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SENATE BILL 5749

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators Heavey, McCaslin, Winsley, Haugen and Deccio

Read first time 02/11/97. 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, 18.106.050, and 18.106.070; and adding a new  
3 section to chapter 18.106 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 18.106 RCW  
6 to read as follows:

7            The department shall adopt requirements that qualify a journeyman  
8 plumber to be issued a certificate of competency as a medical gas  
9 piping installer.

10           **Sec. 2.** RCW 18.106.010 and 1995 c 282 s 2 are each amended to read  
11 as follows:

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

- 15           (1) "Advisory board" means the state advisory board of plumbers;  
16           (2) "Department" means the department of labor and industries;  
17           (3) "Director" means the director of department of labor and  
18 industries;

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

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

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

10 "Medical gas piping installer" means a journeyman plumber who has been  
11 issued a certificate of competency as a medical gas piping installer.

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

18 (8) "Specialty plumber" means anyone who has been issued a  
19 specialty certificate of competency 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.

22 **Sec. 3.** RCW 18.106.020 and 1994 c 174 s 2 are each amended to read  
23 as follows:

24 (1) No person may engage in or offer to engage in the trade of  
25 plumbing without having a journeyman certificate, specialty  
26 certificate, (~~or~~) temporary permit, or (~~without being~~) trainee  
27 certificate. A trainee must be supervised by a person who has a  
28 journeyman certificate, specialty certificate, or temporary permit, as  
29 specified in RCW 18.106.070. No contractor may employ a person to  
30 engage in or offer to engage in the trade of plumbing unless the person  
31 employed has a journeyman certificate, specialty certificate, (~~or~~)  
32 temporary permit, or (~~is supervised by a person who has a journeyman  
33 certificate, specialty certificate, or temporary permit~~) trainee  
34 certificate. For the purposes of this section, "contractor" means any  
35 person or body of persons, corporate or otherwise, engaged in any work  
36 covered by the provisions of this chapter, chapter 18.27 RCW, or  
37 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 certificates of competency as a  
5 journeyman plumber and as a medical gas piping installer. A trainee  
6 may engage in medical gas piping installation if he or she is  
7 supervised as specified in RCW 18.106.070. No contractor may employ a  
8 person to engage in or offer to engage in medical gas piping  
9 installation unless the person employed has certificates of competency  
10 as a journeyman plumber and as a medical gas piping installer.

11 (3) Violation of subsection (1) or (2) of this section is an  
12 infraction. Each day in which a person engages in the trade of  
13 plumbing in violation of subsection (1) or (2) of this section or  
14 employs a person in violation of subsection (1) or (2) of this section  
15 is a separate infraction. Each worksite at which a person engages in  
16 the trade of plumbing in violation of subsection (1) or (2) of this  
17 section or at which a person is employed in violation of subsection (1)  
18 or (2) of this section is a separate infraction.

19 ~~((+3+))~~ (4) Notices of infractions for violations of subsection (1)  
20 or (2) of this section may be issued to:

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

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

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

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

30 Any person desiring to be issued a certificate of competency as  
31 provided in this chapter shall deliver evidence in a form prescribed by  
32 the department affirming that said person has had sufficient experience  
33 in as well as demonstrated general competency in the trade of plumbing  
34 or specialty plumbing so as to qualify him to make an application for  
35 a certificate of competency as a journeyman plumber or specialty  
36 plumber(~~(+ PROVIDED, That)~~). Completion of a course of study in the  
37 plumbing trade in the armed services of the United States or at a  
38 school accredited by the (~~coordinating council on occupational~~

1 education)) work force training and education coordinating board shall  
2 constitute sufficient evidence of experience and competency to enable  
3 such person to make application for a certificate of competency.

4 Any person desiring to be issued a certificate of competency as a  
5 medical gas piping installer shall deliver evidence in a form  
6 prescribed by the department affirming that the person has met the  
7 requirements established by the department for a certificate of  
8 competency as a medical gas piping installer.

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

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

15 (1) The department, with the advice of the advisory board, shall  
16 prepare a written examination to be administered to applicants for  
17 certificates of competency for journeyman plumber and specialty  
18 plumber. The examination shall be constructed to determine:

19 ((+1)) (a) Whether the applicant possesses varied general  
20 knowledge of the technical information and practical procedures that  
21 are identified with the trade of journeyman plumber or specialty  
22 plumber; and

23 ((+2)) (b) Whether the applicant is familiar with the applicable  
24 plumbing codes and the administrative rules of the department  
25 pertaining to plumbing and plumbers.

26 The department shall administer the examination to eligible  
27 persons. All applicants shall, before taking the examination, pay to  
28 the department a fee.

29 (2) The department shall approve training courses and administer an  
30 examination that contains written and practical elements for applicants  
31 who apply for medical gas piping installer certification. All  
32 applicants shall, before taking the examination for medical gas piping  
33 installer certification, pay the required examination fee. The fee  
34 shall cover but not exceed the costs of preparing and administering the  
35 examination and the materials necessary to conduct the practical  
36 elements of the examination.

37 The department shall certify the results of the examination, and  
38 shall notify the applicant in writing whether he or she has passed or

1 failed. Any applicant who has failed the examination may retake the  
2 examination, upon the terms and after a period of time that the  
3 director shall set by rule. The director may not limit the number of  
4 times that a person may take the examination.

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

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

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

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

1 annually. At the time of renewal, the holder shall provide the  
2 department with an accurate list of the holder's employers in the  
3 plumbing construction industry for the previous year and the number of  
4 hours worked for each employer. An annual fee shall be charged for the  
5 issuance or renewal of the certificate. The department shall set the  
6 fee by rule. The fee shall cover but not exceed the cost of  
7 administering and enforcing the trainee certification and supervision  
8 requirements of this chapter. Apprentices and individuals learning the  
9 plumbing construction trade shall have their plumbing training  
10 certificates in their possession at all times that they are performing  
11 plumbing work. They shall show their certificates to an authorized  
12 representative of the department at the representative's request.

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

31 An individual who has a current training certificate and who has  
32 successfully completed or is currently enrolled in an approved  
33 apprenticeship program or in a technical school program in the plumbing  
34 construction trade in a school approved by the (~~commission for~~  
35 ~~vocational education~~) work force training and education coordinating  
36 board, may work without direct on-site supervision during the last six  
37 months of meeting the practical experience requirements of this  
38 chapter.

1       (4) An individual who has a current training certificate and who  
2 has successfully completed or is currently enrolled in a medical gas  
3 piping installer training course approved by the department may work on  
4 medical gas piping systems if the individual is under the direct  
5 supervision of a certified medical gas piping installer one hundred  
6 percent of a working day on a one-to-one ratio.

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