

2 EHB 2171 - S COMM AMD  
3 By Committee on Labor & Commerce

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 19.28.120 and 1992 c 217 s 2 are each amended to read  
8 as follows:

9 (1) It is unlawful for any person, firm, partnership, corporation,  
10 or other entity to engage in or submit a bid to engage in, conduct, or  
11 carry on the business of installing or maintaining wires or equipment  
12 to convey electric current, or installing or maintaining equipment to  
13 be operated by electric current as it pertains to the electrical  
14 industry, without having an unrevoked, unsuspended, and unexpired  
15 electrical contractor license, issued by the department in accordance  
16 with this chapter. However, bids subject to this section may be  
17 submitted by a person, firm, partnership, corporation, or other entity  
18 who is registered under chapter 18.27 RCW as long as the work subject  
19 to this chapter is performed as required by this chapter. All  
20 electrical contractor licenses expire twenty-four calendar months  
21 following the day of their issue. The department may issue an  
22 electrical contractors license for a period of less than twenty-four  
23 months only for the purpose of equalizing the number of electrical  
24 contractor licenses which expire each month. Application for an  
25 electrical contractor license shall be made in writing to the  
26 department, accompanied by the required fee. The application shall  
27 state:

28 (a) The name and address of the applicant; in case of firms or  
29 partnerships, the names of the individuals composing the firm or  
30 partnership; in case of corporations, the names of the managing  
31 officials thereof;

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

34 (c) Employer social security number;

35 (d) As applicable: (i) The industrial insurance account number  
36 covering employees domiciled in Washington; and (ii) evidence of

1 workers' compensation coverage in the applicant's state of domicile for  
2 the applicant's employees working in Washington who are not domiciled  
3 in Washington;

4 (e) Employment security department number;

5 (f) State excise tax registration number;

6 (g) Unified business identifier (UBI) account number may be  
7 substituted for the information required by (d), (e), and (f) of this  
8 subsection; and

9 (h) Whether a general or specialty electrical contractor license is  
10 sought and, if the latter, the type of specialty. Electrical  
11 contractor specialties include, but are not limited to: Residential,  
12 domestic appliances, pump and irrigation, limited energy system, signs,  
13 nonresidential maintenance, and a combination specialty. A general  
14 electrical contractor license shall grant to the holder the right to  
15 engage in, conduct, or carry on the business of installing or  
16 maintaining wires or equipment to carry electric current, and  
17 installing or maintaining equipment, or installing or maintaining  
18 material to fasten or insulate such wires or equipment to be operated  
19 by electric current, in the state of Washington. A specialty  
20 electrical contractor license shall grant to the holder a limited right  
21 to engage in, conduct, or carry on the business of installing or  
22 maintaining wires or equipment to carry electrical current, and  
23 installing or maintaining equipment; or installing or maintaining  
24 material to fasten or insulate such wires or equipment to be operated  
25 by electric current in the state of Washington as expressly allowed by  
26 the license.

27 (2) The department may verify the workers' compensation coverage  
28 information provided by the applicant under subsection (1)(d) of this  
29 section, including but not limited to information regarding the  
30 coverage of an individual employee of the applicant. If coverage is  
31 provided under the laws of another state, the department may notify the  
32 other state that the applicant is employing employees in Washington.

33 (3) The application for a contractor license shall be accompanied  
34 by a bond in the sum of four thousand dollars with the state of  
35 Washington named as obligee in the bond, with good and sufficient  
36 surety, to be approved by the department. The bond shall at all times  
37 be kept in full force and effect, and any cancellation or revocation  
38 thereof, or withdrawal of the surety therefrom, suspends the license  
39 issued to the principal until a new bond has been filed and approved as

1 provided in this section. Upon approval of a bond, the department  
2 shall on the next business day deposit the fee accompanying the  
3 application in the electrical license fund and shall file the bond in  
4 the office. The department shall upon request furnish to any person,  
5 firm, partnership, corporation, or other entity a certified copy of the  
6 bond upon the payment of a fee that the department shall set by rule.  
7 The fee shall cover but not exceed the cost of furnishing the certified  
8 copy. The bond shall be conditioned that in any installation or  
9 maintenance of wires or equipment to convey electrical current, and  
10 equipment to be operated by electrical current, the principal will  
11 comply with the provisions of this chapter and with any electrical  
12 ordinance, building code, or regulation of a city or town adopted  
13 pursuant to RCW 19.28.010(~~(+2)~~) (3) that is in effect at the time of  
14 entering into a contract. The bond shall be conditioned further that  
15 the principal will pay for all labor, including employee benefits, and  
16 material furnished or used upon the work, taxes and contributions to  
17 the state of Washington, and all damages that may be sustained by any  
18 person, firm, partnership, corporation, or other entity due to a  
19 failure of the principal to make the installation or maintenance in  
20 accordance with this chapter or any applicable ordinance, building  
21 code, or regulation of a city or town adopted pursuant to RCW  
22 19.28.010(~~(+2)~~) (3). In lieu of the surety bond required by this  
23 section the license applicant may file with the department a cash  
24 deposit or other negotiable security acceptable to the department. If  
25 the license applicant has filed a cash deposit, the department shall  
26 deposit the funds in a special trust savings account in a commercial  
27 bank, mutual savings bank, or savings and loan association and shall  
28 pay annually to the depositor the interest derived from the account.

29 (4) The department shall issue general or specialty electrical  
30 contractor licenses to applicants meeting all of the requirements of  
31 this chapter. The provisions of this chapter relating to the licensing  
32 of any person, firm, partnership, corporation, or other entity  
33 including the requirement of a bond with the state of Washington named  
34 as obligee therein and the collection of a fee therefor, are exclusive,  
35 and no political subdivision of the state of Washington may require or  
36 issue any licenses or bonds or charge any fee for the same or a similar  
37 purpose. No person, firm, partnership, corporation, or other entity  
38 holding more than one specialty contractor license under this chapter  
39 may be required to pay an annual fee for more than one such license or

1 to post more than one four thousand dollar bond, equivalent cash  
2 deposit, or other negotiable security.

3 (5) To obtain a general or specialty electrical contractor license  
4 the applicant must designate an individual who currently possesses an  
5 administrator's certificate as a general electrical contractor  
6 administrator or as a specialty electrical contractor administrator in  
7 the specialty for which application has been made. Administrator  
8 certificate specialties include but are not limited to: Residential,  
9 domestic, appliance, pump and irrigation, limited energy system, signs,  
10 nonresidential maintenance, and combination specialty. To obtain an  
11 administrator's certificate an individual must pass an examination as  
12 set forth in RCW 19.28.123 unless the applicant was a licensed  
13 electrical contractor at any time during 1974. Applicants who were  
14 electrical contractors licensed by the state of Washington at any time  
15 during 1974 are entitled to receive a general electrical contractor  
16 administrator's certificate without examination if the applicants apply  
17 prior to January 1, 1984. The board of electrical examiners shall  
18 certify to the department the names of all persons who are entitled to  
19 either a general or specialty electrical contractor administrator's  
20 certificate.

21 (6) It is unlawful for an electrical contractor to transfer an  
22 electrical contractor license issued by the department in accordance  
23 with this chapter to an unlicensed electrical contractor, or to allow  
24 an electrical contractor to perform work with a license issued to  
25 another electrical contractor.

26 **Sec. 2.** RCW 19.28.350 and 1988 c 81 s 12 are each amended to read  
27 as follows:

28 Any person, firm, partnership, corporation, or other entity  
29 violating any of the provisions of RCW 19.28.010 through 19.28.360  
30 shall be assessed a penalty of not less than ((fifty)) two hundred  
31 dollars or more than ten thousand dollars. The department shall set by  
32 rule a schedule of penalties for violating RCW 19.28.010 through  
33 19.28.360. The department shall notify the person, firm, partnership,  
34 corporation, or other entity violating any of the provisions of RCW  
35 19.28.010 through 19.28.360 of the amount of the penalty and of the  
36 specific violation by certified mail, return receipt requested, sent to  
37 the last known address of the assessed party. Any penalty is subject  
38 to review by an appeal to the board. The filing of an appeal stays the

1 effect of the penalty until the board makes its decision. The appeal  
2 shall be filed within fifteen days after notice of the penalty is given  
3 to the assessed party by certified mail, return receipt requested, sent  
4 to the last known address of the assessed party and shall be made by  
5 filing a written notice of appeal with the department. The notice  
6 shall be accompanied by a certified check for two hundred dollars,  
7 which shall be returned to the assessed party if the decision of the  
8 department is not sustained by the board. If the board sustains the  
9 decision of the department, the two hundred dollars shall be applied by  
10 the department to the payment of the per diem and expenses of the  
11 members of the board incurred in the matter, and any balance remaining  
12 after payment of per diem and expenses shall be paid into the  
13 electrical license fund. The hearing and review procedures shall be  
14 conducted in accordance with chapter 34.05 RCW. The board shall assign  
15 its hearings to an administrative law judge to conduct the hearing and  
16 issue a proposed decision and order. The board shall be allowed a  
17 minimum of twenty days to review a proposed decision and shall issue  
18 its decision no later than the next regularly scheduled board meeting.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.28 RCW  
20 to read as follows:

21 (1) All advertising and all contracts, correspondence, cards,  
22 signs, posters, papers, and documents which show an electrical  
23 contractor's name or address shall show the contractor's name or  
24 address as licensed under this chapter.

25 (2)(a) The display advertising in the advertising section of  
26 telephone books or other directories and all advertising that shows the  
27 contractor's name or address shall show the contractor's current  
28 license number: PROVIDED, That on-premises signs shall not constitute  
29 advertising as provided in this section. All materials used to  
30 directly solicit business from retail customers who are not businesses  
31 shall show the contractor's current license number. A contractor shall  
32 not use a false or expired license number in purchasing or offering to  
33 purchase an advertisement for which a license number is required.  
34 Advertising by airwave transmission shall not be subject to this  
35 subsection if the person selling the advertisement obtains the  
36 contractor's current license number from the contractor.

37 (b) A person selling advertising shall not accept advertisements  
38 for which the contractor license number is required under (a) of this

1 subsection if the contractor fails to provide the contractor license  
2 number.

3 (3) An electrical contractor shall not falsify a license number and  
4 use it in connection with any solicitation or identification as a  
5 contractor. All individual contractors and all partners, associates,  
6 agents, salespersons, solicitors, officers, and employees of  
7 contractors shall use their true names and addresses at all times while  
8 engaged in the business or capacity of a contractor or activities  
9 related thereto.

10 (4) A violation of this section is subject to the provisions of RCW  
11 19.28.350. Penalties shall not apply to a violation determined to be  
12 an inadvertent error. When determining a violation of this section,  
13 the director, administrative law judge, or the board shall hold  
14 responsible the person who purchased the advertisement."

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18 On page 1, line 1 of the title, after "contractors;" strike the  
19 remainder of the title and insert "amending RCW 19.28.120 and  
20 19.28.350; adding a new section to chapter 19.28 RCW; and prescribing  
21 penalties."

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