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HOUSE BILL 2799

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State of Washington

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1998 Regular Session

By Representatives Cairnes, O'Brien, Conway, Cooper, DeBolt, Hatfield, Radcliff, Cody, Ballasiotes and Mitchell

Read first time 01/20/98. 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, 18.106.050, 18.106.070, 18.106.090, 18.106.155,  
3 18.106.170, 18.106.180, and 18.106.250; adding a new section to chapter  
4 18.106 RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 18.106.010 and 1997 c 326 s 2 are each amended to read  
7 as follows:

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

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

12 (2) "Department" means the department of labor and industries;

13 (3) "Director" means the director of department of labor and  
14 industries;

15 (4) "Fuel gas" means natural, manufactured, liquefied petroleum, or  
16 a mixture of these gases;

17 (5) "Fuel gas piping" means any pipe, valves, or fittings used to  
18 transport fuel gas;

1        (6) "Fuel gas piping installer" means any person who has been  
2 issued a certificate of competency as a fuel gas piping installer;

3        (7) "Journeyman pipefitter" means any person who has been issued a  
4 certificate of competency as a journeyman pipefitter;

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

8        ~~((+5))~~ (9) "Medical gas piping" means oxygen, nitrous oxide, high  
9 pressure nitrogen, medical compressed air, and medical vacuum systems;

10       ~~((+6))~~ (10) "Medical gas piping installer" means a journeyman  
11 plumber who has been issued a medical gas piping installer endorsement;

12       ~~((+7))~~ (11) "Pipefitting" means the craft involved in installing,  
13 altering, repairing, and renovating all hydronic heating, steam, and  
14 condensate piping systems, and includes fuel gas piping systems;

15       (12) "Plumbing" means that craft involved in installing, altering,  
16 repairing and renovating potable water systems, liquid waste systems,  
17 and medical gas piping systems within a building. Installation in a  
18 water system of water softening or water treatment equipment is not  
19 within the meaning of plumbing as used in this chapter;

20       ~~((+8))~~ (13) "Specialty plumber" means anyone who has been issued  
21 a specialty certificate of competency limited to installation,  
22 maintenance, and repair of the plumbing or pipefitting of single-family  
23 dwelling, duplexes, and apartment buildings that do not exceed three  
24 stories.

25        **Sec. 2.** RCW 18.106.020 and 1997 c 326 s 3 are each amended to read  
26 as follows:

27        (1) No person may engage in or offer to engage in the trade of  
28 plumbing without having a journeyman certificate, specialty  
29 certificate, temporary permit, or trainee certificate. A trainee must  
30 be supervised by a person who has a journeyman certificate, specialty  
31 certificate, or temporary permit, as specified in RCW 18.106.070. No  
32 contractor may employ a person to engage in or offer to engage in the  
33 trade of plumbing unless the person employed has a journeyman  
34 certificate, specialty certificate, temporary permit, or trainee  
35 certificate. For the purposes of this section, "contractor" means any  
36 person or body of persons, corporate or otherwise, engaged in any work  
37 covered by the provisions of this chapter, chapter 18.27 RCW, or  
38 chapter 19.28 RCW, by way of trade or business. However, in no case

1 shall this section apply to a contractor who is contracting for work on  
2 his or her own residence.

3 (2) No person may engage in or offer to engage in medical gas  
4 piping installation without having a certificate of competency as a  
5 journeyman plumber and a medical gas piping installer endorsement. A  
6 trainee may engage in medical gas piping installation if he or she has  
7 a training certificate and is supervised by a person with a medical gas  
8 piping installer endorsement. No contractor may employ a person to  
9 engage in or offer to engage in medical gas piping installation unless  
10 the person employed has a certificate of competency as a journeyman  
11 plumber and a medical gas piping installer endorsement.

12 (3) No person may engage in or offer to engage in the trade of  
13 pipefitting without having a certificate of competency as a journeyman  
14 pipefitter. A trainee may engage in pipefitting if he or she is  
15 supervised as specified in RCW 18.106.070. No contractor may employ a  
16 person to engage in or offer to engage in the trade of pipefitting  
17 unless the person employed has a certificate of competency as a  
18 journeyman pipefitter.

19 (4) No person may engage in or offer to engage in fuel gas piping  
20 installation without having a certificate of competency as a journeyman  
21 plumber, journeyman pipefitter, or fuel gas piping installer. A  
22 trainee may engage in fuel gas piping installation if he or she is  
23 supervised as specified in RCW 18.106.070. No contractor may employ a  
24 person to engage in or offer to engage in fuel gas piping installation  
25 unless the person employed has a certificate of competency as a  
26 journeyman plumber, journeyman pipefitter, or fuel gas piping  
27 installer.

28 (5) Violation of subsection (1) ~~((or)),~~ (2), (3), or (4) of this  
29 section is an infraction. Each day in which a person engages in the  
30 trade of plumbing or pipefitting, or both, in violation of subsection  
31 (1) ~~((or)),~~ (2), (3), or (4) of this section or employs a person in  
32 violation of subsection (1) ~~((or)),~~ (2), (3), or (4) of this section is  
33 a separate infraction. Each worksite at which a person engages in the  
34 trade of plumbing or pipefitting, or both, in violation of subsection  
35 (1) ~~((or)),~~ (2), (3), or (4) of this section or at which a person is  
36 employed in violation of subsection (1) ~~((or)),~~ (2), (3), or (4) of  
37 this section is a separate infraction.

38 ~~((4))~~ (6) Notices of infractions for violations of subsection (1)  
39 ~~((or)),~~ (2), (3), or (4) of this section may be issued to:

1 (a) The person engaging in or offering to engage in the trade of  
2 plumbing in violation of subsection (1) ~~((or))~~, (2), (3), or (4) of  
3 this section;

4 (b) The contractor in violation of subsection (1) ~~((or))~~, (2), (3),  
5 or (4) of this section; and

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

9 **Sec. 3.** RCW 18.106.030 and 1997 c 326 s 4 are each amended to read  
10 as follows:

11 Any person desiring to be issued a certificate of competency as  
12 provided in this chapter shall deliver evidence in a form prescribed by  
13 the department affirming that ~~((said))~~ the person has had sufficient  
14 experience in as well as demonstrated general competency in the trade  
15 of plumbing or specialty plumbing so as to qualify him or her to make  
16 an application for a certificate of competency as a journeyman plumber  
17 or specialty plumber. Completion of a course of study in the plumbing  
18 trade in the armed services of the United States or at a school  
19 accredited by the work force training and education coordinating board  
20 shall constitute sufficient evidence of experience and competency to  
21 enable such person to make application for a certificate of competency.

22 Any person desiring to be issued a medical gas piping installer  
23 endorsement shall deliver evidence in a form prescribed by the  
24 department affirming that the person has met the requirements  
25 established by the department for a medical gas piping installer  
26 endorsement.

27 Any person desiring to be issued a certificate of competency as a  
28 journeyman pipefitter or as a fuel gas piping installer shall deliver  
29 evidence in a form prescribed by the department affirming that the  
30 person has met the requirements established by the department for a  
31 certificate of competency as a journeyman pipefitter or as a fuel gas  
32 piping installer.

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

1       **Sec. 4.** RCW 18.106.050 and 1997 c 326 s 5 are each amended to read  
2 as follows:

3       (1) The department, with the advice of the advisory board, shall  
4 prepare a written examination to be administered to applicants for  
5 certificates of competency for journeyman plumber (~~(and)~~), specialty  
6 plumber, journeyman pipefitter, and fuel gas piping installer. The  
7 examination shall be constructed to determine:

8       (a) Whether the applicant possesses varied general knowledge of the  
9 technical information and practical procedures that are identified with  
10 the trade of journeyman plumber (~~(or)~~), specialty plumber, journeyman  
11 pipefitter, or fuel gas piping installer; and

12       (b) Whether the applicant is familiar with the applicable plumbing  
13 and mechanical codes and the administrative rules of the department  
14 pertaining to (~~(plumbing and)~~) plumbers and pipefitters.

15       The department shall administer the examination to eligible  
16 persons. All applicants shall, before taking the examination, pay to  
17 the department a fee.

18       (2) For purposes of the medical gas piping installer endorsement,  
19 the department may enter into a contract with a nationally recognized  
20 testing agency to develop, administer, and score medical gas piping  
21 installer examinations. All applicants shall, before taking an  
22 examination for a medical gas piping installer endorsement, pay the  
23 required examination fee. The department shall set the examination fee  
24 by contract with a nationally recognized testing agency. The fee shall  
25 cover but not exceed the costs of preparing and administering the  
26 examination and the materials necessary to conduct the practical  
27 elements of the examination. The department shall approve training  
28 courses and set the fees for training courses for the medical gas  
29 piping installer endorsement.

30       The department shall certify the results of the examination, and  
31 shall notify the applicant in writing whether he or she has passed or  
32 failed. Any applicant who has failed the examination may retake the  
33 examination, upon the terms and after a period of time that the  
34 director shall set by rule. The director may not limit the number of  
35 times that a person may take the examination.

36       **Sec. 5.** RCW 18.106.070 and 1997 c 326 s 6 are each amended to read  
37 as follows:

1 (1) The department shall issue a certificate of competency to all  
2 applicants who have passed the examination and have paid the fee for  
3 the certificate. The certificate shall bear the date of issuance, and  
4 shall expire on the birthdate of the holder immediately following the  
5 date of issuance. The certificate shall be renewable every other year,  
6 upon application, on or before the birthdate of the holder. A renewal  
7 fee shall be assessed for each certificate. If a person fails to renew  
8 the certificate by the renewal date, he or she must pay a doubled fee.  
9 If the person does not renew the certificate within ninety days of the  
10 renewal date, he or she must retake the examination and pay the  
11 examination fee.

12 The journeyman plumber (~~and~~), specialty plumber, journeyman  
13 pipefitter, and fuel gas piping installer certificates of competency,  
14 the medical gas piping installer endorsement, and the temporary permits  
15 provided for in this chapter grant the holder the right to engage in  
16 the work of plumbing or pipefitting, or both, as a journeyman plumber,  
17 specialty plumber, journeyman pipefitter, fuel gas piping installer, or  
18 medical gas piping installer, in accordance with their provisions  
19 throughout the state and within any of its political subdivisions on  
20 any job or any employment without additional proof of competency or any  
21 other license or permit or fee to engage in the work. This section  
22 does not preclude employees from adhering to a union security clause in  
23 any employment where such a requirement exists.

24 (2) A person who is indentured in an apprenticeship program  
25 approved under chapter 49.04 RCW for the plumbing (~~construction~~),  
26 pipefitting, or fuel gas piping installation trade or who is learning  
27 the plumbing (~~construction~~), pipefitting, or fuel gas piping  
28 installation trade may work in the plumbing (~~construction~~),  
29 pipefitting, or fuel gas piping installation trade if supervised by  
30 ((a)) an appropriate certified journeyman plumber, journeyman  
31 pipefitter, fuel gas piping installer, or ((a)) certified specialty  
32 plumber in that plumber's specialty. All apprentices and individuals  
33 learning the plumbing construction trade shall obtain a plumbing  
34 training certificate from the department. The certificate shall  
35 authorize the holder to learn the plumbing construction trade while  
36 under the direct supervision of a journeyman plumber or a specialty  
37 plumber working in his or her specialty. All apprentices and  
38 individuals learning the pipefitting trade shall obtain a pipefitting  
39 training certificate from the department. The certificate shall

1 authorize the holder to learn the pipefitting trade while under the  
2 direct supervision of a journeyman pipefitter. All apprentices and  
3 individuals learning the fuel gas piping installation trade shall  
4 obtain a fuel gas piping installation training certificate from the  
5 department. The certificate shall authorize the holder to learn the  
6 fuel gas piping installation trade while under the direct supervision  
7 of a fuel gas piping installer, journeyman pipefitter or journeyman  
8 plumber. The holder of the ((~~plumbing~~)) training certificate shall  
9 renew the certificate annually. At the time of renewal, the holder  
10 shall provide the department with an accurate list of the holder's  
11 employers in the ((~~plumbing-construction~~)) industry for the previous  
12 year and the number of hours worked for each employer. An annual fee  
13 shall be charged for the issuance or renewal of the certificate. The  
14 department shall set the fee by rule. The fee shall cover but not  
15 exceed the cost of administering and enforcing the trainee  
16 certification and supervision requirements of this chapter.  
17 Apprentices and individuals learning the plumbing ((~~construction~~)),  
18 pipefitting, or fuel gas piping installation trade shall have their  
19 ((~~plumbing~~)) training certificates in their possession at all times  
20 that they are performing plumbing, pipefitting, or fuel gas piping  
21 installation work. They shall show their certificates to an authorized  
22 representative of the department at the representative's request.

23 (3) Any person who has been issued a ((~~plumbing~~)) training  
24 certificate under this chapter may work if that person is under  
25 supervision. Supervision shall consist of a person being on the same  
26 job site and under the control of ((~~either-a~~)) an appropriate  
27 journeyman ((~~plumber~~)) or an appropriate specialty plumber who has an  
28 applicable certificate of competency issued under this chapter.  
29 ((~~Either-a~~)) An appropriate journeyman ((~~plumber~~)) or an appropriate  
30 specialty plumber shall be on the same job site as the noncertified  
31 individual for a minimum of seventy-five percent of each working day  
32 unless otherwise provided in this chapter. The ratio of noncertified  
33 individuals to certified journeymen or specialty plumbers working on a  
34 job site shall be: (a) From July 28, 1985, through June 30, 1988, not  
35 more than three noncertified plumbers working on any one job site for  
36 every certified journeyman or specialty plumber; (b) effective July 1,  
37 1988, not more than two noncertified plumbers working on any one job  
38 site for every certified specialty plumber or journeyman plumber  
39 working as a specialty plumber; ((~~and~~)) (c) effective July 1, 1988, not

1 more than one noncertified plumber working on any one job site for  
2 every certified journeyman plumber working as a journeyman plumber; and  
3 (d) effective the effective date of this section, not more than one  
4 noncertified pipefitter for every journeyman pipefitter, and not more  
5 than one noncertified fuel gas piping installer for each fuel gas  
6 piping installer, journeyman pipefitter, or journeyman plumber.

7 An individual who has a current training certificate and who has  
8 successfully completed or is currently enrolled in an approved  
9 apprenticeship program or in a technical school program in the plumbing  
10 ~~((construction))~~, pipefitting, or fuel gas piping installation trade in  
11 a school approved by the work force training and education coordinating  
12 board, may work without direct on-site supervision during the last six  
13 months of meeting the practical experience requirements of this  
14 chapter.

15 (4) An individual who has a current training certificate and who  
16 has successfully completed or is currently enrolled in a medical gas  
17 piping installer training course approved by the department may work on  
18 medical gas piping systems if the individual is under the direct  
19 supervision of a certified medical gas piping installer who holds a  
20 medical gas piping installer endorsement one hundred percent of a  
21 working day on a one-to-one ratio.

22 **Sec. 6.** RCW 18.106.090 and 1985 c 7 s 78 are each amended to read  
23 as follows:

24 (1) The department is authorized to grant and issue temporary  
25 permits in lieu of certificates of competency whenever: (a) A plumber  
26 coming into the state of Washington from another state requests the  
27 department for a temporary permit to engage in the trade of plumbing as  
28 a journeyman plumber or as a specialty plumber; (b) a journeyman  
29 pipefitter coming into the state of Washington from another state  
30 requests the department for a temporary permit to engage in the trade  
31 of pipefitting as a journeyman pipefitter; or (c) a fuel gas piping  
32 installer coming into the state of Washington from another state  
33 requests the department for a temporary permit to engage in fuel gas  
34 piping installation, during the period of time between filing of an  
35 application for a certificate as provided in RCW 18.106.030 ((as now or  
36 hereafter amended)) and taking the examination provided for in RCW  
37 18.106.050( (:—PROVIDED, That)).

38 (2) No temporary permit shall be issued to:

1       (~~(1)~~) (a) Any person who has failed to pass the examination for  
2 a certificate of competency;

3       (~~(2)~~) (b) Any applicant under this section who has not furnished  
4 the department with such evidence required under RCW 18.106.030;

5       (~~(3)~~) (c) To any apprentice plumber or pipefitter.

6       **Sec. 7.** RCW 18.106.155 and 1977 ex.s. c 149 s 11 are each amended  
7 to read as follows:

8       The director may, upon payment of the appropriate fees, grant a  
9 certificate of competency without examination to any applicant who is  
10 a registered journeyman plumber, journeyman pipefitter, fuel gas piping  
11 installer, or specialty plumber in any other state whose requirements  
12 for registration are at least substantially equivalent to the  
13 requirements of this state, and which extends the same privileges of  
14 reciprocity to journeymen plumbers, journeymen pipefitters, fuel gas  
15 piping installers, or specialty plumbers registered in this state.

16       **Sec. 8.** RCW 18.106.170 and 1983 c 124 s 6 are each amended to read  
17 as follows:

18       An authorized representative of the department may investigate  
19 alleged or apparent violations of this chapter. An authorized  
20 representative of the department upon presentation of credentials may  
21 inspect sites at which a person is doing plumbing, pipefitting, or fuel  
22 gas piping installation work for the purpose of determining whether  
23 that person has a certificate or permit issued by the department in  
24 accordance with this chapter or is supervised by a person who has such  
25 a certificate or permit. Upon request of the authorized representative  
26 of the department, a person doing plumbing, pipefitting, or fuel gas  
27 piping installation work shall produce evidence that the person has a  
28 certificate or permit issued by the department in accordance with this  
29 chapter or is supervised by a person who has such a certificate or  
30 permit.

31       NEW SECTION. **Sec. 9.** A new section is added to chapter 18.106 RCW  
32 to read as follows:

33       No examination shall be required of any applicant for a certificate  
34 of competency as a journeyman pipefitter or as a fuel gas piping  
35 installer who, four years before the effective date of this section,  
36 was engaged in a bona fide business or trade of pipefitting.

1 Applicants qualifying under this section shall be issued a certificate  
2 by the department upon making an application as provided in RCW  
3 18.106.030 and paying the fee required under RCW 18.106.050, but no  
4 applicant under this section shall be required to furnish such evidence  
5 as required by RCW 18.106.030.

6 **Sec. 10.** RCW 18.106.180 and 1996 c 147 s 4 are each amended to  
7 read as follows:

8 An authorized representative of the department may issue a notice  
9 of infraction as specified in RCW 18.106.020(~~(+3)~~) (6) if a person who  
10 is doing plumbing or pipefitting work or who is offering to do plumbing  
11 work fails to produce evidence of having a certificate or permit issued  
12 by the department in accordance with this chapter or of being  
13 supervised by a person who has such a certificate or permit. A notice  
14 of infraction issued under this section shall be personally served on  
15 the person named in the notice by an authorized representative of the  
16 department or sent by certified mail to the last known address provided  
17 to the department of the person named in the notice.

18 **Sec. 11.** RCW 18.106.250 and 1994 c 174 s 7 are each amended to  
19 read as follows:

20 (1) The administrative law judge shall conduct notice of infraction  
21 cases under this chapter pursuant to chapter 34.05 RCW.

22 (2) The burden of proof is on the department to establish the  
23 commission of the infraction by a preponderance of the evidence. The  
24 notice of infraction shall be dismissed if the defendant establishes  
25 that, at the time the notice was issued:

26 (a) The defendant who was issued a notice of infraction authorized  
27 by RCW 18.106.020(~~(+3)(a)~~) (6)(a) had a certificate or permit issued  
28 by the department in accordance with this chapter, was supervised by a  
29 person who has such a certificate or permit, or was exempt from this  
30 chapter under RCW 18.106.150; or

31 (b) For the defendant who was issued a notice of infraction  
32 authorized by RCW 18.106.020(~~(+3)(b) or (c)~~) (6) (b) or (c), the  
33 person employed or supervised by the defendant has a certificate or  
34 permit issued by the department in accordance with this chapter, was  
35 supervised by a person who had such a certificate or permit, or was  
36 exempt from this chapter under RCW 18.106.150.

1 (3) After consideration of the evidence and argument, the  
2 administrative law judge shall determine whether the infraction was  
3 committed. If it has not been established that the infraction was  
4 committed, an order dismissing the notice shall be entered in the  
5 record of the proceedings. If it has been established that the  
6 infraction was committed, the administrative law judge shall issue  
7 findings of fact and conclusions of law in its decision and order  
8 determining whether the infraction was committed.

9 (4) An appeal from the administrative law judge's determination or  
10 order shall be to the superior court. The decision of the superior  
11 court is subject only to discretionary review pursuant to Rule 2.3 of  
12 the Rules of Appellate Procedure.

13 NEW SECTION. **Sec. 12.** This act takes effect January 1, 1999.

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