an electrical contractor as required in RCW  
34 19.28.041, while doing pump and irrigation or domestic pump work  
35 described in rule as authorized by RCW 19.28.251, the department  
36 shall establish a single licensing document for those who qualify for  
37 both plumbing contractor license as defined by this chapter and an  
38 electrical contractor license as defined by chapter 19.28 RCW.

39 (7) This section does not apply to:

1 (a) A person who is contracting for plumbing work on his or her  
2 own residence, unless the plumbing work is on a building that is for  
3 rent, sale, or lease; or

4 (b) As of January 1, 2021, an entity who holds a valid electrical  
5 contractor's license under chapter 19.28 RCW that employs a certified  
6 journey level electrician, a certified residential specialty  
7 electrician, or an electrical trainee meeting the requirements of  
8 chapter 19.28 RCW to perform plumbing work that is incidentally,  
9 directly, and immediately appropriate to the like-in-kind replacement  
10 of a household appliance or other small household utilization  
11 equipment that requires limited electrical power and limited waste,  
12 water connections, or both. An electrical trainee must be supervised  
13 by a certified electrician while performing plumbing work.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.106  
15 RCW to read as follows:

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

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

5 (3) Any person, firm, or corporation having a claim against the  
6 contractor for any of the items referred to in this section may bring  
7 suit against the contractor and the bond or deposit in the superior  
8 court of the county in which the work was done or of any county in  
9 which jurisdiction of the contractor may be had. The surety issuing  
10 the bond must be named as a party to any suit upon the bond. Action  
11 upon the bond or deposit brought by a residential homeowner for  
12 breach of contract by a party to the construction contract must be  
13 commenced by filing the summons and complaint with the clerk of the  
14 appropriate superior court within two years from the date the claimed  
15 contract work was substantially completed or abandoned, whichever  
16 occurred first. Action upon the bond or deposit brought by any other  
17 authorized party must be commenced by filing the summons and  
18 complaint with the clerk of the appropriate superior court within one  
19 year from the date the claimed labor was performed and benefits  
20 accrued, taxes and contributions owing the state of Washington became  
21 due, materials and equipment were furnished, or the claimed contract  
22 work was substantially completed or abandoned, whichever occurred  
23 first. Service of process in an action filed under this chapter  
24 against the contractor and the contractor's bond or the deposit must  
25 be exclusively by service upon the department. Three copies of the  
26 summons and complaint and a fee adopted by rule of not less than  
27 fifty dollars to cover the costs must be served by registered or  
28 certified mail, or other delivery service requiring notice of  
29 receipt, upon the department at the time suit is started and the  
30 department shall maintain a record, available for public inspection,  
31 of all suits so commenced. Service is not complete until the  
32 department receives the fee and three copies of the summons and  
33 complaint. This service constitutes service and confers personal  
34 jurisdiction on the contractor and the surety for suit on claimant's  
35 claim against the contractor and the bond or deposit and the  
36 department shall transmit the summons and complaint or a copy thereof  
37 to the contractor at the address listed in the contractor's  
38 application and to the surety within two days after it has been  
39 received.

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

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

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

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

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

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

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

27 (5) The total amount paid from a bond or deposit required of a  
28 general contractor by this section to claimants other than  
29 residential homeowners must not exceed one-half of the bond amount.  
30 The total amount paid from a bond or deposit required of a specialty  
31 contractor by this section to claimants other than residential  
32 homeowners must not exceed one-half of the bond amount or four  
33 thousand dollars, whichever is greater.

34 (6) The prevailing party in an action filed under this section  
35 against the contractor and contractor's bond or deposit, for breach  
36 of contract by a party to the construction contract involving a  
37 residential homeowner, is entitled to costs, interest, and reasonable  
38 attorneys' fees. The surety upon the bond or deposit is not liable in  
39 an aggregate amount in excess of the amount named in the bond or



1 deposit nor for any monetary penalty assessed pursuant to this  
2 chapter for an infraction.

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

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

12 (9) Any person having filed and served a summons and complaint as  
13 required by this section having an unsatisfied final judgment against  
14 the registrant for any items referred to in this section may execute  
15 upon the security held by the department by serving a certified copy  
16 of the unsatisfied final judgment by registered or certified mail  
17 upon the department within one year of the date of entry of such  
18 judgment. Upon the receipt of service of such certified copy the  
19 department shall pay or order paid from the deposit, through the  
20 registry of the superior court which rendered judgment, towards the  
21 amount of the unsatisfied judgment. The priority of payment by the  
22 department must be the order of receipt by the department, but the  
23 department has no liability for payment in excess of the amount of  
24 the deposit.

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

35 (11) If the director determines that an applicant, or a previous  
36 license of a corporate officer, owner, or partner of a current  
37 applicant, has had in the past five years a total of three final  
38 judgments in actions under this chapter involving a residential  
39 structure, the director may require an applicant applying to renew or  
40 reinstate a plumbing contractor's license or applying for a new

1 plumbing contractor's license to file a bond of up to three times the  
2 normally required amount.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.106  
4 RCW to read as follows:

5 (1) At the time of plumbing contractor licensing and subsequent  
6 license renewal, the applicant shall furnish insurance or financial  
7 responsibility in the form of an assigned account in the amount of  
8 fifty thousand dollars for injury or damages to property, and one  
9 hundred thousand dollars for injury or damage including death to any  
10 one person, and two hundred thousand dollars for injury or damage  
11 including death to more than one person.

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

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

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

- 29 (i) The contractor's license has expired or been revoked; or  
30 (ii) The contractor has furnished proof of insurance as required  
31 by subsection (1) of this section;

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

35 (c) If a contractor chooses to file an assigned account as  
36 authorized in this section, the contractor shall, on any contracting  
37 project, notify each person with whom the contractor enters into a  
38 contract or to whom the contractor submits a bid that the contractor  
39 has filed an assigned account in lieu of insurance and that recovery

1 from the account for any claim against the contractor for property  
2 damage or personal injury or death occurring in the project requires  
3 the claimant to obtain a court judgment.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.106  
5 RCW to read as follows:

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

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

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

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

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

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

23 (3) The department must remove a suspension or reinstate a  
24 revoked certificate, license, or endorsement, if the licensee pays  
25 all assessed civil penalties and is able to demonstrate to the  
26 department that the licensee has met all the qualifications  
27 established by this chapter.

28 **Sec. 6.** RCW 18.106.020 and 2013 c 23 s 15 are each amended to  
29 read as follows:

30 (1) No person may engage in or offer to engage in the trade of  
31 plumbing without having a journey level certificate, specialty  
32 certificate, residential service certificate, temporary permit, or  
33 trainee certificate and photo identification in his or her  
34 possession. The department (~~may~~) must establish by rule a  
35 requirement that the person also wear and visibly display his or her  
36 certificate or permit. A trainee must be supervised by a person who  
37 has a journey level certificate, specialty certificate, residential  
38 service certificate, or temporary permit, as specified in RCW

1 18.106.070. Until January 1, 2021, no contractor may employ a person  
2 to engage in or offer to engage in the trade of plumbing unless the  
3 ((person employed has a)) contractor is a registered plumbing  
4 contractor under chapter 18.27 RCW and the person performing the  
5 plumbing work has a journey level certificate, specialty certificate,  
6 residential service certificate, temporary permit, or trainee  
7 certificate. ((This section does not apply to a contractor who is  
8 contracting for work on his or her own residence. Until July 1, 2007,  
9 the department shall issue a written warning to any specialty plumber  
10 defined by RCW 18.106.010(10)(c) not having a valid plumber  
11 certification. The warning will state that the individual must apply  
12 for a plumber training certificate or be qualified for and apply for  
13 plumber certification under the requirements in RCW 18.106.040 within  
14 thirty calendar days of the warning. Only one warning will be issued  
15 to any individual. If the individual fails to comply with this  
16 section, the department shall issue a penalty or penalties as  
17 authorized by this chapter.))

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

31 (3) ~~((No contractor may advertise, offer to do work, submit a~~  
32 ~~bid, or perform any work under this chapter without being registered~~  
33 ~~as a contractor under chapter 18.27 RCW.~~

34 ~~(4))~~ Violation of this ~~((section))~~ chapter is an infraction.  
35 Each day in which a person engages in the trade of plumbing in  
36 violation of this ~~((section))~~ chapter or employs a person in  
37 violation of this ~~((section))~~ chapter is a separate infraction. Each  
38 worksite at which a person engages in the trade of plumbing in  
39 violation of this ~~((section))~~ chapter or at which a person is

1 employed in violation of this (~~section~~) chapter is a separate  
2 infraction.

3 (~~(5)~~) (4) Notices of infractions for violations of this  
4 (~~section~~) chapter may be issued to:

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

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

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

10 **Sec. 7.** RCW 18.106.030 and 2013 c 23 s 16 are each amended to  
11 read as follows:

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

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

31 (3) In addition to supplying the evidence as prescribed in this  
32 section, each applicant for a certificate of competency shall submit  
33 an application for such certificate on such form and in such manner  
34 as shall be prescribed by the director of the department.

35 **Sec. 8.** RCW 18.106.040 and 2013 c 23 s 17 are each amended to  
36 read as follows:

37 (1) Upon receipt of the application and evidence set forth in RCW  
38 18.106.030, the director shall review the same and make a

1 determination as to whether the applicant is eligible to take an  
2 examination for the certificate of competency. To be eligible to take  
3 the examination:

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

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

18 (c) Each applicant for a specialty plumber's certificate of  
19 competency under RCW 18.106.010(~~((+10+))~~) (14) (b) or (c) shall furnish  
20 written evidence that he or she is eligible to take the examination.  
21 These eligibility requirements for the specialty plumbers defined by  
22 RCW 18.106.010(~~((+10+))~~) (14)(c) shall be one year of practical  
23 experience working on pumping systems not exceeding one hundred  
24 gallons per minute, and two years of practical experience working on  
25 pumping systems exceeding one hundred gallons per minute, or  
26 equivalent as determined by rule by the department in consultation  
27 with the advisory board, and that experience may be obtained at the  
28 same time the individual is meeting the experience required by RCW  
29 19.28.191. The eligibility requirements for other specialty plumbers  
30 shall be established by rule by the director pursuant to subsection  
31 (2)(b) of this section.

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

36 (b) The director shall establish reasonable criteria by rule for  
37 determining an applicant's eligibility to take an examination for the  
38 certificate of competency for specialty plumbers under subsection  
39 (1)(c) of this section. In establishing the criteria, the director  
40 shall consult with the state advisory board of plumbers as

1 established in RCW 18.106.110. These rules must take effect by  
2 December 31, 2006.

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

6 (4) No other requirement for eligibility may be imposed.

7 **Sec. 9.** RCW 18.106.050 and 2013 c 23 s 18 are each amended to  
8 read as follows:

9 (1) The department, with the advice of the advisory board, shall  
10 prepare a written examination to be administered to applicants for  
11 certificates of competency for journey level plumber (~~and~~),  
12 specialty plumber, and residential service plumber. The examination  
13 shall be constructed to determine:

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

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

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

32 (3) An examination to determine the competency of an applicant  
33 for a domestic water pumping system specialty plumbing certificate as  
34 defined by RCW 18.106.010(~~(10)~~) (14)(c) must be established by the  
35 department in consultation with the advisory board by December 31,  
36 2006. The department may include an examination for appropriate  
37 electrical safety and technical requirements as required by RCW  
38 19.28.191 with the examination required by this section. The  
39 department, in consultation with the advisory board, may accept the

1 certification by a professional or trade association or other  
2 acceptable entity as meeting the examination requirement of this  
3 section. (~~Individuals who can provide evidence to the department~~  
4 ~~prior to January 1, 2007, that they have been employed in the pump~~  
5 ~~and irrigation business as defined by RCW 18.106.010(10)(c) for not~~  
6 ~~less than four thousand hours in the most recent four calendar years~~  
7 ~~shall be issued the appropriate certificate by the department upon~~  
8 ~~receiving such documentation and applicable fees.)) The department  
9 shall establish a single document for those who have received both  
10 the plumbing specialty certification defined by this subsection and  
11 have also met the certification requirements for a pump and  
12 irrigation or domestic pump specialty electrician, showing that the  
13 individual has received both certifications.~~

14 (4) The department shall certify the results of the examinations  
15 provided by this chapter, and shall notify the applicant in writing  
16 whether he or she has passed or failed. Any applicant who has failed  
17 the examination may retake the examination, upon the terms and after  
18 a period of time that the director shall set by rule. The director  
19 may not limit the number of times that a person may take the  
20 examination.

21 **Sec. 10.** RCW 18.106.070 and 2013 c 23 s 19 are each amended to  
22 read as follows:

23 (1) The department shall issue a certificate of competency to all  
24 applicants who have passed the examination and have paid the fee for  
25 the certificate. The certificate may include a photograph of the  
26 holder. The certificate shall bear the date of issuance, and shall  
27 expire on the birthdate of the holder (~~immediately following the~~  
28 ~~date of issuance~~). The certificate shall be (~~renewable~~) renewed  
29 every (~~other year~~) three years, upon application, on or before the  
30 birthdate of the holder (~~, except for specialty plumbers defined by~~  
31 ~~RCW 18.106.010(10)(c) who also have an electrical certification~~  
32 ~~issued jointly as provided by RCW 18.106.050(3) in which case their~~  
33 ~~certificate shall be renewable every three years on or before the~~  
34 ~~birthdate of the holder~~). The department shall renew a certificate  
35 of competency if the applicant: (a) Pays the renewal fee assessed by  
36 the department; and (b) during the past (~~two~~) three years has  
37 completed (~~sixteen~~) twenty-four hours of continuing education  
38 approved by the department with the advice of the advisory board,  
39 including four hours related to electrical safety. For holders of the



1 specialty plumber certificate under RCW 18.106.010(~~(10)~~) (14)(c),  
2 the continuing education may comprise both electrical and plumbing  
3 education with a minimum of twelve of the required twenty-four hours  
4 of continuing education in plumbing. If a person fails to renew the  
5 certificate by the renewal date, he or she must pay a doubled fee. If  
6 the person does not renew the certificate within ninety days of the  
7 renewal date, he or she must retake the examination and pay the  
8 examination fee.

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

21 (2) A person who is indentured (~~is~~) to an apprenticeship  
22 program approved under chapter 49.04 RCW for the plumbing  
23 construction trade or who is learning the plumbing construction trade  
24 may work in the plumbing construction trade if supervised by a  
25 certified journey level plumber or a certified specialty plumber in  
26 that plumber's specialty. All apprentices and individuals learning  
27 the plumbing construction trade shall obtain a plumbing training  
28 certificate from the department. The certificate shall authorize the  
29 holder to learn the plumbing construction trade while under the  
30 direct supervision of a journey level plumber or a specialty plumber  
31 working in his or her specialty. The certificate may include a  
32 photograph of the holder. The holder of the plumbing training  
33 certificate shall renew the certificate annually. At the time of  
34 renewal, the holder shall provide the department with an accurate  
35 list of the holder's employers in the plumbing construction industry  
36 for the previous year and the number of hours worked for each  
37 employer. (~~An annual~~) Failure to provide plumbing hours worked for  
38 each employer is a violation of this chapter, subject to an  
39 infraction under RCW 18.106.320, and must result in nonrenewal of the  
40 trainee certificate. A fee shall be charged for the issuance or

1 renewal of the certificate. The department shall set the fee by rule.  
2 The fee shall cover but not exceed the cost of administering and  
3 enforcing the trainee certification and supervision requirements of  
4 this chapter.

5 ~~(3) ((Any person who has been issued a plumbing training~~  
6 ~~certificate under this chapter may work if that person is under~~  
7 ~~supervision.))~~ (a) Trainee supervision shall consist of a ((person))  
8 trainee being on the same job site and under the control of either a  
9 journey level plumber or an appropriate specialty plumber who has an  
10 applicable certificate of competency issued under this chapter.  
11 Either a journey level plumber or an appropriate specialty plumber  
12 shall be:

13 (i) On the same job site as the ((noncertified individual))  
14 trainee for a minimum of seventy-five percent of each working day  
15 unless otherwise provided in this chapter. ~~((The ratio of~~  
16 ~~noncertified individuals to certified journey level or specialty~~  
17 ~~plumbers working on a job site shall be: (a) Not more than two~~  
18 ~~noncertified plumbers working on any one job site for every certified~~  
19 ~~specialty plumber or journey level plumber working as a specialty~~  
20 ~~plumber; and (b) not more than one noncertified plumber working on~~  
21 ~~any one job site for every certified journey level plumber working as~~  
22 ~~a journey level plumber.))~~

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

28 (A) The trainee has more than two thousand hours of training;

29 (B) The supervising plumber is no more than forty miles from the  
30 job site; and

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

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

1       (4) Subject to subsection (9) of this section, the ratio of  
2 trainees to certified journey level or specialty plumbers working on  
3 a job site must be:

4       (a) Not more than three trainees working on any one residential  
5 structure job site for every certified specialty plumber or journey  
6 level plumber working as a specialty plumber;

7       (b) Not more than one trainee working on any one job site for  
8 every certified journey level plumber working as a journey level  
9 plumber; and

10       (c) Not more than one trainee working on any one job site for  
11 every certified residential service plumber.

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

19       ~~((+5))~~ (6) The training to become a certified plumber must  
20 include not less than sixteen hours of classroom training established  
21 by the director with the advice of the advisory board. The classroom  
22 training must include, but not be limited to, electrical wiring  
23 safety, grounding, bonding, and other related items plumbers need to  
24 know to work under ~~((RCW 19.28.091))~~ this chapter.

25       ~~((+6))~~ (7) All persons who are certified plumbers before January  
26 1, 2003, are deemed to have received the classroom training required  
27 in subsection ~~((+5))~~ (6) of this section.

28       (8)(a) Within current funding appropriated to the department, the  
29 department shall instruct the advisory board of plumbers to convene a  
30 subgroup that includes the statewide association representing  
31 plumbing, heating, and cooling contractors; the union representing  
32 plumbers and pipefitters; the association representing plumbing  
33 contractors who employ union plumbers and pipefitters; and other  
34 directly affected stakeholders after the completion of the 2022  
35 legislative session, the 2023 legislative session, and every three  
36 years thereafter.

37       (b) The work group shall evaluate the effects that the trainee  
38 ratio changes have had on the industry, including public safety and  
39 industry response to public demand for plumbing services. The work  
40 group shall determine a sustainable plan for maintaining sufficient

1 numbers of plumbers and trainees within the plumbing workforce to  
2 safely meet the needs of the public. The report is due to the  
3 standing labor committees of the legislature before December 1st of  
4 each year that the work group convenes. The work group shall conclude  
5 on receipt of the report by the legislature.

6 (9) Subsection (4) of this section expires December 31, 2024,  
7 unless reapproved by the legislature.

8 **Sec. 11.** RCW 18.106.100 and 2013 c 23 s 23 are each amended to  
9 read as follows:

10 (1) The department may revoke or suspend a certificate of  
11 competency, license, or endorsement for any of the following reasons:

12 (a) The certificate, license, or endorsement was obtained through  
13 error or fraud;

14 (b) The certificate, license, or endorsement holder is judged to  
15 be incompetent to carry on the trade of plumbing as a journey level  
16 plumber (~~(or)~~), specialty plumber, or residential service plumber;

17 (c) The certificate, license, or endorsement holder has violated  
18 any provision of this chapter or any rule adopted under this chapter.

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

31 (3) The department may deny renewal of a certificate of  
32 competency, license, or endorsement issued under this chapter if the  
33 applicant owes outstanding penalties for a final judgment under this  
34 chapter. The department shall notify the applicant of the denial  
35 using a method by which the mailing can be tracked or the delivery  
36 can be confirmed to the address on the application. The applicant may  
37 appeal the denial within twenty days by filing a notice of appeal  
38 with the department accompanied by a certified check for two hundred  
39 dollars which shall be returned to the applicant if the decision of

1 the department is not upheld by the hearings officer. The office of  
2 administrative hearings shall conduct the hearing under chapter 34.05  
3 RCW. If the hearings officer sustains the decision of the department,  
4 the two hundred dollars must be applied to the cost of the hearing.

5 **Sec. 12.** RCW 18.106.110 and 2013 c 23 s 24 are each amended to  
6 read as follows:

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

16 (2) The term of one journey level plumber expires July 1, 1995;  
17 the term of the second journey level plumber expires July 1, 2000;  
18 the term of the specialty plumber expires July 1, 2008; the term of  
19 one person conducting a plumbing business expires July 1, 1996; the  
20 term of the second person conducting a plumbing business expires July  
21 1, 2000; the term of the third person conducting a plumbing business  
22 expires July 1, 2007; the terms of the member representing the state-  
23 approved plumbing code body and the member from the department of  
24 health expire July 1, 2021; and the term of the public member expires  
25 July 1, 1997. Thereafter, upon the expiration of said terms, the  
26 director shall appoint a new member to serve for a period of three  
27 years. However, to ensure that the board can continue to act, a  
28 member whose term expires shall continue to serve until his or her  
29 replacement is appointed. In the case of any vacancy on the board for  
30 any reason, the director shall appoint a new member to serve out the  
31 term of the person whose position has become vacant.

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

38 (4) Each member of the advisory board shall receive travel  
39 expenses in accordance with the provisions of RCW 43.03.050 and

1 43.03.060 as now existing or hereafter amended for each day in which  
2 such member is actually engaged in attendance upon the meetings of  
3 the advisory board.

4 **Sec. 13.** RCW 18.106.125 and 1983 c 124 s 17 are each amended to  
5 read as follows:

6 The department shall charge fees for issuance, renewal, and  
7 reinstatement of all certificates, endorsements, licenses, and  
8 permits and for examinations required by this chapter. The department  
9 shall set the fees by rule.

10 The fees shall cover the full cost of issuing the certificates  
11 and permits, devising and administering the examinations, and  
12 administering and enforcing this chapter. The costs shall include  
13 travel, per diem, and administrative support costs.

14 **Sec. 14.** RCW 18.106.150 and 2013 c 23 s 25 are each amended to  
15 read as follows:

16 (1) Nothing in this chapter shall be construed to require that a  
17 person obtain a license (~~(or a certified plumber)~~) in order to do  
18 plumbing work at his or her residence or farm or place of business or  
19 on other property owned by him or her.

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

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

23 (b) Certified journey level electricians, certified residential  
24 specialty electricians, or electrical trainees working for an  
25 electrical contractor and performing exempt work under RCW  
26 18.27.090(18).

27 (3) Nothing in this chapter shall be intended to derogate from or  
28 dispense with the requirements of any valid plumbing code enacted by  
29 a political subdivision of the state, except that no code shall  
30 require the holder of a certificate of competency to demonstrate any  
31 additional proof of competency or obtain any other license or pay any  
32 fee in order to engage in the trade of plumbing.

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

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

1 (6) Nothing in this chapter shall be construed to restrict the  
2 right of any householder to assist or receive assistance from a  
3 friend, neighbor, relative, or other person when none of the  
4 individuals doing such plumbing hold themselves out as engaged in the  
5 trade or business of plumbing.

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

8 **Sec. 15.** RCW 18.106.180 and 2011 c 301 s 5 are each amended to  
9 read as follows:

10 (1) An authorized representative of the department may issue a  
11 notice of infraction as specified in RCW 18.106.020 if:

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

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

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

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

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

29 (d) A contractor violates RCW 18.106.320.

30 (2) A notice of infraction issued under this section shall be  
31 personally served on the person or contractor named in the notice by  
32 an authorized representative of the department or sent using a method  
33 by which the mailing can be tracked or the delivery can be confirmed  
34 to the last known address provided to the department of the person  
35 named in the notice.

36 **Sec. 16.** RCW 18.106.200 and 1996 c 147 s 5 are each amended to  
37 read as follows:

1 A violation designated as an infraction under this chapter shall  
2 be heard and determined by an administrative law judge of the office  
3 of administrative hearings. If a party desires to contest the notice  
4 of infraction, the party shall file a notice of appeal with the  
5 department (~~within twenty days of issuance of the infraction~~)  
6 specifying the grounds of the appeal within twenty days of service of  
7 the infraction in a manner provided by this chapter. The appeal must  
8 be accompanied by a certified check for two hundred dollars, which  
9 must be returned to the assessed party if the decision of the  
10 department is not sustained following the final decision in the  
11 appeal. If the final decision sustains the decision of the  
12 department, the department must apply the two hundred dollars to the  
13 payment of the expenses of the appeal, including costs charged by the  
14 office of administrative hearings. The administrative law judge shall  
15 conduct hearings in these cases at locations in the county where the  
16 infraction is alleged to have occurred.

17 **Sec. 17.** RCW 18.106.220 and 1994 c 174 s 6 are each amended to  
18 read as follows:

19 ~~(1) ((A person who receives a notice of infraction shall respond~~  
20 ~~to the notice as provided in this section within fourteen days of the~~  
21 ~~date the notice was served.~~

22 ~~(2))~~ If the person or contractor named in the notice of  
23 infraction does not wish to contest the notice of infraction, the  
24 person or contractor shall pay to the department, by check or money  
25 order, the amount of the penalty prescribed for the infraction. When  
26 a response which does not contest the determination is received by  
27 the department with the appropriate payment, the department shall  
28 make the appropriate entry in its records.

29 ~~((3))~~ (2) If the person or contractor named in the notice of  
30 infraction wishes to contest the notice of infraction, the person or  
31 contractor shall respond by filing an answer of protest with the  
32 department specifying the grounds of protest.

33 ~~((4))~~ (3) If any person or contractor issued a notice of  
34 infraction:

35 (a) Fails to respond to the notice of infraction as provided in  
36 subsection ~~((2))~~ (1) of this section; or

37 (b) Fails to appear at a hearing requested pursuant to subsection  
38 ~~((3))~~ (2) of this section;



1 the administrative law judge shall enter an appropriate order  
2 assessing the monetary penalty prescribed for the infraction and  
3 shall notify the department of the failure to respond to the notice  
4 of infraction or to appear at a requested hearing.

5 **Sec. 18.** RCW 18.106.250 and 2002 c 82 s 4 are each amended to  
6 read as follows:

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

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

13 ~~((a) The defendant who was issued a notice of infraction~~  
14 ~~authorized by RCW 18.106.020(5)(a) had a certificate or permit issued~~  
15 ~~by the department in accordance with this chapter, was supervised by~~  
16 ~~a person who has such a certificate or permit, or was exempt from~~  
17 ~~this chapter under RCW 18.106.150; or~~

18 ~~(b))~~ For the defendant who was issued a notice of infraction  
19 authorized by RCW 18.106.020 ~~((5)(b) or))~~ (4)(a) through (c), the  
20 person employed or supervised by the defendant has a certificate,  
21 license, endorsement, or ((permit)) registration issued by the  
22 department in accordance with this chapter, was supervised by a  
23 person who had such a certificate, license, or ((permit))  
24 endorsement, was exempt from this chapter under RCW 18.106.150, or  
25 was registered as a plumbing contractor under this chapter and  
26 registered as a contractor under chapter 18.27 RCW.

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

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

1       **Sec. 19.** RCW 18.106.270 and 1994 c 174 s 8 are each amended to  
2 read as follows:

3       (1) A person found to have committed an infraction under RCW  
4 18.106.020 shall be assessed a minimum monetary penalty of ~~((two))~~  
5 one hundred ~~((fifty))~~ dollars for the first infraction~~((, and not~~  
6 ~~more than one thousand dollars for a second or subsequent~~  
7 ~~infraction))~~. A contractor found to have committed an infraction  
8 under RCW 18.106.020 must be assessed a minimum monetary penalty of  
9 five hundred dollars for the first infraction. The maximum penalty  
10 for an infraction under RCW 18.106.020 must not exceed five thousand  
11 dollars for a second or subsequent infraction. The department shall  
12 set by rule a schedule of penalties for infractions imposed under  
13 this chapter.

14       (2) The administrative law judge may not waive, reduce, or  
15 suspend the monetary penalty imposed for the infraction ~~((for good~~  
16 ~~cause shown))~~.

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

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

25       (5) Monetary penalties collected under this chapter shall be  
26 deposited in the plumbing certificate fund.

27       **Sec. 20.** RCW 18.106.320 and 2005 c 274 s 229 are each amended to  
28 read as follows:

29       (1) ~~((Contractors shall accurately verify and attest to the~~  
30 ~~trainee hours worked by plumbing trainees on behalf of the contractor~~  
31 ~~and that all training hours were under the supervision of a certified~~  
32 ~~plumber and within the proper ratio, and shall provide the~~  
33 ~~supervising plumbers' names and certificate numbers. However,~~  
34 ~~contractors are not required to identify which hours a trainee works~~  
35 ~~with a specific certified plumber.))~~ (a) The plumbing contractor  
36 shall:

37       (i) Accurately report all plumbing hours worked by plumbing  
38 trainees and, effective June 30, 2021, report all plumbing trainee

1 hours worked on a quarterly basis on a form prescribed by the  
2 department;

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

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

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

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

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

35 (3) Violation of this section by a contractor is an infraction.

36 **Sec. 21.** RCW 18.27.060 and 2011 c 301 s 1 are each amended to  
37 read as follows:

38 (1) A certificate of registration shall be valid for two years  
39 and shall be renewed on or before the expiration date. The department

1 shall issue to the applicant a certificate of registration upon  
2 compliance with the registration requirements of this chapter.

3 (2) If the department approves an application, it shall issue a  
4 certificate of registration to the applicant.

5 (3) If a contractor's surety bond or other security has an  
6 unsatisfied judgment against it or is canceled, or if the  
7 contractor's insurance policy is canceled, the contractor's  
8 registration shall be automatically suspended on the effective date  
9 of the impairment or cancellation. The department shall mail notice  
10 of the suspension to the contractor's address on the certificate of  
11 registration within two days after suspension using a method by which  
12 the mailing can be tracked or the delivery can be confirmed.

13 (4) Renewal of registration is valid on the date the department  
14 receives the required fee and proof of bond and liability insurance,  
15 if sent by certified mail or other means requiring proof of delivery.  
16 The receipt or proof of delivery shall serve as the contractor's  
17 proof of renewed registration until he or she receives verification  
18 from the department.

19 (5) The department shall immediately suspend the certificate of  
20 registration of a contractor who has been certified by the department  
21 of social and health services as a person who is not in compliance  
22 with a support order or a visitation order as provided in RCW  
23 74.20A.320. The certificate of registration shall not be reissued or  
24 renewed unless the person provides to the department a release from  
25 the department of social and health services stating that he or she  
26 is in compliance with the order and the person has continued to meet  
27 all other requirements for certification during the suspension.

28 ~~((6) For a contractor who employs plumbers, as described in RCW  
29 18.106.010(10)(c), and is also required to be licensed as an  
30 electrical contractor as required in RCW 19.28.041, while doing pump  
31 and irrigation or domestic pump work described in rule as authorized  
32 by RCW 19.28.251, the department shall establish a single  
33 registration/licensing document for those who qualify for both  
34 general contractor registration as defined by this chapter and an  
35 electrical contractor license as defined by chapter 19.28 RCW.))~~

36 **Sec. 22.** RCW 19.28.091 and 2003 c 399 s 301 and 2003 c 242 s 1  
37 are each reenacted and amended to read as follows:

38 (1) No license under the provision of this chapter shall be  
39 required from any utility or any person, firm, partnership,

1 corporation, or other entity employed by a utility because of work in  
2 connection with the installation, repair, or maintenance of lines,  
3 wires, apparatus, or equipment owned by or under the control of a  
4 utility and used for transmission or distribution of electricity from  
5 the source of supply to the point of contact at the premises and/or  
6 property to be supplied and service connections and meters and other  
7 apparatus or appliances used in the measurement of the consumption of  
8 electricity by the customer.

9 (2) No license under the provisions of this chapter shall be  
10 required from any utility because of work in connection with the  
11 installation, repair, or maintenance of the following:

12 (a) Lines, wires, apparatus, or equipment used in the lighting of  
13 streets, alleys, ways, or public areas or squares;

14 (b) Lines, wires, apparatus, or equipment owned by a commercial,  
15 industrial, or public institution customer that are an integral part  
16 of a transmission or distribution system, either overhead or  
17 underground, providing service to such customer and located outside  
18 the building or structure: PROVIDED, That a utility does not initiate  
19 the sale of services to perform such work;

20 (c) Lines and wires, together with ancillary apparatus, and  
21 equipment, owned by a customer that is an independent power producer  
22 who has entered into an agreement for the sale of electricity to a  
23 utility and that are used in transmitting electricity from an  
24 electrical generating unit located on premises used by such customer  
25 to the point of interconnection with the utility's system.

26 (3) Any person, firm, partnership, corporation, or other entity  
27 licensed under RCW 19.28.041 may enter into a contract with a utility  
28 for the performance of work under subsection (2) of this section.

29 (4) No license under the provisions of this chapter shall be  
30 required from any person, firm, partnership, corporation, or other  
31 entity because of the work of installing and repairing ignition or  
32 lighting systems for motor vehicles.

33 (5) No license under the provisions of this chapter shall be  
34 required from any person, firm, partnership, corporation, or other  
35 entity because of work in connection with the installation, repair,  
36 or maintenance of wires and equipment, and installations thereof,  
37 exempted in RCW 19.28.010.

38 (6) The department may by rule exempt from licensing requirements  
39 under this chapter work performed on premanufactured electric power  
40 generation equipment assemblies and control gear involving the

1 testing, repair, modification, maintenance, or installation of  
2 components internal to the power generation equipment, the control  
3 gear, or the transfer switch.

4 (7) This chapter does not require an electrical contractor  
5 license if: (a) An appropriately certified electrician or a properly  
6 supervised certified electrical trainee is performing the  
7 installation, repair, or maintenance of wires and equipment for a  
8 nonprofit corporation that holds a current tax exempt status as  
9 provided under 26 U.S.C. Sec. 501(c)(3) or a nonprofit religious  
10 organization; (b) the certified electrician or certified electrical  
11 trainee is not compensated for the electrical work; and (c) the value  
12 of the electrical work does not exceed thirty thousand dollars.

13 ~~((8) An entity that currently holds a valid specialty or general  
14 plumbing contractor's registration under chapter 18.27 RCW may employ  
15 a certified plumber, a certified residential plumber, or a plumber  
16 trainee meeting the requirements of chapter 18.106 RCW to perform  
17 electrical work that is incidentally, directly, and immediately  
18 appropriate to the like-in-kind replacement of a household appliance  
19 or other small household utilization equipment that requires limited  
20 electric power and limited waste and/or water connections. A plumber  
21 trainee must be supervised by a certified plumber or a certified  
22 residential plumber while performing electrical work. The electrical  
23 work is subject to the permitting and inspection requirements of this  
24 chapter.))~~

25 **Sec. 23.** RCW 19.28.041 and 2013 c 23 s 28 are each amended to  
26 read as follows:

27 (1) It is unlawful for any person, firm, partnership,  
28 corporation, or other entity to advertise, offer to do work, submit a  
29 bid, engage in, conduct, or carry on the business of installing or  
30 maintaining wires or equipment to convey electric current, or  
31 installing or maintaining equipment to be operated by electric  
32 current as it pertains to the electrical industry, without having an  
33 unrevoked, unsuspended, and unexpired electrical contractor license,  
34 issued by the department in accordance with this chapter. All  
35 electrical contractor licenses expire twenty-four calendar months  
36 following the day of their issue. The department may issue an  
37 electrical contractor license for a period of less than twenty-four  
38 months only for the purpose of equalizing the number of electrical  
39 contractor licenses that expire each month. Application for an

1 electrical contractor license shall be made in writing to the  
2 department, accompanied by the required fee. The application shall  
3 state:

4 (a) The name and address of the applicant; in case of firms or  
5 partnerships, the names of the individuals composing the firm or  
6 partnership; in case of corporations, the names of the managing  
7 officials thereof;

8 (b) The location of the place of business of the applicant and  
9 the name under which the business is conducted;

10 (c) Employer social security number;

11 (d) Evidence of workers' compensation coverage for the  
12 applicant's employees working in Washington, as follows:

13 (i) The applicant's industrial insurance account number issued by  
14 the department;

15 (ii) The applicant's self-insurer number issued by the  
16 department; or

17 (iii) For applicants domiciled in a state or province of Canada  
18 subject to an agreement entered into under RCW 51.12.120(7), as  
19 permitted by the agreement, filing a certificate of coverage issued  
20 by the agency that administers the workers' compensation law in the  
21 applicant's state or province of domicile certifying that the  
22 applicant has secured the payment of compensation under the other  
23 state's or province's workers' compensation law;

24 (e) Employment security department number;

25 (f) State excise tax registration number;

26 (g) Unified business identifier (UBI) account number may be  
27 substituted for the information required by (d) of this subsection if  
28 the applicant will not employ employees in Washington, and by (e) and  
29 (f) of this subsection; and

30 (h) Whether a general or specialty electrical contractor license  
31 is sought and, if the latter, the type of specialty. Electrical  
32 contractor specialties include, but are not limited to: Residential,  
33 pump and irrigation, limited energy system, signs, nonresidential  
34 maintenance, restricted nonresidential maintenance, appliance repair,  
35 and a combination specialty. A general electrical contractor license  
36 shall grant to the holder the right to engage in, conduct, or carry  
37 on the business of installing or maintaining wires or equipment to  
38 carry electric current, and installing or maintaining equipment, or  
39 installing or maintaining material to fasten or insulate such wires  
40 or equipment to be operated by electric current, in the state of

1 Washington. A specialty electrical contractor license shall grant to  
2 the holder a limited right to engage in, conduct, or carry on the  
3 business of installing or maintaining wires or equipment to carry  
4 electrical current, and installing or maintaining equipment; or  
5 installing or maintaining material to fasten or insulate such wires  
6 or equipment to be operated by electric current in the state of  
7 Washington as expressly allowed by the license.

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

15 (3) The application for an electrical contractor license shall be  
16 accompanied by a bond in the sum of four thousand dollars with the  
17 state of Washington named as obligee in the bond, with good and  
18 sufficient surety, to be approved by the department. The bond shall  
19 at all times be kept in full force and effect, and any cancellation  
20 or revocation thereof, or withdrawal of the surety therefrom,  
21 suspends the license issued to the principal until a new bond has  
22 been filed and approved as provided in this section. Upon approval of  
23 a bond, the department shall on the next business day deposit the fee  
24 accompanying the application in the electrical license fund and shall  
25 file the bond in the office. The department shall upon request  
26 furnish to any person, firm, partnership, corporation, or other  
27 entity a certified copy of the bond upon the payment of a fee that  
28 the department shall set by rule. The fee shall cover but not exceed  
29 the cost of furnishing the certified copy. The bond shall be  
30 conditioned that in any installation or maintenance of wires or  
31 equipment to convey electrical current, and equipment to be operated  
32 by electrical current, the principal will comply with the provisions  
33 of this chapter and with any electrical ordinance, building code, or  
34 regulation of a city or town adopted pursuant to RCW 19.28.010(3)  
35 that is in effect at the time of entering into a contract. The bond  
36 shall be conditioned further that the principal will pay for all  
37 labor, including employee benefits, and material furnished or used  
38 upon the work, taxes and contributions to the state of Washington,  
39 and all damages that may be sustained by any person, firm,  
40 partnership, corporation, or other entity due to a failure of the



1 principal to make the installation or maintenance in accordance with  
2 this chapter or any applicable ordinance, building code, or  
3 regulation of a city or town adopted pursuant to RCW 19.28.010(3). In  
4 lieu of the surety bond required by this section, the license  
5 applicant may file with the department a cash deposit or other  
6 negotiable security acceptable to the department. If the license  
7 applicant has filed a cash deposit, the department shall deposit the  
8 funds in a special trust savings account in a commercial bank, mutual  
9 savings bank, or savings and loan association and shall pay annually  
10 to the depositor the interest derived from the account.

11 (4) The department shall issue general or specialty electrical  
12 contractor licenses to applicants meeting all of the requirements of  
13 this chapter. The provisions of this chapter relating to the  
14 licensing of any person, firm, partnership, corporation, or other  
15 entity including the requirement of a bond with the state of  
16 Washington named as obligee therein and the collection of a fee  
17 therefor, are exclusive, and no political subdivision of the state of  
18 Washington may require or issue any licenses or bonds or charge any  
19 fee for the same or a similar purpose. No person, firm, partnership,  
20 corporation, or other entity holding more than one specialty  
21 contractor license under this chapter may be required to pay an  
22 annual fee for more than one such license or to post more than one  
23 four thousand dollar bond, equivalent cash deposit, or other  
24 negotiable security.

25 (5) To obtain a general or specialty electrical contractor  
26 license, the applicant must designate an individual who currently  
27 possesses a valid master journey level electrician's certificate of  
28 competency, master specialty electrician's certificate of competency  
29 in the specialty for which application has been made, or  
30 administrator's certificate as a general electrical contractor  
31 administrator or as a specialty electrical contractor administrator  
32 in the specialty for which application has been made.

33 (6) Administrator certificate specialties include, but are not  
34 limited to: Residential, pump and irrigation or domestic pump,  
35 limited energy system, signs, nonresidential maintenance, restricted  
36 nonresidential maintenance, appliance repair, and combination  
37 specialty. To obtain an administrator's certificate, an individual  
38 must pass an examination as set forth in RCW 19.28.051 unless the  
39 applicant was a licensed electrical contractor at any time during  
40 1974. Applicants who were electrical contractors licensed by the

1 state of Washington at any time during 1974 are entitled to receive a  
2 general electrical contractor administrator's certificate without  
3 examination if the applicants apply prior to January 1, 1984. The  
4 board of electrical examiners shall certify to the department the  
5 names of all persons who are entitled to either a general or  
6 specialty electrical contractor administrator's certificate.

7 (7) For a contractor doing domestic water pumping system work as  
8 defined by RCW 18.106.010(~~(10)~~) (14)(c), the department shall  
9 consider the requirements of subsections (1)(a) through (h), (2), and  
10 (3) of this section to have been met to be a pump and irrigation or  
11 domestic pump licensed electrical contractor if the contractor has  
12 met the contractor (~~(registration)~~) requirements of chapter (~~(18.27)~~)  
13 18.106 RCW. The department shall establish a single (~~(registration/)~~)  
14 licensing document for those who qualify for both (~~(general)~~) a  
15 plumbing contractor (~~(registration)~~) license as defined in chapter  
16 (~~(18.27)~~) 18.106 RCW and a pump and irrigation or domestic pump  
17 electrical contractor license as defined by this chapter.

18 NEW SECTION. **Sec. 24.** Sections 21 through 23 of this act take  
19 effect January 1, 2021.

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