

SENATE BILL REPORT

HB 1746

As Reported By Senate Committee On:
Commerce & Trade, February 26, 2004

Title: An act relating to electrical contractor licenses.

Brief Description: Requiring electrical contractors to be licensed before advertising.

Sponsors: Representatives Alexander, Conway, DeBolt, Chandler and Simpson.

Brief History:

Committee Activity: Commerce & Trade: 3/28/03, 4/2/03 [DPA]; 2/26/04 [DP].

SENATE COMMITTEE ON COMMERCE & TRADE

Majority Report: Do pass.

Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Staff: John Dziedzic (786-7784)

Background: As a general rule, a person who does not possess a valid certificate or license in a licensed business or profession (i.e. architects, real estate brokers and salesperson, engineers, land surveyors, geologists, etc.) is not only prohibited from performing the regulated activity, but is also prohibited by statute from holding himself or herself out to the public as qualified to operate the business or profession.

In the construction industry, statutes make it unlawful to engage in, conduct, or carry on the business of a contractor, plumber, or one who installs or maintains telecommunications systems without having the relevant license. In addition, statutes applicable to these activities also prohibit advertising, offering to do, or submitting a bid for such work without a license.

Chapter 19.28 RCW, the law applying to electrical contractor licenses, also makes it unlawful to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electrical current without having an electrical contractor license. However, advertising, submitting bids for, or offering to do such work is not prohibited by Chapter 19.28 RCW.

Summary of Bill: Advertising, submitting a bid for, or offering to install or maintain wires or equipment to convey electrical current without having an electrical contractor license is made unlawful.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill clarifies that electrical contractors, like other contractors, plumbers, etc., cannot advertise to perform regulated work without being properly licensed. The department has successfully defeated at least three challenges to its authority to prohibit advertising by unlicensed electrical contractors, but this clarification would help avoid the necessity to litigate the issue in the future.

Testimony Against: The bill is unnecessary, because advertising is commonly understood to be included within the scope of "engaging in" the work of an electrical contractor, and thus prohibited by persons without an electrical contractor license.

Testified: PRO: Representative Gary Alexander, prime sponsor; Gary Smith, Independent Business Assn.; Larry Stevens, National Electrical Contractors' Assn.; Faith Jeffries, Dept. of Labor and Industries. CONCERNS: Dan Sexton, WA State Assn. of Plumbers & Steamfitters.