

HOUSE BILL REPORT

ESHB 2626

As Amended by Senate

Title: An act relating to enforcement of plumbing certificate of competency requirements.

Brief Description: Providing for the enforcement of plumbing certificate of competency requirements.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Mastin and Grant).

Brief History:

Reported by House Committee on:
Commerce & Labor, February 4, 1994, DPS;
Appropriations, February 5, 1994, DPS(CL-A APP);
Passed House, February 15, 1994, 96-0;
Amended by Senate.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer and Veloria.

Staff: Chris Cordes (786-7117).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass. Signed by 25 members: Representatives Sommers, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Foreman; Jacobsen; Lemmon; Linville; H. Myers; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry and Wolfe.

Staff: Chris Cordes (786-7117).

Background: A person may not engage in plumbing work unless he or she has a certificate of competency, a temporary

permit, or a training certificate. The Department of Labor and Industries assesses certification fees that are deposited in the plumbing certification fund.

Each day that a person engages in plumbing work without the required certificate or permit is a separate infraction. Persons who have committed infractions are subject to a \$100 penalty. Citations for infractions of the plumbing certificate requirements are issued by the department and enforced in district court.

Summary of Bill: The Department of Labor and Industries must establish a pilot project in which it will enter into an agreement with a city to permit enforcement of the plumbing certificates of competency laws. The pilot project will be in Eastern Washington. Under the agreement, the city will submit declarations of noncompliance to the department for the department's enforcement action, with reimbursement to the city at an established fee.

A person may not offer to engage in the plumbing trade unless he or she has a certificate of competency or other required certificate or permit. An employer may not employ a person in the plumbing trade unless the person has the required certificate or permit.

Infractions may be issued to an employer who employs, or a supervisor who authorized the work assignment of, a person who is working in the plumbing trade without the required certificate or permit. The employer or supervisor is subject to an infraction for each day that a person is employed in plumbing work without the required certificate or permit.

The minimum penalty for a violation of the plumbing certificate of competency requirements is increased from \$100 to \$250 for the first infraction, and no more than \$1,000 for a second or subsequent infraction. The department is required to adopt a schedule of penalties.

Infractions will be enforced in an administrative hearing with an administrative law judge. Penalties collected will be deposited in the plumbing certificate fund.

EFFECT OF SENATE AMENDMENT(S): The provisions of the bill that prohibit an employer from employing a person with no plumbing certificate to engage in plumbing are changed to apply to a contractor instead of an employer. A contractor means a person in the business of engaging in construction, electrical work, or plumbing. The prohibitions regarding engaging in plumbing without a certificate or employing persons with no plumbing certificate do not apply to a

contractor who is contracting for work on his or her own residence.

Fiscal Note: Requested January 25, 1994.

Effective Date: The bill takes effect on July 1, 1994.

Testimony For: (Commerce & Labor) The Department of Labor and Industries' resources are very limited. Having the local jurisdictions check for certificate compliance when they are enforcing the plumbing code requirements is a good way to increase enforcement potential. Employers should also be subject to infractions for hiring persons to do plumbing work who do not have the required certificate.

(Appropriations) None.

Testimony Against: (Commerce & Labor) None.

(Appropriations) None.

Witnesses: (Commerce & Labor) Larry Stevens, United Subcontractors Association; Robert Dilger, Washington State Building and Construction Trades Council; Robby Stern, Washington State Labor Council; and Dan Wolfenbarger, Department of Labor and Industries.

(Appropriations) None.

VOTE ON FINAL PASSAGE:

Yeas 96; Excused 2

Excused: Representatives Campbell, Tate