

HOUSE BILL REPORT

HB 2626

As Reported By House Committee On:
Commerce & Labor
Appropriations

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: 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).

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).

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. 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.

Infractions of the plumbing certificate requirements are enforced in district court. Sixty-eight percent of the penalties collected by the district court is retained by the county authority, or the city authority if city ordinances are being enforced, and 32 percent is deposited in the Public Safety and Education Account.

Summary of Substitute Bill: The Department of Labor and Industries must establish two pilot projects in which it will enter into agreements with a city or county to permit enforcement of the plumbing certificates of competency laws.

One pilot project will be in Eastern Washington and one in Western Washington. Under the agreement, the city or county will submit declarations of noncompliance to the department for the department's enforcement action.

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.

If a city participates in the pilot projects, the city will receive 20 percent of the penalty collected in district court for the infraction and 12 percent will be deposited in the Public Safety and Education Account, instead of 32 percent of the penalty money being deposited in the Public Safety and Education Account.

Substitute Bill Compared to Original Bill: The substitute bill limits the plumbing certification enforcement agreements to two pilot projects. A city that participates under an agreement will receive 20 percent of the penalty collected in district court for the infraction and 12 percent will be deposited in the Public Safety and Education Account, instead of 32 percent of the money being deposited in the Public Safety and Education Account.

Fiscal Note: Requested January 25, 1994.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: 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.

Testimony Against: None.

Witnesses: 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.

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).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Commerce & Labor: The amended bill deletes the provision that would have changed the distribution of penalties collected in District Court when a city was participating in enforcing the plumbing certificate of competency requirements.

Fiscal Note: Requested January 25, 1994.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Witnesses: None.