
HOUSE BILL 2067

State of Washington 55th Legislature 1997 Regular Session

By Representatives Conway, O'Brien, Clements, Mason and Cody

Read first time 02/19/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to regulation of plumbers; amending RCW 18.106.010,
2 18.106.020, 18.106.030, 18.106.040, 18.106.050, 18.106.070, 18.106.080,
3 18.106.110, and 18.106.170; and prescribing penalties.

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

5 **Sec. 1.** RCW 18.106.010 and 1995 c 282 s 2 are each amended to read
6 as follows:

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

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

11 (2) "Business of plumbing" means a person, firm, partnership,
12 corporation, or other entity that offers to undertake, undertakes,
13 submits a bid for, or contracts to do plumbing;

14 (3) "Department" means the department of labor and industries;

15 (~~(3)~~) (4) "Director" means the director of department of labor
16 and industries;

17 (~~(4)~~) (5) "General master plumber" means any person who is
18 qualified to engage in all facets of the business of plumbing and has

1 a current certificate issued by the department of labor and industries
2 showing that person to be so qualified;

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

6 ~~((+5))~~ (7) "Medical gas piping" means oxygen, nitrous oxide, high
7 pressure nitrogen, medical compressed air, and medical vacuum systems;

8 ~~((+6) "Specialty plumber" means anyone who has been issued a~~
9 ~~specialty certificate of competency limited to installation,~~
10 ~~maintenance, and repair of the plumbing of single family dwellings,~~
11 ~~duplexes, and apartment buildings which do not exceed three stories;~~

12 ~~(+7))~~ (8) "Plumbing" means that craft involved in installing,
13 altering, repairing and renovating potable water systems, liquid waste
14 systems, backflow prevention devices, and medical gas piping systems
15 within a building(~~(: PROVIDED, That)~~). Installation in a water system
16 of water softening or water treatment equipment (~~shall~~) is not (~~be~~)
17 within the meaning of plumbing as used in this chapter;

18 (9) "Specialty master plumber" means any person who is qualified to
19 engage in the business of plumbing, limited to installation,
20 maintenance, and repair of the plumbing of single-family dwellings,
21 duplexes, and apartment buildings that do not exceed three stories, and
22 has a current certificate issued by the department of labor and
23 industries showing that person to be so qualified;

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

28 **Sec. 2.** RCW 18.106.020 and 1994 c 174 s 2 are each amended to read
29 as follows:

30 (1) No corporation, partnership, or individual may engage in or
31 offer to engage in the business of plumbing or contract to perform
32 plumbing without having a valid contractor's registration and a general
33 master plumber or specialty master plumber certificate or without a
34 principal, partner, or employee of that organization having a general
35 master plumber or a specialty master plumber certificate. No building
36 department or authority issuing building permits shall issue a plumbing
37 permit to any corporation, partnership, or individual without obtaining
38 verification of a general master plumber certificate or a specialty

1 master plumber certificate. The general master plumber or specialty
2 master plumber certificate number must appear on the permit.

3 (2) No person may engage in or offer to engage in the trade of
4 plumbing without having a general master plumber certificate, specialty
5 master plumber certificate, journeyman certificate, specialty
6 certificate, ((or)) temporary permit, or ((without being)) trainee
7 certificate. A trainee must be supervised by a person who has a
8 general master plumber certificate, specialty master plumber
9 certificate, journeyman certificate, specialty certificate, or
10 temporary permit, as specified in RCW 18.106.070. No contractor may
11 employ a person to engage in or offer to engage in the trade of
12 plumbing unless the person employed has a general master plumber
13 certificate, specialty master plumber certificate, journeyman
14 certificate, specialty certificate, ((or)) temporary permit, or ((is
15 supervised by a person who has a journeyman certificate, specialty
16 certificate, or temporary permit)) trainee certificate. For the
17 purposes of this section, "contractor" means any person or body of
18 persons, corporate or otherwise, engaged in any work covered by the
19 provisions of this chapter, chapter 18.27 RCW, or chapter 19.28 RCW, by
20 way of trade or business. However, in no case shall this section apply
21 to a contractor who is contracting for work on his or her own
22 residence.

23 ((+2)) (3) Violation of subsection (1) or (2) of this section is
24 an infraction. Each day in which a person or business engages in or
25 offers to engage in the trade or business of plumbing in violation of
26 subsection (1) or (2) of this section or employs a person in violation
27 of subsection (1) or (2) of this section is a separate infraction.
28 Each worksite at which a person engages in the trade of plumbing in
29 violation of subsection (1) or (2) of this section or at which a person
30 is employed in violation of subsection (1) or (2) of this section is a
31 separate infraction.

32 (3) Notices of infractions for violations of subsection (1) or (2)
33 of this section may be issued to:

34 (a) The person engaging in or offering to engage in the trade of
35 plumbing in violation of subsection (1) or (2) of this section;

36 (b) The contractor in violation of subsection (1) or (2) of this
37 section; and

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

4 **Sec. 3.** RCW 18.106.030 and 1977 ex.s. c 149 s 3 are each amended
5 to read as follows:

6 Any person desiring to be issued a certificate of competency as
7 provided in this chapter shall deliver evidence in a form prescribed by
8 the department affirming that said person has had sufficient experience
9 in as well as demonstrated general competency in the trade of plumbing
10 or specialty plumbing so as to qualify him to make an application for
11 a certificate of competency as a general master plumber, specialty
12 master plumber, journeyman plumber, or specialty plumber~~((:—PROVIDED,~~
13 ~~That))~~. Completion of a course of study in the plumbing trade in the
14 armed services of the United States or at a school accredited by the
15 ((coordinating council on occupational education)) work force training
16 and education coordinating board shall constitute sufficient evidence
17 of experience and competency to enable such person to make application
18 for a certificate of competency at the journey and specialty levels
19 only.

20 In addition to supplying the evidence as prescribed in this
21 section, each applicant for a certificate of competency shall submit an
22 application for such certificate on such form and in such manner as
23 shall be prescribed by the director of the department.

24 **Sec. 4.** RCW 18.106.040 and 1977 ex.s. c 149 s 4 are each amended
25 to read as follows:

26 Upon receipt of the application and evidence set forth in RCW
27 18.106.030, the director shall review the same and make a determination
28 as to whether the applicant is eligible to take an examination for the
29 certificate of competency. To be eligible to take the examination,
30 each applicant for a general or specialty master plumber's certificate
31 shall furnish written evidence that he or she holds a valid journeyman
32 plumber's certificate issued by the state of Washington, or equivalent
33 experience as determined by the department, and that he or she has
34 worked in the trade of plumbing as a certified journeyman plumber for
35 a minimum of two years. The department shall establish by rule
36 eligibility requirements for equivalent experience outside the
37 jurisdiction of the state of Washington. To be eligible to take the

1 examination each applicant for a journeyman plumber's certificate of
2 competency shall furnish written evidence that he or she has either
3 completed a course of study in the plumbing trade in the armed services
4 of the United States or at a school accredited by the (~~coordinating~~
5 ~~council on occupational education~~) work force training and education
6 coordinating board; or that he or she has four or more years of
7 experience under the direct supervision of a licensed journeyman
8 plumber. Each applicant for a specialty plumber's certificate of
9 competency shall furnish written evidence that he has either completed
10 a course of study in the plumbing trade in the armed services of the
11 United States or at a school accredited by the (~~commission for~~
12 ~~vocational education~~) work force training and education coordinating
13 board or its designee, or that he or she has had at least three years
14 practical experience in his or her specialty under the direct
15 supervision of a licensed general or specialty master plumber, a
16 licensed journeyman plumber, or a licensed specialty plumber. No other
17 requirement for eligibility may be imposed. The director shall
18 establish reasonable rules and regulations for the examinations to be
19 given applicants for certificates of competency. In establishing said
20 rules, regulations, and criteria, the director shall consult with the
21 state advisory board of plumbers as established in RCW 18.106.110.
22 Upon determination that the applicant is eligible to take the
23 examination, the director shall so notify him, indicating the time and
24 place for taking the same.

25 **Sec. 5.** RCW 18.106.050 and 1983 c 124 s 2 are each amended to read
26 as follows:

27 The department, with the advice of the advisory board, shall
28 prepare a written examination to be administered to applicants for
29 certificates of competency for general master plumber, specialty master
30 plumber, journeyman plumber, and specialty plumber. The examination
31 shall be constructed to determine:

32 (1) Whether the applicant possesses varied general knowledge of the
33 technical information and practical procedures that are identified with
34 the trade of journeyman plumber or specialty plumber; (~~and~~)

35 (2) Whether the applicant is familiar with the applicable plumbing
36 codes and the administrative rules of the department pertaining to
37 plumbing and plumbers; and

1 (3) Whether the applicant for general master plumber or specialty
2 master plumber possesses a greater degree of general knowledge of the
3 technical information and practical procedures that are identified with
4 the trade of plumbing, including but not limited to specific knowledge
5 of the state of Washington's contractor registration requirements,
6 taxing requirements, safety obligations of businesses, state industrial
7 insurance requirements, plumbing code requirements, and the
8 administrative rules of the department pertaining to plumbers and
9 contracting.

10 The department shall administer the examination to eligible
11 persons. All applicants shall, before taking the examination, pay to
12 the department a fee.

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

19 **Sec. 6.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to read
20 as follows:

21 (1) The department shall issue a certificate of competency to all
22 applicants who have passed the examination and have paid the fee for
23 the certificate. The certificate shall bear the date of issuance, and
24 shall expire on the birthdate of the holder immediately following the
25 date of issuance. The certificate shall be renewable every other year,
26 upon application, on or before the birthdate of the holder. The
27 application for renewal must include evidence of continuing education
28 of at least sixteen hours per year. Training courses must be approved
29 by the department and must meet such additional qualifications as may
30 be established by the department by rule. A renewal fee shall be
31 assessed for each certificate. If a person fails to renew the
32 certificate by the renewal date, he or she must pay a doubled fee. If
33 the person does not renew the certificate within ninety days of the
34 renewal date, he or she must retake the examination and pay the
35 examination fee.

36 The certificate of competency and the temporary permit provided for
37 in this chapter grant the holder the right to engage in the work of
38 plumbing as a general master plumber, a specialty master plumber, a

1 journeyman plumber, or specialty plumber in accordance with their
2 provisions throughout the state and within any of its political
3 subdivisions on any job or any employment without additional proof of
4 competency or any other license or permit or fee to engage in the work.
5 This section does not preclude employees from adhering to a union
6 security clause in any employment where such a requirement exists.

7 (2) A person who is indentured in an apprenticeship program
8 approved under chapter 49.04 RCW for the plumbing construction trade or
9 who is learning the plumbing construction trade may work in the
10 plumbing construction trade if supervised by a certified general master
11 plumber, a certified journeyman plumber, a certified specialty master
12 plumber, or a certified specialty plumber in that plumber's specialty.
13 All apprentices and individuals learning the plumbing construction
14 trade shall obtain a plumbing training certificate from the department.
15 The certificate shall authorize the holder to learn the plumbing
16 construction trade while under the direct supervision of a general
17 master plumber, a journeyman plumber, a specialty master plumber, or a
18 specialty plumber working in his or her specialty. The holder of the
19 plumbing training certificate shall renew the certificate annually. At
20 the time of renewal, the holder shall provide the department with an
21 accurate list of the holder's employers in the plumbing construction
22 industry for the previous year and the number of hours worked for each
23 employer. An annual fee shall be charged for the issuance or renewal
24 of the certificate. The department shall set the fee by rule. The fee
25 shall cover but not exceed the cost of administering and enforcing the
26 trainee certification and supervision requirements of this chapter.
27 Apprentices and individuals learning the plumbing construction trade
28 shall have their plumbing training certificates in their possession at
29 all times that they are performing plumbing work. They shall show
30 their certificates to an authorized representative of the department at
31 the representative's request.

32 (3) Any person who has been issued a plumbing training certificate
33 under this chapter may work if that person is under supervision.
34 Supervision shall consist of a person being on the same job site and
35 under the control of ~~((either))~~ a general master plumber, a journeyman
36 plumber, or an appropriate specialty master plumber or specialty
37 plumber who has an applicable certificate of competency issued under
38 this chapter. ~~((Either))~~ A general master plumber, a journeyman
39 plumber, or an appropriate specialty master plumber or specialty

1 plumber shall be on the same job site as the noncertified individual
2 for a minimum of seventy-five percent of each working day unless
3 otherwise provided in this chapter. The ratio of noncertified
4 individuals to certified journeymen or specialty plumbers working on a
5 job site shall be: (a) From July 28, 1985, through June 30, 1988, not
6 more than three noncertified plumbers working on any one job site for
7 every certified journeyman or specialty plumber; (b) effective July 1,
8 1988, not more than two noncertified plumbers working on any one job
9 site for every certified specialty master plumber or specialty plumber
10 or general master plumber or journeyman plumber working as a specialty
11 plumber; and (c) effective July 1, 1988, not more than one noncertified
12 plumber working on any one job site for every certified general master
13 plumber or journeyman plumber working as a journeyman plumber.

14 An individual who has a current training certificate and who has
15 successfully completed or is currently enrolled in an approved
16 apprenticeship program or in a technical school program in the plumbing
17 construction trade in a school approved by the (~~commission for~~
18 ~~vocational education~~) work force training and education coordinating
19 board, may work without direct on-site supervision during the last six
20 months of meeting the practical experience requirements of this
21 chapter.

22 **Sec. 7.** RCW 18.106.080 and 1973 1st ex.s. c 175 s 8 are each
23 amended to read as follows:

24 (1) No examination shall be required of any applicant for a
25 certificate of competency for a journeyman plumber or specialty plumber
26 who, on July 16, 1973, was engaged in a bona fide business or trade of
27 plumbing, or on said date held a valid journeyman plumber's license
28 issued by a political subdivision of the state of Washington and whose
29 license is valid at the time of making his or her application for said
30 certificate.

31 (2) No examination is required of any applicant for a general
32 master plumber certificate of competency: (a) Who, on the effective
33 date of this act: (i) Was engaged in a bona fide business of plumbing;
34 (ii) held a valid journeyman plumber's license issued by the state of
35 Washington; and (iii) held a valid contractor's registration issued by
36 the state of Washington; and (b) whose license and registration are
37 valid at the time of making application for the certificate.

1 (3) No examination is required of any applicant for a specialty
2 master plumber certificate of competency: (a) Who, on the effective
3 date of this act: (i) Was engaged in a bona fide business of plumbing;
4 (ii) held a valid specialty plumber's license issued by the state of
5 Washington; and (iii) held a valid contractor's registration issued by
6 the state of Washington; and (b) whose license and registration are
7 valid at the time of making application for the certificate.

8 Applicants qualifying under this section shall be issued a
9 certificate by the department upon making an application as provided in
10 RCW 18.106.030 and paying the fee required under RCW 18.106.050:
11 PROVIDED, That no applicant under this section shall be required to
12 furnish such evidence as required by RCW 18.106.030.

13 **Sec. 8.** RCW 18.106.110 and 1995 c 95 s 1 are each amended to read
14 as follows:

15 (1) There is created a state advisory board of plumbers, to be
16 composed of ~~((three))~~ five members appointed by the governor. ~~((One))~~
17 Two members shall be ~~((a))~~ journeyman or general master plumbers,
18 ~~((one))~~ two members shall be ~~((a))~~ persons conducting a plumbing
19 business, and one member from the general public who is familiar with
20 the business and trade of plumbing.

21 (2) The term of ~~((the))~~ one journeyman or general master plumber
22 ~~((shall))~~ expires July 1, 1995; the term of the second journeyman or
23 general master plumber expires July 1, 2000; the term of ((the)) one
24 person conducting a plumbing business ((shall)) expires July 1, 1996;
25 the term of the second person conducting a plumbing business expires
26 July 1, 2000; and the term of the public member ((shall)) expires July
27 1, 1997. Thereafter, upon the expiration of said terms, the governor
28 shall appoint a new member to serve for a period of three years.
29 However, to ensure that the board can continue to act, a member whose
30 term expires shall continue to serve until his or her replacement is
31 appointed. In the case of any vacancy on the board for any reason, the
32 governor shall appoint a new member to serve out the term of the person
33 whose position has become vacant.

34 (3) The advisory board shall carry out all the functions and duties
35 enumerated in this chapter, as well as generally advise the department
36 on all matters relative to this chapter.

37 (4) Each member of the advisory board shall receive travel expenses
38 in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now

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

3 **Sec. 9.** RCW 18.106.170 and 1983 c 124 s 6 are each amended to read
4 as follows:

5 An authorized representative of the department may investigate
6 alleged or apparent violations of this chapter. An authorized
7 representative of the department upon presentation of credentials may
8 inspect sites at which a person is doing plumbing work or engaged in
9 the business of plumbing or offering to engage in the business of
10 plumbing for the purpose of determining whether that person has a
11 certificate or permit issued by the department in accordance with this
12 chapter or is supervised by a person who has such a certificate or
13 permit. Upon request of the authorized representative of the
14 department, a person doing plumbing work or engaged in the business of
15 plumbing or offering to engage in the business of plumbing shall
16 produce evidence that the person has a certificate or permit issued by
17 the department in accordance with this chapter or is supervised by a
18 person who has such a certificate or permit.

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