
SUBSTITUTE HOUSE BILL 2068

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives McMorris, Grant, Sherstad and Thompson)

Read first time 03/05/97.

1 AN ACT Relating to electrical inspection regulatory reform;
2 amending RCW 19.28.010, 19.28.015, 19.28.070, 19.28.120, 19.28.190,
3 19.28.210, and 19.28.360; adding a new section to chapter 19.28 RCW;
4 and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the safe, prompt,
7 and thorough inspection of electrical installations is in the best
8 interest of the citizens of the state. Counties should be given the
9 same authority to perform electrical inspections as cities currently
10 exercise. Authorizing electrical inspections to be done locally will
11 make local officials responsible for safe, timely, and professional
12 inspections as is now the case with all other areas of the building
13 inspections. Builders in counties that do their own inspections will
14 be able to address complaints to local officials rather than to a state
15 agency, consistent with other aspects of regulatory reform now
16 underway. To facilitate this transition, the legislature intends that
17 counties that choose to conduct electrical inspections provide
18 employment opportunities to seasoned, experienced state inspectors.

1 **Sec. 2.** RCW 19.28.010 and 1993 c 275 s 2 are each amended to read
2 as follows:

3 (1) All wires and equipment, and installations thereof, that convey
4 electric current and installations of equipment to be operated by
5 electric current, in, on, or about buildings or structures, except for
6 telephone, telegraph, radio, and television wires and equipment, and
7 television antenna installations, signal strength amplifiers, and
8 coaxial installations pertaining thereto shall be in strict conformity
9 with this chapter, the statutes of the state of Washington, and the
10 rules issued by the department, and shall be in conformity with
11 approved methods of construction for safety to life and property. All
12 wires and equipment that fall within section 90.2(b)(5) of the National
13 Electrical Code, 1981 edition, are exempt from the requirements of this
14 chapter. The regulations and articles in the National Electrical Code,
15 the national electrical safety code, and other installation and safety
16 regulations approved by the national fire protection association, as
17 modified or supplemented by rules issued by the department in
18 furtherance of safety to life and property under authority hereby
19 granted, shall be prima facie evidence of the approved methods of
20 construction. All materials, devices, appliances, and equipment used
21 in such installations shall be of a type that conforms to applicable
22 standards or be indicated as acceptable by the established standards of
23 any electrical product testing laboratory which is accredited by the
24 department. Industrial control panels, utilization equipment, and
25 their components do not need to be listed, labeled, or otherwise
26 indicated as acceptable by an accredited electrical product testing
27 laboratory unless specifically required by the National Electrical
28 Code, 1993 edition.

29 (2) Residential buildings or structures moved into or within a
30 county, city, or town are not required to comply with all of the
31 requirements of this chapter, if the original occupancy classification
32 of the building or structure is not changed as a result of the move.
33 This subsection shall not apply to residential buildings or structures
34 that are substantially remodeled or rehabilitated.

35 (3) This chapter shall not limit the authority or power of ((any))
36 a county, city, or town to enact and enforce under authority given by
37 law, any ordinance, rule, or regulation requiring an equal, higher, or
38 better standard of construction and an equal, higher, or better
39 standard of materials, devices, appliances, and equipment than that

1 required by this chapter. A county, city, or town shall require that
2 its electrical inspectors meet the qualifications provided for state
3 electrical inspectors in accordance with RCW 19.28.070. In a county,
4 city, or town having an equal, higher, or better standard the
5 installations, materials, devices, appliances, and equipment shall be
6 in accordance with the ordinance, rule, or regulation of the county,
7 city, or town. Electrical equipment associated with spas, hot tubs,
8 swimming pools, and hydromassage bathtubs shall not be offered for sale
9 or exchange unless the electrical equipment is certified as being in
10 compliance with the applicable product safety standard by bearing the
11 certification mark of an approved electrical products testing
12 laboratory.

13 (4) Nothing in this chapter may be construed as permitting the
14 connection of any conductor of any electric circuit with a pipe that is
15 connected with or designed to be connected with a waterworks piping
16 system, without the consent of the person or persons legally
17 responsible for the operation and maintenance of the waterworks piping
18 system.

19 **Sec. 3.** RCW 19.28.015 and 1988 c 81 s 2 are each amended to read
20 as follows:

21 Disputes arising under RCW 19.28.010(~~(+2)~~) (3) regarding whether
22 the county, city, or town's electrical rules, regulations, or
23 ordinances are equal to the rules adopted by the department shall be
24 resolved by arbitration. The department shall appoint two members of
25 the board to serve on the arbitration panel, and the county, city, or
26 town shall appoint two persons to serve on the arbitration panel.
27 These four persons shall choose a fifth person to serve. If the four
28 persons cannot agree on a fifth person, the presiding judge of the
29 superior court of the county, or county in which the city or town is
30 located, shall choose a fifth person. A decision of the arbitration
31 panel may be appealed to the superior court of the county, or county in
32 which the city or town is located, within thirty days after the date
33 the panel issues its final decision.

34 **Sec. 4.** RCW 19.28.070 and 1986 c 156 s 4 are each amended to read
35 as follows:

36 The director of labor and industries of the state of Washington and
37 the officials of all counties and incorporated cities and towns that

1 assume the responsibilities of this chapter and where electrical
2 inspections are required by local ordinances shall have power and it
3 shall be their duty to enforce the provisions of this chapter in their
4 respective jurisdictions. The director of labor and industries shall
5 have power to appoint an electrical inspector, and such assistant
6 inspectors as he shall deem necessary to assist him in the performance
7 of his duties. All electrical inspectors appointed by the director of
8 labor and industries shall have not less than four years experience as
9 journeyman electricians in installing and maintaining electrical
10 equipment, or two years electrical training in a college of electrical
11 engineering of recognized standing and four years continuous practical
12 electrical experience in installation work, or four years of electrical
13 training in a college of electrical engineering of recognized standing
14 and two years continuous practical electrical experience in electrical
15 installation work. Such state inspectors shall be paid such salary as
16 the director of labor and industries shall determine, together with
17 their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as
18 now existing or hereafter amended. The expenses of the director of
19 labor and industries and the salaries and expenses of state inspectors
20 incurred in carrying out the provisions of this chapter shall be paid
21 entirely out of the electrical license fund, upon vouchers approved by
22 the director of labor and industries.

23 **Sec. 5.** RCW 19.28.120 and 1992 c 217 s 2 are each amended to read
24 as follows:

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

1 department, accompanied by the required fee. The application shall
2 state:

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

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

9 (c) Employer social security number;

10 (d) As applicable: (i) The industrial insurance account number
11 covering employees domiciled in Washington; and (ii) evidence of
12 workers' compensation coverage in the applicant's state of domicile for
13 the applicant's employees working in Washington who are not domiciled
14 in Washington;

15 (e) Employment security department number;

16 (f) State excise tax registration number;

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

20 (h) Whether a general or specialty electrical contractor license is
21 sought and, if the latter, the type of specialty. Electrical
22 contractor specialties include, but are not limited to: Residential,
23 domestic appliances, pump and irrigation, limited energy system, signs,
24 nonresidential maintenance, and a combination specialty. A general
25 electrical contractor license shall grant to the holder the right to
26 engage in, conduct, or carry on the business of installing or
27 maintaining wires or equipment to carry electric current, and
28 installing or maintaining equipment, or installing or maintaining
29 material to fasten or insulate such wires or equipment to be operated
30 by electric current, in the state of Washington. A specialty
31 electrical contractor license shall grant to the holder a limited right
32 to engage in, conduct, or carry on the business of installing or
33 maintaining wires or equipment to carry electrical current, and
34 installing or maintaining equipment; or installing or maintaining
35 material to fasten or insulate such wires or equipment to be operated
36 by electric current in the state of Washington as expressly allowed by
37 the license.

38 (2) The department may verify the workers' compensation coverage
39 information provided by the applicant under subsection (1)(d) of this

1 section, including but not limited to information regarding the
2 coverage of an individual employee of the applicant. If coverage is
3 provided under the laws of another state, the department may notify the
4 other state that the applicant is employing employees in Washington.

5 (3) The application for a contractor license shall be accompanied
6 by a bond in the sum of four thousand dollars with the state of
7 Washington named as obligee in the bond, with good and sufficient
8 surety, to be approved by the department. The bond shall at all times
9 be kept in full force and effect, and any cancellation or revocation
10 thereof, or withdrawal of the surety therefrom, suspends the license
11 issued to the principal until a new bond has been filed and approved as
12 provided in this section. Upon approval of a bond, the department
13 shall on the next business day deposit the fee accompanying the
14 application in the electrical license fund and shall file the bond in
15 the office. The department shall upon request furnish to any person,
16 firm, partnership, corporation, or other entity a certified copy of the
17 bond upon the payment of a fee that the department shall set by rule.
18 The fee shall cover but not exceed the cost of furnishing the certified
19 copy. The bond shall be conditioned that in any installation or
20 maintenance of wires or equipment to convey electrical current, and
21 equipment to be operated by electrical current, the principal will
22 comply with the provisions of this chapter and with any electrical
23 ordinance, building code, or regulation of a county, city, or town
24 adopted pursuant to RCW 19.28.010(~~((+2))~~) (3) that is in effect at the
25 time of entering into a contract. The bond shall be conditioned
26 further that the principal will pay for all labor, including employee
27 benefits, and material furnished or used upon the work, taxes and
28 contributions to the state of Washington, and all damages that may be
29 sustained by any person, firm, partnership, corporation, or other
30 entity due to a failure of the principal to make the installation or
31 maintenance in accordance with this chapter or any applicable
32 ordinance, building code, or regulation of a county, city, or town
33 adopted pursuant to RCW 19.28.010(~~((+2))~~) (3). In lieu of the surety
34 bond required by this section the license applicant may file with the
35 department a cash deposit or other negotiable security acceptable to
36 the department. If the license applicant has filed a cash deposit, the
37 department shall deposit the funds in a special trust savings account
38 in a commercial bank, mutual savings bank, or savings and loan

1 association and shall pay annually to the depositor the interest
2 derived from the account.

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

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

34 **Sec. 6.** RCW 19.28.190 and 1986 c 156 s 9 are each amended to read
35 as follows:

36 No person, firm or corporation engaging in, conducting or carrying
37 on the business of installing wires or equipment to convey electric
38 current, or installing apparatus to be operated by said current, shall

1 be entitled to commence or maintain any suit or action in any court of
2 this state pertaining to any such work or business, without alleging
3 and proving that such person, firm or corporation held, at the time of
4 commencing and performing such work, an unexpired, unrevoked and
5 unsuspended license issued under the provisions of this chapter; and no
6 county, city, or town requiring by ordinance or regulation a permit for
7 inspection or installation of such electrical work, shall issue such
8 permit to any person, firm or corporation not holding such license.

9 **Sec. 7.** RCW 19.28.210 and 1996 c 241 s 4 are each amended to read
10 as follows:

11 (1) The director shall cause an inspector to inspect all wiring,
12 appliances, devices, and equipment to which this chapter applies.
13 Nothing contained in this chapter may be construed as providing any
14 authority for any subdivision of government to adopt by ordinance any
15 provisions contained or provided for in this chapter except those
16 pertaining to counties, cities, and towns pursuant to RCW 19.28.010(3).

17 (2) Upon request, electrical inspections will be made by the
18 department within forty-eight hours, excluding holidays, Saturdays, and
19 Sundays. If, upon written request, the electrical inspector fails to
20 make an electrical inspection within twenty-four hours, the serving
21 utility may immediately connect electrical power to the installation if
22 the necessary electrical work permit is displayed(~~(:—PROVIDED, That)~~).
23 If the request is for an electrical inspection that relates to a mobile
24 home installation, the applicant shall provide proof of a current
25 building permit issued by the local government agency authorized to
26 issue such permits as a prerequisite for inspection approval or
27 connection of electrical power to the mobile home.

28 (3) Whenever the installation of any wiring, device, appliance, or
29 equipment is not in accordance with this chapter, or is in such a
30 condition as to be dangerous to life or property, the person, firm,
31 partnership, corporation, or other entity owning, using, or operating
32 it shall be notified by the department and shall within fifteen days,
33 or such further reasonable time as may upon request be granted, make
34 such repairs and changes as are required to remove the danger to life
35 or property and to make it conform to this chapter. The director,
36 through the inspector, is hereby empowered to disconnect or order the
37 discontinuance of electrical service to conductors or equipment that
38 are found to be in a dangerous or unsafe condition and not in

1 accordance with this chapter. Upon making a disconnection the
2 inspector shall attach a notice stating that the conductors have been
3 found dangerous to life or property and are not in accordance with this
4 chapter. It is unlawful for any person to reconnect such defective
5 conductors or equipment without the approval of the department, and
6 until the conductors and equipment have been placed in a safe and
7 secure condition, and in a condition that complies with this chapter.

8 (4) The director, through the electrical inspector, has the right
9 during reasonable hours to enter into and upon any building or premises
10 in the discharge of his or her official duties for the purpose of
11 making any inspection or test of the installation of new construction
12 or altered electrical wiring, electrical devices, equipment, or
13 material contained in or on the buildings or premises. No electrical
14 wiring or equipment subject to this chapter may be concealed until it
15 has been approved by the inspector making the inspection. At the time
16 of the inspection, electrical wiring or equipment subject to this
17 chapter must be sufficiently accessible to permit the inspector to
18 employ any testing methods that will verify conformance with the
19 national electrical code and any other requirements of this chapter.

20 (5) Persons, firms, partnerships, corporations, or other entities
21 making electrical installations shall obtain inspection and approval
22 from an authorized representative of the department as required by this
23 chapter before requesting the electric utility to connect to the
24 installations. Electric utilities may connect to the installations if
25 approval is clearly indicated by certification of the electrical work
26 permit required to be affixed to each installation or by equivalent
27 means, except that increased or relocated services may be reconnected
28 immediately at the discretion of the utility before approval if an
29 electrical work permit is displayed. The permits shall be furnished
30 upon payment of the fee to the department.

31 (6) The director, subject to the recommendations and approval of
32 the board, shall set by rule a schedule of license and electrical work
33 permit fees that will cover the costs of administration and enforcement
34 of this chapter. The rules shall be adopted in accordance with the
35 administrative procedure act, chapter 34.05 RCW. No fee may be charged
36 for plug-in mobile homes, recreational vehicles, or portable
37 appliances.

38 (7) Nothing in this chapter shall authorize the inspection of any
39 wiring, appliance, device, or equipment, or installations thereof, by

1 any utility or by any person, firm, partnership, corporation, or other
2 entity employed by a utility in connection with the installation,
3 repair, or maintenance of lines, wires, apparatus, or equipment owned
4 by or under the control of the utility. All work covered by the
5 national electric code not exempted by the 1981 edition of the national
6 electric code 90-2(B)(5) shall be inspected by the department.

7 **Sec. 8.** RCW 19.28.360 and 1986 c 156 s 12 are each amended to read
8 as follows:

9 The provisions of RCW 19.28.210 shall not apply:

10 (1) Within a county or the corporate limits of any incorporated
11 city or town which has heretofore adopted and enforced or subsequently
12 adopts and enforces an ordinance requiring an equal, higher or better
13 standard of construction and of materials, devices, appliances and
14 equipment than is required by this chapter.

15 (2) Within the service area of an electricity supply agency owned
16 and operated by a city or town which is supplying electricity and
17 enforcing a standard of construction and materials outside its
18 corporate limits at the time this act takes effect(~~(:—PROVIDED, That~~
19 ~~such)).~~ A city, town, or agency shall henceforth enforce by inspection
20 within its service area outside its corporate limits the same standards
21 of construction and of materials, devices, appliances and equipment as
22 is enforced by the department of labor and industries under the
23 authority of this chapter(~~(:—PROVIDED FURTHER, That)).~~ Fees charged
24 henceforth in connection with such enforcement shall not exceed those
25 established in RCW 19.28.210.

26 (3) Within the rights of way of state highways, provided the state
27 department of transportation maintains and enforces an equal, higher or
28 better standard of construction and of materials, devices, appliances
29 and equipment than is required by RCW 19.28.010 through 19.28.360.

30 (4) To persons installing load control equipment as part of a
31 utility load management or conservation program when the equipment is
32 owned by the utility and the work is performed by licensed personnel
33 employed by or under the control of the utility.

34 NEW SECTION. **Sec. 9.** A new section is added to chapter 19.28 RCW
35 to read as follows:

36 Counties opting to perform their own electrical inspections shall
37 give, to the greatest extent possible, first consideration for

1 employment to the trained persons currently employed by the department
2 of labor and industries performing electrical inspections at the time
3 of the transition.

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