
HOUSE BILL 2075

State of Washington 56th Legislature 1999 Regular Session

By Representatives Mulliken, Grant, Crouse, Kastama, Schindler and Sump

Read first time 02/15/1999. Referred to Committee on Commerce & Labor.

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 1997 c 309 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 where

1 electrical inspections are required by local ordinances shall have
2 power and it shall be their duty to enforce the provisions of this
3 chapter in their respective jurisdictions. The director of labor and
4 industries shall appoint a chief electrical inspector and may appoint
5 other electrical inspectors as the director deems necessary to assist
6 the director in the performance of the director's duties. The chief
7 electrical inspector, subject to the review of the director, shall be
8 responsible for providing the final interpretation of adopted state
9 electrical standards, rules, and policies for the department and its
10 inspectors, assistant inspectors, electrical plan examiners, and other
11 individuals supervising electrical program personnel. If a dispute
12 arises within the department regarding the interpretation of adopted
13 state electrical standards, rules, or policies, the chief electrical
14 inspector, subject to the review of the director, shall provide the
15 final interpretation of the disputed standard, rule, or policy. All
16 electrical inspectors appointed by the director of labor and industries
17 shall have not less than: Four years experience as journeyman
18 electricians in the electrical construction trade installing and
19 maintaining electrical wiring and equipment, or two years electrical
20 training in a college of electrical engineering of recognized standing
21 and four years continuous practical electrical experience in
22 installation work, or four years of electrical training in a college of
23 electrical engineering of recognized standing and two years continuous
24 practical electrical experience in electrical installation work; or
25 four years experience as a journeyman electrician performing the duties
26 of an electrical inspector employed by the department or a city or town
27 with an approved inspection program under RCW 19.28.360, except that
28 for work performed in accordance with the national electrical safety
29 code and covered by this chapter, such inspections may be performed by
30 a person certified as an outside journeyman lineman, under RCW
31 19.28.610(2), with four years experience or a person with four years
32 experience as a certified outside journeyman lineman performing the
33 duties of an electrical inspector employed by an electrical utility.
34 Such state inspectors shall be paid such salary as the director of
35 labor and industries shall determine, together with their travel
36 expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing
37 or hereafter amended. As a condition of employment, inspectors hired
38 exclusively to perform inspections in accordance with the national
39 electrical safety code must possess and maintain certification as an

1 outside journeyman lineman. The expenses of the director of labor and
2 industries and the salaries and expenses of state inspectors incurred
3 in carrying out the provisions of this chapter shall be paid entirely
4 out of the electrical license fund, upon vouchers approved by the
5 director of labor and industries.

6 **Sec. 5.** RCW 19.28.120 and 1998 c 279 s 4 are each amended to read
7 as follows:

8 (1) It is unlawful for any person, firm, partnership, corporation,
9 or other entity to engage in, conduct, or carry on the business of
10 installing or maintaining wires or equipment to convey electric
11 current, or installing or maintaining equipment to be operated by
12 electric current as it pertains to the electrical industry, without
13 having an unrevoked, unsuspended, and unexpired electrical contractor
14 license, issued by the department in accordance with this chapter. All
15 electrical contractor licenses expire twenty-four calendar months
16 following the day of their issue. The department may issue an
17 electrical contractors license for a period of less than twenty-four
18 months only for the purpose of equalizing the number of electrical
19 contractor licenses that expire each month. Application for an
20 electrical contractor license shall be made in writing to the
21 department, accompanied by the required fee. The application shall
22 state:

23 (a) The name and address of the applicant; in case of firms or
24 partnerships, the names of the individuals composing the firm or
25 partnership; in case of corporations, the names of the managing
26 officials thereof;

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

29 (c) Employer social security number;

30 (d) Evidence of workers' compensation coverage for the applicant's
31 employees working in Washington, as follows:

32 (i) The applicant's industrial insurance account number issued by
33 the department;

34 (ii) The applicant's self-insurer number issued by the department;
35 or

36 (iii) For applicants domiciled in a state or province of Canada
37 subject to an agreement entered into under RCW 51.12.120(7), as
38 permitted by the agreement, filing a certificate of coverage issued by

1 the agency that administers the workers' compensation law in the
2 applicant's state or province of domicile certifying that the applicant
3 has secured the payment of compensation under the other state's or
4 province's workers' compensation law;

5 (e) Employment security department number;

6 (f) State excise tax registration number;

7 (g) Unified business identifier (UBI) account number may be
8 substituted for the information required by (d) of this subsection if
9 the applicant will not employ employees in Washington, and by (e) and
10 (f) of this subsection; and

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

29 (2) The department may verify the workers' compensation coverage
30 information provided by the applicant under subsection (1)(d) of this
31 section, including but not limited to information regarding the
32 coverage of an individual employee of the applicant. If coverage is
33 provided under the laws of another state, the department may notify the
34 other state that the applicant is employing employees in Washington.

35 (3) The application for a contractor license shall be accompanied
36 by a bond in the sum of four thousand dollars with the state of
37 Washington named as obligee in the bond, with good and sufficient
38 surety, to be approved by the department. The bond shall at all times
39 be kept in full force and effect, and any cancellation or revocation

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

31 (4) The department shall issue general or specialty electrical
32 contractor licenses to applicants meeting all of the requirements of
33 this chapter. The provisions of this chapter relating to the licensing
34 of any person, firm, partnership, corporation, or other entity
35 including the requirement of a bond with the state of Washington named
36 as obligee therein and the collection of a fee therefor, are exclusive,
37 and no political subdivision of the state of Washington may require or
38 issue any licenses or bonds or charge any fee for the same or a similar
39 purpose. No person, firm, partnership, corporation, or other entity

1 holding more than one specialty contractor license under this chapter
2 may be required to pay an annual fee for more than one such license or
3 to post more than one four thousand dollar bond, equivalent cash
4 deposit, or other negotiable security.

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

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

25 No person, firm or corporation engaging in, conducting or carrying
26 on the business of installing wires or equipment to convey electric
27 current, or installing apparatus to be operated by said current, shall
28 be entitled to commence or maintain any suit or action in any court of
29 this state pertaining to any such work or business, without alleging
30 and proving that such person, firm or corporation held, at the time of
31 commencing and performing such work, an unexpired, unrevoked and
32 unsuspended license issued under the provisions of this chapter; and no
33 county, city, or town requiring by ordinance or regulation a permit for
34 inspection or installation of such electrical work, shall issue such
35 permit to any person, firm or corporation not holding such license.

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

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

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

18 (3) Whenever the installation of any wiring, device, appliance, or
19 equipment is not in accordance with this chapter, or is in such a
20 condition as to be dangerous to life or property, the person, firm,
21 partnership, corporation, or other entity owning, using, or operating
22 it shall be notified by the department and shall within fifteen days,
23 or such further reasonable time as may upon request be granted, make
24 such repairs and changes as are required to remove the danger to life
25 or property and to make it conform to this chapter. The director,
26 through the inspector, is hereby empowered to disconnect or order the
27 discontinuance of electrical service to conductors or equipment that
28 are found to be in a dangerous or unsafe condition and not in
29 accordance with this chapter. Upon making a disconnection the
30 inspector shall attach a notice stating that the conductors have been
31 found dangerous to life or property and are not in accordance with this
32 chapter. It is unlawful for any person to reconnect such defective
33 conductors or equipment without the approval of the department, and
34 until the conductors and equipment have been placed in a safe and
35 secure condition, and in a condition that complies with this chapter.

36 (4) The director, through the electrical inspector, has the right
37 during reasonable hours to enter into and upon any building or premises
38 in the discharge of his or her official duties for the purpose of
39 making any inspection or test of the installation of new construction

1 or altered electrical wiring, electrical devices, equipment, or
2 material contained in or on the buildings or premises. No electrical
3 wiring or equipment subject to this chapter may be concealed until it
4 has been approved by the inspector making the inspection. At the time
5 of the inspection, electrical wiring or equipment subject to this
6 chapter must be sufficiently accessible to permit the inspector to
7 employ any testing methods that will verify conformance with the
8 national electrical code and any other requirements of this chapter.

9 (5) Persons, firms, partnerships, corporations, or other entities
10 making electrical installations shall obtain inspection and approval
11 from an authorized representative of the department as required by this
12 chapter before requesting the electric utility to connect to the
13 installations. Electric utilities may connect to the installations if
14 approval is clearly indicated by certification of the electrical work
15 permit required to be affixed to each installation or by equivalent
16 means, except that increased or relocated services may be reconnected
17 immediately at the discretion of the utility before approval if an
18 electrical work permit is displayed. The permits shall be furnished
19 upon payment of the fee to the department.

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

27 (7) Nothing in this chapter shall authorize the inspection of any
28 wiring, appliance, device, or equipment, or installations thereof, by
29 any utility or by any person, firm, partnership, corporation, or other
30 entity employed by a utility in connection with the installation,
31 repair, or maintenance of lines, wires, apparatus, or equipment owned
32 by or under the control of the utility. All work covered by the
33 national electric code not exempted by the 1981 edition of the national
34 electric code 90-2(B)(5) shall be inspected by the department.

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

37 The provisions of RCW 19.28.210 shall not apply:

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

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

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

21 NEW SECTION. Sec. 9. A new section is added to chapter 19.28 RCW
22 to read as follows:

23 Counties opting to perform their own electrical inspections shall
24 give, to the greatest extent possible, first consideration for
25 employment to the trained persons currently employed by the department
26 of labor and industries performing electrical inspections at the time
27 of the transition.

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