
HOUSE BILL 2990

State of Washington

56th Legislature

2000 Regular Session

By Representatives Conway and B. Chandler; by request of Department of Labor & Industries

Read first time . Referred to Committee on .

1 AN ACT Relating to telecommunications contractors and
2 installations; amending RCW 19.28.065, 19.28.310, 19.28.340, and
3 19.28.005; adding new sections to chapter 19.28 RCW; creating a new
4 section; recodifying RCW 19.28.065, 19.28.070, 19.28.250, 19.28.310,
5 19.28.330, 19.28.340, 19.28.390, 19.28.630, 19.28.005, 19.28.015,
6 19.28.060, 19.28.120, 19.28.123, 19.28.125, 19.28.180, 19.28.190,
7 19.28.200, 19.28.210, 19.28.260, 19.28.300, 19.28.350, 19.28.360,
8 19.28.370, 19.28.510, 19.28.515, 19.28.520, 19.28.530, 19.28.540,
9 19.28.550, 19.28.560, 19.28.570, 19.28.580, 19.28.600, 19.28.610, and
10 19.28.620; and prescribing penalties.

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

12 **"PROVISIONS APPLICABLE TO ELECTRICAL INSTALLATIONS**
13 **AND TELECOMMUNICATIONS INSTALLATIONS"**

14 NEW SECTION. **Sec. 1.** (1) RCW 19.28.065 (as recodified by this
15 act) through 19.28.390 (as recodified by this act) apply throughout
16 this chapter.

17 (2) RCW 19.28.065 (as recodified by this act) through 19.28.390 (as
18 recodified by this act) constitute the subchapter "provisions

1 applicable to electrical installations and telecommunications
2 installations."

3 NEW SECTION. **Sec. 2.** Section 1 of this act and RCW 19.28.065,
4 19.28.070, 19.28.250, 19.28.310, 19.28.330, 19.28.340, 19.28.390, and
5 19.28.630 are codified or recodified between RCW 19.28.065 (as
6 recodified by this act) and 19.28.390 (as recodified by this act).

7 **Sec. 3.** RCW 19.28.065 and 1988 c 81 s 4 are each amended to read
8 as follows:

9 There is hereby created an electrical board, consisting of ~~((ten))~~
10 fourteen members to be appointed by the governor with the advice of the
11 director of labor and industries as herein provided. It shall be the
12 purpose and function of the board to advise the director on all matters
13 pertaining to the enforcement of this chapter including, but not
14 limited to standards of electrical and telecommunications installation,
15 minimum inspection procedures, and the adoption of rules ~~((and~~
16 ~~regulations))~~ pertaining to the electrical inspection division:
17 PROVIDED, HOWEVER, That no rules ~~((or regulations))~~ shall be amended or
18 repealed until the electrical board has first had an opportunity to
19 consider any proposed amendments or repeals and had an opportunity to
20 make recommendations to the director relative thereto. The members of
21 the electrical board shall be selected and appointed as follows: One
22 member shall be an employee or officer of a corporation or public
23 agency generating or distributing electric power; one member must be an
24 employee or officer of a facilities-based telecommunications service
25 provider regulated by the Washington state utilities and transportation
26 commission; three members shall be licensed electrical contractors:
27 PROVIDED, That one of these members may be a representative of a trade
28 association in the electrical industry; one member shall be a licensed
29 telecommunications contractor; one member shall be an employee, or
30 officer, or representative of a corporation or firm engaged in the
31 business of manufacturing or distributing electrical and
32 telecommunications materials, equipment, or devices; one member shall
33 be a person with knowledge of the electrical industry, not related to
34 the electrical industry, to represent the public; three members shall
35 be certified electricians; ~~((and))~~ one member shall be a
36 telecommunications worker; one member shall be a licensed professional
37 electrical engineer qualified to do business in the state of Washington

1 and designated as a registered communications distribution designer;
2 and one nonvoting member must be a building official from an
3 incorporated city or town with an electrical inspection program
4 established under RCW 19.28.360 (as recodified by this act). The
5 regular term of each member shall be four years: PROVIDED, HOWEVER,
6 The original board shall be appointed on June 9, 1988, for the
7 following terms: The first term of the member representing a
8 corporation or public agency generating or distributing electric power
9 shall serve four years; two members representing licensed electrical
10 contractors shall serve three years; the member representing a
11 manufacturer or distributor of electrical equipment or devices shall
12 serve three years; the member representing the public and one member
13 representing licensed electrical contractors shall serve two years; the
14 three members selected as certified electricians shall serve for terms
15 of one, two, and three years, respectively; the member selected as the
16 licensed professional electrical engineer shall serve for one year. In
17 appointing the original board, the governor shall give due
18 consideration to the value of continuity in membership from predecessor
19 boards. Thereafter, the governor shall appoint or reappoint board
20 members for terms of four years and to fill vacancies created by the
21 completion of the terms of the original members. When new positions
22 are created, the governor may appoint the initial members to the new
23 positions to staggered terms of one to three years. The governor shall
24 also fill vacancies caused by death, resignation, or otherwise for the
25 unexpired term of such members by appointing their successors from the
26 same business classification. The same procedure shall be followed in
27 making such subsequent appointments as is provided for the original
28 appointments. The board, at this first meeting shall elect one of its
29 members to serve as chairman. Any person acting as the chief
30 electrical inspector shall serve as secretary of the board during his
31 or her tenure as chief state inspector. Meetings of the board shall be
32 held at least quarterly in accordance with a schedule established by
33 the board. Each member of the board shall receive compensation in
34 accordance with RCW 43.03.240 and shall be reimbursed for travel
35 expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be
36 paid out of the electrical license fund, upon vouchers approved by the
37 director of labor and industries.

1 **Sec. 4.** RCW 19.28.310 and 1997 c 58 s 844 are each amended to read
2 as follows:

3 (1) The department has the power, in case of serious noncompliance
4 with the provisions of this chapter, to revoke or suspend for such a
5 period as it determines, any electrical or telecommunications
6 contractor license or electrical or telecommunications contractor
7 administrator certificate issued under this chapter. The department
8 shall notify the holder of the license or certificate of the revocation
9 or suspension by certified mail. A revocation or suspension is
10 effective twenty days after the holder receives the notice. Any
11 revocation or suspension is subject to review by an appeal to the
12 board. The filing of an appeal stays the effect of a revocation or
13 suspension until the board makes its decision. The appeal shall be
14 filed within twenty days after notice of the revocation or suspension
15 is given by certified mail sent to the address of the holder of the
16 license or certificate as shown on the application for the license or
17 certificate, and shall be effected by filing a written notice of appeal
18 with the department, accompanied by a certified check for two hundred
19 dollars, which shall be returned to the holder of the license or
20 certificate if the decision of the department is not sustained by the
21 board. The hearing shall be conducted in accordance with chapter 34.05
22 RCW. If the board sustains the decision of the department, the two
23 hundred dollars shall be applied by the department to the payment of
24 the per diem and expenses of the members of the board incurred in the
25 matter, and any balance remaining after payment of per diem and
26 expenses shall be paid into the electrical license fund.

27 (2) The department shall immediately suspend the license or
28 certificate of a person who has been certified pursuant to RCW
29 74.20A.320 by the department of social and health services as a person
30 who is not in compliance with a support order (~~or a residential or~~
31 ~~visitation order~~). If the person has continued to meet all other
32 requirements for reinstatement during the suspension, reissuance of the
33 license or certificate shall be automatic upon the department's receipt
34 of a release issued by the department of social and health services
35 stating that the licensee is in compliance with the order.

36 **Sec. 5.** RCW 19.28.340 and 1935 c 169 s 16 are each amended to read
37 as follows:

1 Nothing contained in this chapter will be construed to relieve from
2 or lessen the responsibility or liability of any person for injury or
3 damage to person or property caused by or resulting from any defect of
4 any nature in any electrical or telecommunications work performed by
5 said person or in any electrical or telecommunications equipment owned,
6 controlled, installed, operated or used by him or her; nor shall the
7 state of Washington, or any officer, agent, or employee thereof incur
8 or be held as assuming any liability by reason or in consequence of any
9 permission, certificate of inspection, inspection or approval
10 authorized herein, or issued or given as herein provided, or by reason
11 of consequence of any things done or acts performed pursuant to any
12 provision of this chapter.

13 **"PROVISIONS APPLICABLE TO ELECTRICAL INSTALLATIONS"**

14 NEW SECTION. **Sec. 101.** RCW 19.28.005 (as recodified by this act)
15 through 19.28.630 (as recodified by this act) constitute the subchapter
16 "provisions applicable to electrical installations."

17 NEW SECTION. **Sec. 102.** RCW 19.28.005, 19.28.015, 19.28.060,
18 19.28.120, 19.28.123, 19.28.125, 19.28.180, 19.28.190, 19.28.200,
19 19.28.210, 19.28.260, 19.28.300, 19.28.350, 19.28.360, 19.28.370,
20 19.28.510, 19.28.515, 19.28.520, 19.28.530, 19.28.540, 19.28.550,
21 19.28.560, 19.28.570, 19.28.580, 19.28.600, 19.28.610, and 19.28.620
22 are recodified between RCW 19.28.005 (as recodified by this act) and
23 19.28.620 (as recodified by this act).

24 **Sec. 103.** RCW 19.28.005 and 1993 c 275 s 1 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this (~~chapter~~)
27 subchapter.

28 (1) "Administrator" means a person designated by an electrical
29 contractor to supervise electrical work and electricians in accordance
30 with the rules adopted under this chapter.

31 (2) "Board" means the electrical board under RCW 19.28.065.

32 (3) "Chapter" or "subchapter" means (~~chapter 19.28 RCW~~) the
33 subchapter, if no chapter number is referenced.

34 (4) "Department" means the department of labor and industries.

1 (5) "Director" means the director of the department or the
2 director's designee.

3 (6) "Electrical construction trade" includes but is not limited to
4 installing or maintaining electrical wires and equipment that are used
5 for light, heat, or power and installing and maintaining remote
6 control, signaling, power limited, or communication circuits or
7 systems.

8 (7) "Electrical contractor" means a person, firm, partnership,
9 corporation, or other entity that offers to undertake, undertakes,
10 submits a bid for, or does the work of installing or maintaining wires
11 or equipment that convey electrical current.

12 (8) "Equipment" means any equipment or apparatus that directly
13 uses, conducts, or is operated by electricity but does not mean plug-in
14 household appliances.

15 (9) "Industrial control panel" means a factory-wired or user-wired
16 assembly of industrial control equipment such as motor controllers,
17 switches, relays, power supplies, computers, cathode ray tubes,
18 transducers, and auxiliary devices. The panel may include disconnect
19 means and motor branch circuit protective devices.

20 (10) "Journeyman electrician" means a person who has been issued a
21 journeyman electrician certificate of competency by the department.

22 (11) "Specialty electrician" means a person who has been issued a
23 specialty electrician certificate of competency by the department.

24 **"PROVISIONS APPLICABLE TO TELECOMMUNICATIONS INSTALLATIONS"**

25 NEW SECTION. **Sec. 201.** Sections 203 through 218 of this act
26 constitute the subchapter "provisions applicable to telecommunications
27 installations."

28 NEW SECTION. **Sec. 202.** Sections 202 through 218 of this act are
29 each added to chapter 19.28 RCW under subchapter heading "provisions
30 applicable to telecommunications installations."

31 NEW SECTION. **Sec. 203.** The definitions in this section apply
32 throughout this subchapter unless the context clearly requires
33 otherwise.

34 (1) "Telecommunications backbone cabling systems" means a system
35 that provides interconnections between telecommunications closets,

1 equipment rooms, and entrance facilities in the telecommunications
2 cabling system structure. Backbone cabling consists of the backbone
3 cables, intermediate and main cross-connects, mechanical terminations,
4 and patch cords or jumpers used for backbone to backbone cross-
5 connection. Backbone cabling also includes cabling between buildings.

6 (2) "Board" means the electrical board under RCW 19.28.065 (as
7 recodified by this act).

8 (3) "Department" means the department of labor and industries.

9 (4) "Director" means the director of the department or the
10 director's designee.

11 (5) "Telecommunications horizontal cabling systems" means the
12 portions of the telecommunications cabling system that extends from the
13 work area telecommunications outlet or connector to the
14 telecommunications closet. The horizontal cabling includes the
15 horizontal cables, the telecommunications outlet or connector in the
16 work area, the mechanical termination, and horizontal cross-connections
17 located in the telecommunications closet.

18 (6) "Telecommunications network demarcation point" means the point
19 or interconnection between the service provider's communications
20 cabling, terminal equipment, and protective apparatus and the
21 customer's premises telecommunications cabling system. The location of
22 this point for regulated carriers is determined by federal and state
23 regulations. The carrier should be contacted to determine the location
24 policies in effect in the area.

25 (7) "Telecommunications scope of work" means the work of a
26 telecommunications contractor. This includes the installation,
27 maintenance, and testing of telecommunications systems, equipment, and
28 associated hardware, pathway systems, and cable management systems,
29 which excludes cable tray and conduit raceway systems. The scope also
30 includes installation of open wiring systems of telecommunications
31 cables, surface nonmetallic raceways designated and used exclusively
32 for telecommunications, optical fiber innerduct raceway, underground
33 raceways designated and used exclusively for telecommunications and
34 installed for additions or extensions to existing telecommunications
35 systems not to exceed fifty feet inside the building, and incidental
36 short sections of circular or surface metal raceway, not to exceed ten
37 feet, for access or protection of telecommunications cabling and
38 installation of cable trays and ladder racks in telecommunications
39 service entrance rooms, spaces, or closets.

1 (8) A "telecommunications structured cabling system" is the
2 complete collective configuration of cabling and associated hardware at
3 a given site and installed to perform specific telecommunications
4 functions.

5 (9) "Telecommunications administrator" means a person designated by
6 a telecommunications contractor to supervise the installation of
7 telecommunications systems in accordance with rules adopted under this
8 chapter.

9 (10) "Telecommunications closet" means a room for housing
10 telecommunications equipment, cable terminations, and cross-connect
11 wiring that serve that particular floor. The closet is the recognized
12 transition point between the backbone and horizontal cabling systems.

13 (11) "Telecommunications contractor" means a person, firm,
14 partnership, corporation, or other entity that advertises, offers to
15 undertake, undertakes, submits a bid for, or does the work of
16 installing or maintaining telecommunications systems.

17 (12) "Telecommunications service entrance room or space" means a
18 room or space used as the building serving facility in which the
19 joining of inter-building and intra-building backbone facilities takes
20 place. The service entrance room may also house electronic equipment
21 serving any telecommunications function.

22 (13) "Telecommunications systems" means structured cabling systems
23 that begin at the demarcation point between the local service provider
24 and the customer's premises structured cabling system.

25 (a) Telecommunications systems encompass all forms of information
26 generation, processing, and transporting of signals conveyed
27 electronically or optically within or between buildings, including
28 voice, data, video, and audio.

29 (b) Telecommunications systems include structured cabling systems,
30 compatible connecting hardware, telecommunications equipment, premises
31 switching equipment, infrared, fiber optic, radio-frequency, and other
32 limited-energy interconnections associated with telecommunications
33 systems or appliances.

34 (c) Telecommunications systems do not include horizontal cabling
35 used for fire protection signaling systems, intrusion alarms, access
36 control systems, patient monitoring systems, energy management control
37 systems, industrial and automation control systems, HVAC/refrigeration
38 control systems, lighting control systems, and stand-alone amplified
39 sound or public address systems.

1 (d) Telecommunications systems may interface with other building
2 signal systems including security, alarms, and energy management at
3 cross-connection junctions within telecommunications closets or at
4 extended points of demarcation. Telecommunications systems do not
5 include the installation or termination of premises line voltage
6 service, feeder, or branch circuit conductors or equipment.

7 (14) "Telecommunications worker" means a person primarily and
8 regularly engaged in the installation and/or maintenance of
9 telecommunications systems, equipment, and infrastructure as defined in
10 this chapter.

11 (15) "Telecommunications workstation" means a building space where
12 the occupant normally interacts with telecommunications equipment. The
13 telecommunications outlet in the work area is the point at which end-
14 user equipment plugs into the building telecommunications utility
15 formed by the pathway, space, and building wiring system.

16 NEW SECTION. **Sec. 204.** (1) All installations of wires and
17 equipment defined as telecommunications systems are subject to the
18 requirements of this subchapter. Installations shall be in conformity
19 with approved methods of construction for safety to life and property.
20 The national electrical code, approved standards of the
21 telecommunications industries association, the electronic industries
22 association, the American national standards institute, and other
23 safety standards approved by the department shall be evidence of
24 approved methods of installation.

25 (2) This chapter may not limit the authority or power of any city
26 or town to enact and enforce under authority given by law in RCW
27 19.28.360 (as recodified by this act), any ordinance, or rule requiring
28 an equal, higher, or better standard of construction and an equal,
29 higher, or better standard of materials, devices, appliances, and
30 equipment than that required by this chapter.

31 NEW SECTION. **Sec. 205.** (1) It is unlawful for any person, firm,
32 partnership, corporation, or other entity to advertise, offer to do
33 work, submit a bid, engage in, conduct, or carry on the business of
34 installing or maintaining telecommunications systems without having a
35 telecommunications contractor license. Electrical contractors licensed
36 as general electrical (01) or specialty electrical (06) contractors
37 under chapter 19.28 RCW and their designated administrators qualify to

1 perform all telecommunications work defined in this chapter.
2 Telecommunications contractors licensed under this chapter are not
3 required to be registered under chapter 18.27 RCW. All
4 telecommunications licenses expire twenty-four calendar months
5 following the day of their issue. A telecommunications contractor
6 license is not required for a licensed specialty electrical contractor
7 to perform telecommunications installations or maintenance integral to
8 the equipment or occupancy limitations of their electrical specialty.
9 A telecommunications contractor license is not required for persons
10 making telecommunications installations or performing
11 telecommunications maintenance on their own property or for regularly
12 employed employees working on the premises of their employer, unless on
13 a new building intended for rent, sale, or lease.

14 (2) Application for a telecommunications contractor license shall
15 be made in writing to the department accompanied by the required fee.
16 The applications shall state:

17 (a) The name and address of the applicant. In the case of firms or
18 partnerships, the applications shall state the names of the individuals
19 composing the firm or partnership. In the case of corporations, the
20 applications shall state the names of the corporation's managing
21 officials;

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

24 (c) The employer social security number or tax identification
25 number;

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

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

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

32 (iii) For applicants domiciled in a state or province of Canada
33 subject to an agreement entered into under RCW 51.12.120(7), as
34 permitted by the agreement, filing a certificate of coverage issued by
35 the agency that administers the workers' compensation law in the
36 applicant's state or province of domicile certifying that the applicant
37 has secured the payment of compensation under the other state's or
38 province's workers' compensation law;

39 (e) The employment security department number; and

1 (f) The state excise tax registration number.

2 (3) The unified business identifier account number may be
3 substituted for the information required by subsection (2)(d), (e), and
4 (f) of this section if the applicant will not employ employees in
5 Washington.

6 (4) The department may verify the workers' compensation coverage
7 information provided by the applicant under subsection (2)(d) of this
8 section including, but not limited to, information regarding the
9 coverage of an individual employee of the applicant. If coverage is
10 provided under the laws of another state, the department may notify the
11 other state that the applicant is employing employees in Washington.

12 (5) To obtain a telecommunications contractor license the applicant
13 must designate an individual who currently possesses a
14 telecommunications administrator certificate. To obtain an
15 administrator's certificate an individual must pass an examination as
16 set forth in this chapter. Examination criteria will be determined by
17 the board.

18 (6) No examination may be required of any applicant for an initial
19 telecommunications administrator certificate qualifying under this
20 section. Applicants qualifying under this section shall be issued an
21 administrator certificate by the department upon making an application
22 and paying the required fee. Individuals must apply before July 1,
23 2001, to qualify for an administrator certificate without examination
24 under this section. The board shall certify to the department the
25 names of all persons entitled to this administrator certificate.

26 Prior to July 1, 2001, bona fide registered contractors under
27 chapter 18.27 RCW engaged in the business of installing or maintaining
28 telecommunications wiring in this state on or before the effective date
29 of this act may designate the following number of persons to receive a
30 telecommunications administrator certificate without examination:

31 (a) One owner or officer of a contractor, registered under chapter
32 18.27 RCW on or before the effective date of this act, currently
33 engaged in the business of installing telecommunications wiring;

34 (b) One employee, principal, or officer, with a minimum of two
35 years experience performing telecommunications installations, per
36 registered telecommunication contractor; and

37 (c) One employee for each one hundred employees, or fraction
38 thereof, with a minimum of two years experience performing
39 telecommunications installations.

1 (7) The application for a contractor license shall be accompanied
2 by a bond in the sum of four thousand dollars with the state of
3 Washington named as obligee in the bond, with good and sufficient
4 surety, to be approved by the department. The bond shall at all times
5 be kept in full force and effect, and any cancellation or revocation
6 thereof, or withdrawal of the surety therefrom, suspends the license
7 issued to the principal until a new bond has been filed and approved as
8 provided in this section. Upon approval of a bond, the department
9 shall, on the next business day, deposit the fee accompanying the
10 application in the electrical license fund and shall file the bond in
11 the office. The department shall, upon request, furnish to any person,
12 firm, partnership, corporation, or other entity a certified copy of the
13 bond upon the payment of a fee that the department shall set by rule.
14 The fee shall cover but not exceed the cost of furnishing the certified
15 copy. The bond shall be conditioned that the principal will pay for
16 all labor, including employee benefits, and material furnished or used
17 upon the work, taxes and contributions to the state of Washington, and
18 all damages that may be sustained by any person, firm, partnership,
19 corporation, or other entity due to a failure of the principal to make
20 the installation or maintenance in accordance with this chapter. In
21 lieu of the surety bond required by this section the applicant may file
22 with the department a cash deposit or other negotiable security
23 acceptable to the department. If the applicant has filed a cash
24 deposit, the department shall deposit the funds in a special trust
25 savings account in a commercial bank, mutual savings bank, or savings
26 and loan association and shall pay annually to the depositor the
27 interest derived from the account.

28 (8) Any person, firm, or corporation sustaining any damage or
29 injury by reason of the principal's breach of the conditions of the
30 bond required under this section may bring an action against the surety
31 named therein, joining in the action the principal named in the bond;
32 the action shall be brought in the superior court of any county in
33 which the principal on the bond resides or transacts business, or in
34 the county in which the work was performed as a result of which the
35 breach is alleged to have occurred; the action shall be maintained and
36 prosecuted as other civil actions. Claims or actions against the
37 surety on the bond shall be paid in full in the following order of
38 priority: (a) Labor, including employee benefits, (b) materials and
39 equipment used upon such work, (c) taxes and contributions due to the

1 state, (d) damages sustained by any person, firm, or corporation due to
2 the failure of the principal to make the installation in accordance
3 with this chapter, or any ordinance, building code, or regulation
4 applicable thereto. However, the total liability of the surety on any
5 bond may not exceed the sum of four thousand dollars, and the surety on
6 the bond may not be liable for monetary penalties. Any action shall be
7 brought within one year from the completion of the work in the
8 performance of which the breach is alleged to have occurred. The
9 surety shall mail a conformed copy of the judgment against the bond to
10 the department within seven days. In the event that a cash or
11 securities deposit has been made in lieu of the surety bond, and in the
12 event of a judgment being entered against the depositor and deposit,
13 the director shall upon receipt of a certified copy of a final
14 judgment, pay the judgment from the deposit.

15 (9) The department shall issue a telecommunications contractor
16 license to applicants meeting all of the requirements of this chapter
17 applicable to electrical and telecommunications installations. The
18 provisions of this chapter relating to the licensing of any person,
19 firm, partnership, corporation, or other entity including the
20 requirement of a bond with the state of Washington named as obligee and
21 the collection of a fee for that bond, are exclusive, and no political
22 subdivision of the state of Washington may require or issue any
23 licenses or bonds or charge any fee for the same or a similar purpose.

24 NEW SECTION. **Sec. 206.** (1) Each applicant for a
25 telecommunications contractor license shall designate a supervisory
26 employee or member of the firm to take the administrator's examination.
27 This person shall be designated as administrator under the contractor's
28 license and must be a full-time supervisory employee of the applicant.
29 No person may qualify as administrator for more than one contractor.
30 If the relationship of the administrator with the telecommunications
31 contractor is terminated, the contractor's license is void within
32 ninety days unless another administrator is qualified by the board.
33 However, if the administrator dies, the contractor's license is void
34 within one hundred eighty days unless another administrator is
35 qualified by the board.

36 (2) A certificate issued under this section is valid for two years
37 from the nearest birthdate of the administrator, unless revoked or
38 suspended, and is nontransferable. The certificate may be renewed for

1 a two-year period without examination by appropriate application unless
2 the certificate has been revoked, suspended, or not renewed within
3 ninety days after the expiration date. If the certificate is not
4 renewed before the expiration date, the individual shall pay twice the
5 usual fee. A person may take the administrator's test as many times as
6 necessary to pass, without limit.

7 (3) The administrator shall:

8 (a) Be a member of the firm or a supervisory employee and shall be
9 available during working hours to carry out the duties of an
10 administrator under this section;

11 (b) Ensure that all telecommunications work complies with the
12 telecommunication installation laws and rules;

13 (c) Ensure proper permits are required and inspections made;

14 (d) See that corrective notices issued by an inspecting authority
15 are complied with; and

16 (e) Notify the department in writing within ten days if the
17 administrator relationship is terminated with the telecommunications
18 contractor.

19 NEW SECTION. **Sec. 207.** It is the purpose and function of the
20 board to establish and administer written examinations for
21 telecommunications administrators' certificates. Examinations shall be
22 designed to reasonably ensure that telecommunications administrators'
23 certificate holders are competent to engage in and supervise the work
24 regulated under this subchapter and their respective licenses. The
25 examinations shall include questions to assure proper safety and
26 protection for the general public. The department, with the consent of
27 the board, is permitted to enter into a contract with a professional
28 testing agency to develop, administer, and score these examinations.
29 The fee for the examination may be set by the department in its
30 contract with the professional testing agency. The department, may
31 direct that the applicant pay the fee to the professional testing
32 agency. The fee shall cover but not exceed the costs of preparing and
33 administering the examination.

34 NEW SECTION. **Sec. 208.** (1) The director and the officials of all
35 incorporated cities and towns where electrical inspections are required
36 by local ordinances, allowed by RCW 19.28.360 (as recodified by this
37 act), may require by local ordinance the enforcement of this subchapter

1 in their respective jurisdictions. If an incorporated city or town
2 elects to enforce this subchapter, the city or town has the power and
3 shall enforce the provisions of this subchapter.

4 (2) The director, through the chief electrical inspector and other
5 inspectors appointed under RCW 19.28.070 (as recodified by this act),
6 shall enforce this chapter. Compliance enforcement may be performed by
7 contractor compliance inspectors appointed under chapter 18.27 RCW.
8 The expenses of the director and the salaries and expenses of state
9 inspectors incurred in carrying out the provisions of this chapter
10 shall be paid entirely out of the electrical license fund, on vouchers
11 approved by the director.

12 NEW SECTION. **Sec. 209.** Disputes arising under this chapter
13 regarding whether any city or town's telecommunications rules,
14 regulations, or ordinances are equal to the rules adopted by the
15 department shall be resolved by arbitration. The department shall
16 appoint two members of the board to serve on the arbitration panel, and
17 the city or town shall appoint two persons to serve on the arbitration
18 panel. These four persons shall choose a fifth person to serve. If
19 the four persons cannot agree on a fifth person, the presiding judge of
20 the superior court of the county in which the city or town is located
21 shall choose a fifth person. A decision of the arbitration panel may
22 be appealed to the superior court of the county in which the city or
23 town is located within thirty days after the date the panel issues its
24 final decision.

25 NEW SECTION. **Sec. 210.** (1) The director shall require permits,
26 charge fees using the schedule in WAC 296-46-910 or as adopted by rule
27 in consultation with the board, and require an inspector to inspect all
28 installations of telecommunications systems on the customer side of the
29 network demarcation point for projects greater than ten outlets.
30 However:

31 (a) All projects penetrating fire barriers, passing through
32 hazardous locations and all backbone installations regardless of size
33 shall be inspected;

34 (b) All installations in single-family and duplex residences do not
35 require inspections;

1 (c) No permits or inspections may be required for installation or
2 replacement of cord and plug connected telecommunications equipment or
3 for patch cord and jumper cross-connected equipment.

4 (2) Upon request, the department shall make the required inspection
5 within forty-eight hours. The forty-eight hour period excludes
6 holidays, Saturdays, and Sundays.

7 (3) A written report of the inspection, which plainly and clearly
8 states any corrections or changes required, shall be made by the
9 inspector. A copy of the report shall be furnished to the person or
10 entity doing the installation work, and a copy shall be filed by the
11 department.

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

31 (5) The director, through the electrical inspector, has the right
32 during reasonable hours to enter into and upon any building or premises
33 in the discharge of his or her official duties related to permitting
34 activities for the purpose of making any inspection or test of the
35 installation of new or altered telecommunications systems contained in
36 or on the buildings or premises. No telecommunications cabling subject
37 to this chapter may be concealed until it has been approved by the
38 inspector making the inspection. At the time of the inspection, wiring
39 or equipment subject to this chapter must be sufficiently accessible to

1 permit the inspector to verify installation conformance with the
2 adopted codes and any other requirements of this chapter.

3 NEW SECTION. **Sec. 211.** (1) It is unlawful for any person, firm,
4 partnership, corporation, or other entity to install or maintain any
5 telecommunications cabling and associated hardware in violation of this
6 chapter. When the interpretation and application of the installation
7 or maintenance standards provided for in this chapter are in dispute or
8 in doubt, the board shall, upon application of any interested person,
9 firm, partnership, corporation, or other entity, determine the methods
10 of installation or maintenance of the cabling materials and hardware to
11 be used in the case submitted for its decision.

12 (2) Any person, firm, partnership, corporation, or other entity
13 desiring a decision of the board under this section shall, in writing,
14 notify the director of such desire and shall accompany the notice with
15 a certified check payable to the department in the sum of two hundred
16 dollars. The notice shall specify the ruling or interpretation desired
17 and the contention of the person, firm, partnership, corporation, or
18 other entity as to the proper interpretation or application on the
19 question on which a decision is desired. If the board determines that
20 the contention of the applicant for a decision was proper, the two
21 hundred dollars shall be returned to the applicant; otherwise it shall
22 be used in paying the expenses and per diem of the members of the board
23 in connection with the matter. Any portion of the two hundred dollars
24 not used in paying the per diem and expenses of the board in the case
25 shall be paid into the electrical license fund.

26 NEW SECTION. **Sec. 212.** Any person, firm, partnership,
27 corporation, or other entity violating any of the provisions of this
28 chapter may be assessed a penalty of not less than one hundred dollars
29 or more than ten thousand dollars per violation. The department, after
30 consulting with the board and receiving the board's recommendations,
31 shall set by rule a schedule of penalties for violating this chapter.
32 The department shall notify the person, firm, partnership, corporation,
33 or other entity violating any of these provisions of the amount of the
34 penalty and of the specific violation. The notice shall be sent by
35 certified mail, return receipt requested, to the last known address of
36 the assessed party. Penalties are subject to review by an appeal to
37 the board. The filing of an appeal stays the effect of the penalty

1 until the board makes its decision. The appeal shall be filed within
2 twenty days after notice of the penalty is given to the assessed party,
3 and shall be made by filing a written notice of appeal with the
4 department. The notice shall be accompanied by a certified check for
5 two hundred dollars, that shall be returned to the assessed party if
6 the decision of the department is not sustained by the board. If the
7 board sustains the decision of the department, the two hundred dollars
8 shall be applied by the department to the payment of the per diem and
9 expenses of the members of the board incurred in the matter, and any
10 balance remaining after payment of per diem and expenses shall be paid
11 into the electrical license fund. The hearing and review procedures
12 shall be conducted in accordance with chapter 34.05 RCW. The board
13 shall assign its hearings to an administrative law judge to conduct the
14 hearing and issue a proposed decision and order. The board shall be
15 allowed a minimum of twenty days to review a proposed decision and
16 shall issue its decision no later than the next regularly scheduled
17 board meeting.

18 NEW SECTION. **Sec. 213.** (1) At the time of licensing and
19 subsequent relicensing, the applicant shall furnish insurance or
20 financial responsibility in the form of an assigned account in the
21 amount of twenty thousand dollars for injury or damages to property,
22 fifty thousand dollars for injury or damage including death to any one
23 person, and one hundred thousand dollars for injury or damage including
24 death to more than one person, or financial responsibility to satisfy
25 these amounts.

26 (2) Failure to maintain insurance or financial responsibility
27 relative to the contractor's activities is cause to suspend or deny the
28 contractor's license.

29 (3)(a) Proof of financial responsibility authorized in this section
30 may be given by providing, in the amount required by subsection (1) of
31 this section, an assigned account acceptable to the department. The
32 assigned account shall be held by the department to satisfy any
33 execution on a judgment issued against the contractor for damage to
34 property or injury or death to any person occurring in the contractor's
35 contracting operation, according to the provisions of the assigned
36 account agreement. The department shall have no liability for payment
37 in excess of the amount of the assigned account.

1 (b) The assigned account filed with the director as proof of
2 financial responsibility shall be canceled three years after:

3 (i) The contractor's license has expired or been revoked;

4 (ii) The contractor has furnished proof of insurance as required by
5 subsection (1) of this section; or

6 (iii) No legal action has been instituted against the contractor or
7 on the account at the end of the three-year period.

8 (c) If a contractor chooses to file an assigned account as
9 authorized in this section, the contractor shall, on a contracting
10 project, notify each person with whom the contractor enters into a
11 contract or to whom the contractor submits a bid, that the contractor
12 has filed an assigned account in lieu of insurance and that recovery
13 from the account for any claim against the contractor for property
14 damage or personal injury or death occurring on the project requires
15 the claimant to obtain a court judgment.

16 NEW SECTION. **Sec. 214.** Individual worker certification is not
17 required for work under this subchapter. This subchapter does not
18 preclude any person performing telecommunications work from obtaining
19 a limited energy credit towards an electrical certificate of competency
20 if they otherwise meet the certification requirements under this
21 chapter that are applicable to electrical installations.

22 NEW SECTION. **Sec. 215.** No person, firm, or corporation engaging
23 in or conducting or carrying on the business of telecommunications
24 installation shall be entitled to commence or maintain any suit or
25 action in any court of this state pertaining to any such work or
26 business, without alleging and proving that such person, firm or
27 corporation held, at the time of commencing and performing such work,
28 an unexpired, unrevoked, and unsuspended license issued under this
29 subchapter; and no city or town requiring by ordinance or regulation a
30 permit for inspection or installation of such telecommunications
31 installation work, shall issue such permit to any person, firm or
32 corporation not holding such license.

33 NEW SECTION. **Sec. 216.** It is unlawful for any person, firm,
34 partnership, corporation, or other entity to install or maintain
35 telecommunications equipment not in accordance with this subchapter.
36 In cases where the interpretation and application of the installation

1 or maintenance standards under this subchapter are in dispute or in
2 doubt, the board shall, upon application of any interested person,
3 firm, partnership, corporation, or other entity, determine the methods
4 of installation or maintenance or the materials, devices, appliances,
5 or equipment to be used in the particular case submitted for its
6 decision.

7 NEW SECTION. **Sec. 217.** Any person, firm, partnership,
8 corporation, or other entity desiring a decision of the board pursuant
9 to section 216 of this act shall, in writing, notify the director of
10 such desire and shall accompany the notice with a certified check
11 payable to the department in the sum of two hundred dollars. The
12 notice shall specify the ruling or interpretation desired and the
13 contention of the person, firm, partnership, corporation, or other
14 entity as to the proper interpretation or application on the question
15 on which a decision is desired. If the board determines that the
16 contention of the applicant for a decision was proper, the two hundred
17 dollars shall be returned to the applicant; otherwise it shall be used
18 in paying the expenses and per diem of the members of the board in
19 connection with the matter. Any portion of the two hundred dollars not
20 used in paying the per diem and expenses of the board in the case shall
21 be paid into the electrical license fund.

22 NEW SECTION. **Sec. 218.** (1) The director may adopt rules, make
23 specific decisions, orders, and rulings, including demands and
24 findings, and take other necessary action for the implementation and
25 enforcement of this subchapter after consultation with the board and
26 receiving the board's recommendations. In the administration of this
27 subchapter the department shall not enter any controversy arising over
28 work assignments with respect to the trades involved in the
29 construction industry.

30 (2) Compliance with the rules adopted under subsection (1) of this
31 section is prima facie evidence of compliance with the subchapter.
32 Copies of all rules shall be maintained by the department and made
33 available upon request.

34 NEW SECTION. **Sec. 301.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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