
HOUSE BILL 1986

State of Washington

57th Legislature

2001 Regular Session

By Representatives O'Brien, Dunn, Fromhold, McMorris, Cairnes, Roach, Esser and B. Chandler

Read first time 02/12/2001. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to authorizing certain residential property
2 management entities to perform work on the owner's residential
3 property; and amending RCW 19.28.261 and 18.27.090.

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

5 **Sec. 1.** RCW 19.28.261 and 1998 c 98 s 2 are each amended to read
6 as follows:

7 Nothing in RCW ((~~19.28.510 through 19.28.620~~)) 19.28.161 through
8 19.28.271 shall be construed to require that a person obtain a license
9 or a certified electrician in order to do electrical work at his or her
10 residence or farm or place of business or on other property owned by
11 him or her unless the electrical work is on the construction of a new
12 building intended for rent, sale, or lease. However, if the
13 construction is of a new residential building with up to four units
14 intended for rent, sale, or lease, the owner may receive an exemption
15 from the requirement to obtain a license or use a certified electrician
16 if he or she provides a signed affidavit to the department stating that
17 he or she will be performing the work and will occupy one of the units
18 as his or her principal residence. The owner shall apply to the
19 department for this exemption and may only receive an exemption once

1 every twenty-four months. It is intended that the owner receiving this
2 exemption shall occupy the unit as his or her principal residence for
3 twenty-four months after completion of the units. Nothing in RCW
4 (~~19.28.510 through 19.28.620~~) 19.28.161 through 19.28.271 shall be
5 intended to derogate from or dispense with the requirements of any
6 valid electrical code enacted by a city or town pursuant to RCW
7 19.28.010(3), except that no code shall require the holder of a
8 certificate of competency to demonstrate any additional proof of
9 competency or obtain any other license or pay any fee in order to
10 engage in the electrical construction trade. RCW (~~19.28.510 through~~
11 ~~19.28.620~~) 19.28.161 through 19.28.271 shall not apply to common
12 carriers subject to Part I of the Interstate Commerce Act, nor to their
13 officers and employees. Nothing in RCW (~~19.28.510 through 19.28.620~~)
14 19.28.161 through 19.28.271 shall be deemed to apply to the
15 installation or maintenance of telephone, telegraph, radio, or
16 television wires and equipment; nor to any electrical utility or its
17 employees in the installation, repair, and maintenance of electrical
18 wiring, circuits, and equipment by or for the utility, or comprising a
19 part of its plants, lines or systems. The licensing provisions of RCW
20 (~~19.28.510 through 19.28.620~~) 19.28.161 through 19.28.271 shall not
21 apply to:

22 (1) Persons making electrical installations on their own property
23 or to regularly employed employees working on the premises of their
24 employer, unless the electrical work is on the construction of a new
25 building intended for rent, sale, or lease;

26 (2) Employees of an employer while the employer is performing
27 utility type work of the nature described in RCW (~~19.28.200~~)
28 19.28.091 so long as such employees have registered in the state of
29 Washington with or graduated from a state-approved outside lineman
30 apprenticeship course that is recognized by the department and that
31 qualifies a person to perform such work; (~~or~~)

32 (3) Any work exempted under RCW (~~19.28.200(6)~~) 19.28.091(6); or

33 (4)(a) Employees and the owners of a residential property
34 management entity operated by a licensed real estate broker under
35 chapter 18.85 RCW, when the entity acts as an agent on behalf of an
36 owner to manage the residential property of an owner, and the entity
37 and its employees perform exclusively the following work on the owner's
38 residential property: The installation, alteration, or maintenance of
39 electrical systems for plug-in appliances, travel trailers, or like-in-

1 kind replacement of a circuit breaker, fuse, lamp, snap switch,
2 receptacle outlet, heating element, lighting fixture ballast with an
3 exact same ballast, contactor, relay, timer, starter, similar control
4 component, or motor; and the maintenance, repair, or like-in-kind
5 replacement of existing lighting fixtures, hot water heaters, ranges,
6 electric heaters, or similar domestic appliances. The residential
7 property management agent or his or her employee is limited to
8 equipment and circuits of two hundred forty volts, sixty amperes,
9 single-phase maximum and may disconnect and reconnect line supply whips
10 not over six feet in length provided there are no modifications to the
11 characteristics of the branch circuit.

12 (b) For the purpose of this subsection, "electrical equipment" does
13 not include electrical conductors. However, this exemption does not
14 apply if the electrical work is on the construction of a new building
15 intended for rent, sale, or lease. If an owner building contains both
16 residential and commercial uses, the exemption only applies to the
17 residential uses.

18 Nothing in RCW ((19.28.510 through 19.28.620)) 19.28.161 through
19 19.28.271 shall be construed to restrict the right of any householder
20 to assist or receive assistance from a friend, neighbor, relative or
21 other person when none of the individuals doing the electrical
22 installation hold themselves out as engaged in the trade or business of
23 electrical installations. Nothing precludes any person who is exempt
24 from the licensing requirements of this chapter under this section from
25 obtaining a journeyman or specialty certificate of competency if they
26 otherwise meet the requirements of this chapter.

27 **Sec. 2.** RCW 18.27.090 and 1997 c 314 s 8 are each amended to read
28 as follows:

29 This chapter does not apply to:

30 (1) An authorized representative of the United States government,
31 the state of Washington, or any incorporated city, town, county,
32 township, irrigation district, reclamation district, or other municipal
33 or political corporation or subdivision of this state;

34 (2) Officers of a court when they are acting within the scope of
35 their office;

36 (3) Public utilities operating under the regulations of the
37 utilities and transportation commission in construction, maintenance,
38 or development work incidental to their own business;

1 (4) Any construction, repair, or operation incidental to the
2 discovering or producing of petroleum or gas, or the drilling, testing,
3 abandoning, or other operation of any petroleum or gas well or any
4 surface or underground mine or mineral deposit when performed by an
5 owner or lessee;

6 (5) The sale or installation of any finished products, materials,
7 or articles of merchandise which are not actually fabricated into and
8 do not become a permanent fixed part of a structure;

9 (6) Any construction, alteration, improvement, or repair of
10 personal property, except this chapter shall apply to all
11 mobile/manufactured housing. A mobile/manufactured home may be
12 installed, set up, or repaired by the registered or legal owner, by a
13 contractor registered under this chapter, or by a mobile/manufactured
14 home retail dealer or manufacturer licensed under chapter 46.70 RCW who
15 shall warranty service and repairs under chapter 46.70 RCW;

16 (7) Any construction, alteration, improvement, or repair carried on
17 within the limits and boundaries of any site or reservation under the
18 legal jurisdiction of the federal government;

19 (8) Any person who only furnished materials, supplies, or equipment
20 without fabricating them into, or consuming them in the performance of,
21 the work of the contractor;

22 (9) Any work or operation on one undertaking or project by one or
23 more contracts, the aggregate contract price of which for labor and
24 materials and all other items is less than five hundred dollars, such
25 work or operations being considered as of a casual, minor, or
26 inconsequential nature. The exemption prescribed in this subsection
27 does not apply in any instance wherein the work or construction is only
28 a part of a larger or major operation, whether undertaken by the same
29 or a different contractor, or in which a division of the operation is
30 made into contracts of amounts less than five hundred dollars for the
31 purpose of evasion of this chapter or otherwise. The exemption
32 prescribed in this subsection does not apply to a person who advertises
33 or puts out any sign or card or other device which might indicate to
34 the public that he or she is a contractor, or that he or she is
35 qualified to engage in the business of contractor;

36 (10) Any construction or operation incidental to the construction
37 and repair of irrigation and drainage ditches of regularly constituted
38 irrigation districts or reclamation districts; or to farming, dairying,
39 agriculture, viticulture, horticulture, or stock or poultry raising; or

1 to clearing or other work upon land in rural districts for fire
2 prevention purposes; except when any of the above work is performed by
3 a registered contractor;

4 (11) An owner who contracts for a project with a registered
5 contractor;

6 (12) Any person working on his or her own property, whether
7 occupied by him or her or not, and any person working on his or her
8 personal residence, whether owned by him or her or not but this
9 exemption shall not apply to any person otherwise covered by this
10 chapter who constructs an improvement on his or her own property with
11 the intention and for the purpose of selling the improved property;

12 (13) Owners of commercial properties who use their own employees to
13 do maintenance, repair, and alteration work in or upon their own
14 properties;

15 (14) A licensed architect or civil or professional engineer acting
16 solely in his or her professional capacity, an electrician licensed
17 under the laws of the state of Washington, or a plumber licensed under
18 the laws of the state of Washington or licensed by a political
19 subdivision of the state of Washington while operating within the
20 boundaries of such political subdivision. The exemption provided in
21 this subsection is applicable only when the licensee is operating
22 within the scope of his or her license;

23 (15) Any person who engages in the activities herein regulated as
24 an employee of a registered contractor with wages as his or her sole
25 compensation or as an employee with wages as his or her sole
26 compensation;

27 (16) Contractors on highway projects who have been prequalified as
28 required by RCW 47.28.070, with the department of transportation to
29 perform highway construction, reconstruction, or maintenance work;

30 (17)(a) Employees and the owners of a residential property
31 management entity operated by a licensed real estate broker under
32 chapter 18.85 RCW, when the entity acts as an agent on behalf of an
33 owner to manage the residential property of an owner, and the entity
34 and its employees perform exclusively the following work on the owner's
35 residential property: The installation, alteration, or maintenance of
36 electrical systems for plug-in appliances, travel trailers, or like-in-
37 kind replacement of a circuit breaker, fuse, lamp, snap switch,
38 receptacle outlet, heating element, lighting fixture ballast with an
39 exact same ballast, contactor, relay, timer, starter, similar control

1 component, or motor; and the maintenance, repair, or like-in-kind
2 replacement of existing lighting fixtures, hot water heaters, ranges,
3 electric heaters, or similar domestic appliances. The residential
4 property management agent or his or her employee is limited to
5 equipment and circuits of two hundred forty volts, sixty amperes,
6 single-phase maximum and may disconnect and reconnect line supply whips
7 not over six feet in length provided there are no modifications to the
8 characteristics of the branch circuit.

9 (b) For the purpose of this subsection, "electrical equipment" does
10 not include electrical conductors. However, this exemption does not
11 apply if the electrical work is on the construction of a new building
12 intended for rent, sale, or lease. If an owner building contains both
13 residential and commercial uses, the exemption only applies to the
14 residential uses.

--- END ---