

SENATE BILL REPORT

SB 5713

As Reported By Senate Committee On:
Commerce & Trade, February 26, 2003

Title: An act relating to electrical contractors.

Brief Description: Modifying provisions concerning electricians.

Sponsors: Senators Honeyford, Prentice, Hewitt, Rasmussen, Mulliken, Sheahan and Oke.

Brief History:

Committee Activity: Commerce & Trade: 2/13/03, 2/26/03 [DPS, DNP].

SENATE COMMITTEE ON COMMERCE & TRADE

Majority Report: That Substitute Senate Bill No. 5713 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

Signed by Senator Keiser.

Staff: Elizabeth Mitchell (786-7430)

Background: The Department of Labor and Industries issues licenses to electrical contractors, certificates to electricians, and requires permitting and inspection of electrical work.

There are several exemptions to electrical permitting and inspections in the department's rules. These exemptions include: like-in-kind replacement of heating elements, small motors, and luminaire ballasts of the same ballast.

Unless electrical work is specifically exempt from regulation, all electrical work must be conducted by certified electricians. Unless plumbing work is specifically exempt from regulation, all plumbing work must be conducted by certified plumbers.

Summary of Substitute Bill: The repair, maintenance, or replacement of appliances is exempt from department regulation.

The repair, maintenance, or replacement of industrial and commercial equipment is exempt from department regulation.

The department may define a "small job" electrical work permit system. Under this system, inspections are not required for all projects.

Certified plumbers are not required to be certified as electricians if they have an electrical endorsement and are doing minor electrical work during the course of their plumbing work. Certified journeyman and residential electricians are not required to be certified as plumbers if they are doing minor plumbing work during the course of their electrical work.

Training requirements for certified plumbers include 16 hours of classroom training on electrical topics. All persons certified as plumbers before January 1, 2003, are not required to complete this training. There is a continuing education requirement for certified plumbers: 16 hours are required every two years, and four of these hours must cover electrical safety topics.

People who do work on boilers are not subject to department electrical regulation. Instead, they are subject to regulation by the chief boiler inspector of the department. After January 1, 2004, no person may work on electrical controls of boilers unless he or she has been issued an electrical boiler certificate from the chief boiler inspector. The department must prepare an examination for the certificate, and a person must pass the examination in order to be certified. A person who has at least two years of experience working on boilers with electrical controls prior to January 1, 2003, must be issued a certificate without having to pass an examination.

Licensing, certification, permitting and inspection are not required for work on medical equipment that meets Food and Drug Administration standards.

Department rules regarding permitting and inspection exemptions are incorporated into electrical statutes. These exemptions include like-in-kind replacement of heating elements, small motors, and luminaire ballasts of the same ballast.

Substitute Bill Compared to Original Bill: Repair, maintenance or replacement of appliances is defined and exempt from department regulation. Repair, maintenance or replacement of industrial equipment is defined and exempt from department regulation. The \$5 point of sale system for the permitting and inspection of appliances is removed. People who do work on boilers are not subject to department electrical regulation. Instead, they are subject to regulation by the chief boiler inspector of the department. After January 1, 2004, no person may work on electrical controls of boilers unless he or she has been issued an electrical boiler certificate from the chief boiler inspector. The department must prepare an examination for the certificate, and a person must pass the examination in order to be certified. A person who has at least two years of experience working on boilers with electrical controls prior to January 1, 2003, must be issued a certificate without having to pass an examination.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill allows the department to do random inspections and reduce permit fees. Current permit fees are too high. Having permits for different jurisdictions is inconvenient. Labor and Industries has expanded its interpretations of existing law recently.

As a consequence, many businesses that have not historically been part of electrical regulations are now being required to be regulated. People working on industrial equipment should be exempt from department regulations, and should have a no-test grandfathering provision. Work on motors up to 350 horsepower should also be exempt. Additional provisions about boilers should be added to the bill: work on the electrical components of boilers should be regulated by the chief boiler inspector of Labor and Industries, not the electrical division. People working on appliances should be exempt from department regulations. Plumbers should be allowed to do incidental electrical work in the course of their plumbing work. The recent rule-making process has been frustrating. The three floor HVAC limitation is arbitrary.

Testimony Against: It is unclear how inspections would be triggered and how local jurisdictions would be notified that they needed to inspect a project. The \$5 fee for the appliance small works system would not cover cities' costs. Blanket exemptions are not sound public policy. This bill attempts to rewrite the rules that have recently gone through a stakeholder process, and have been approved by the electrical board. These rules have not yet gone to the public hearing phase; the Legislature should let the public comment on these rules instead of attempting to undo these rules via legislation.

Testified: Janet Lewis, IBEW Local 46 (con); Larry Stevens, NECA-MCA (con); Dedi Hitchens, WA Retail (pro); Gary Smith, IBA (pro); Lou Kuffel, Beckwith & Kuffel (pro); Blyan Cole, Cole Industrial (pro); Linda Lannum (pro); Don Heitlauf, Crossroads Appliance (pro); Mark Johnson, NFIB (pro); Charly Mitchel, PHCC (pro); Dan Sexton, WA State Assn. of Plumbers and Pipefitters (con).