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SENATE BILL 6225

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State of Washington                      59th Legislature                      2006 Regular Session

By Senators Rasmussen, Honeyford, Haugen, Morton, Hewitt,  
Rockefeller, Pflug, Parlette, Shin and Oke

Read first time 01/09/2006. Referred to Committee on Labor,  
Commerce, Research & Development.

1            AN ACT Relating to regulating the business of installing,  
2 repairing, and maintaining domestic well water systems; amending RCW  
3 18.106.010, 18.106.040, 18.106.050, 18.106.110, and 19.28.041; and  
4 adding new sections to chapter 18.106 RCW.

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

6            **Sec. 1.** RCW 18.106.010 and 2003 c 399 s 102 are each amended to  
7 read as follows:

8            (~~Unless a different meaning is plainly required by the context,~~  
9 ~~the following words and phrases as hereinafter used in this chapter~~  
10 ~~shall have the following meaning:~~) The definitions in this section  
11 apply throughout this chapter unless the context clearly requires  
12 otherwise.

13            (1) "Advisory board" means the state advisory board of  
14 plumbers(+).

15            (2) "Contractor" means any person, corporate or otherwise, who  
16 engages in, or offers or advertises to engage in, any work covered by  
17 the provisions of this chapter by way of trade or business, or any  
18 person, corporate or otherwise, who employs anyone, or offers or

1 advertises to employ anyone, to engage in any work covered by the  
2 provisions of this chapter((+)).

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

4 (4) "Director" means the director of department of labor and  
5 industries((+)).

6 (5) "Journeyman plumber" means any person who has been issued a  
7 certificate of competency by the department of labor and industries as  
8 provided in this chapter((+)).

9 (6) "Like-in-kind" means having similar characteristics such as  
10 plumbing size, type, and function, and being in the same location((+)).

11 (7) "Medical gas piping" means oxygen, nitrous oxide, high pressure  
12 nitrogen, medical compressed air, and medical vacuum systems((+)).

13 (8) "Medical gas piping installer" means a journeyman plumber who  
14 has been issued a medical gas piping installer endorsement((+)).

15 (9) "Plumbing" means that craft involved in installing, altering,  
16 repairing and renovating potable water systems, liquid waste systems,  
17 and medical gas piping systems within a building. Installation in a  
18 water system of water softening or water treatment equipment is not  
19 within the meaning of plumbing as used in this chapter((+)).

20 (10) "Specialty plumber" means anyone who has been issued a  
21 specialty certificate of competency limited to:

22 (a) Installation, maintenance, and repair of the plumbing of  
23 single-family dwellings, duplexes, and apartment buildings that do not  
24 exceed three stories; ((~~or~~))

25 (b) Maintenance and repair of backflow prevention assemblies; or

26 (c) Installation, maintenance, and repair of the pressurization,  
27 treatment, and filtration components of a domestic well water system  
28 consisting of: One or more pumps; pressure, storage, and other tanks;  
29 filtration and treatment equipment; if appropriate, a pitless adapter;  
30 along with valves, transducers, and other plumbing components and  
31 electrical connections, including but not limited to conductors,  
32 conduit, raceways, pump controls, control boxes, starters, relays,  
33 floats switches, and solenoids, that:

34 (i) Are used to acquire, treat, store, or move water suitable for  
35 either drinking or other domestic purposes, including irrigation, to:

36 (A) A single-family dwelling, duplex, or other similar place of  
37 residence; (B) a public water system, as defined in RCW 70.119.020 and  
38 as limited under RCW 70.119.040, that is designed to supply water at a

1 rate of less than five hundred gallons per minute; or (C) a farm owned  
2 and operated by a person whose primary residence is located within  
3 thirty miles of any part of the farm;

4 (ii) Are located: (A) Within a building used primarily to house a  
5 well and the pressurization, treatment, and filtration components of a  
6 domestic well water system; (B) within the interior space, including  
7 but not limited to an attic, basement, crawl space, or garage, of a  
8 residential structure, which space is separated from the living area of  
9 the residence by a lockable entrance and fixed walls, ceiling, and  
10 floor; or (C) outside of any building;

11 (iii) Include neither any: (A) Plumbing fixtures, mechanisms, or  
12 devices to distribute or access potable water within a building; nor  
13 (B) electric components, other than such plumbing or electrical  
14 apparatus as are necessary for maintenance, safety, and testing  
15 purposes relating to the pressurization, treatment, and filtration  
16 portions of the domestic well water system;

17 (iv) If located within the interior space of a residential  
18 structure, are connected to plumbing supplied and installed into the  
19 interior space by either: (A) A person who, pursuant to RCW 18.106.070  
20 or 18.106.090, possesses a valid temporary permit or certificate of  
21 competency as a journeyman plumber, specialty plumber, or trainee, as  
22 defined in this chapter; or (B) a person exempt from the requirement to  
23 obtain a certified plumber to do such plumbing work under RCW  
24 18.106.150;

25 (v) If located within the interior space of a building, are  
26 connected to an electrical circuit at a junction box that has been  
27 installed into the interior space for purposes compatible with such  
28 components by either: (A) A person who, pursuant to RCW 19.28.161,  
29 possesses a valid certificate of competency as a master journeyman  
30 electrician, journeyman electrician, master specialty residential  
31 electrician, specialty residential electrician, or a properly  
32 supervised electrical trainee; or (B) a person exempt from the  
33 requirement to obtain a certified electrician to do such electrical  
34 work under RCW 19.28.261; and

35 (vi) If located outside of a building, are connected to an  
36 electrical circuit where a switch or other means of disconnecting the  
37 circuit from a source of power has been installed by either: (A) A  
38 person who, pursuant to RCW 19.28.161, possesses a valid certificate of

1 competency as a master journeyman electrician, journeyman electrician,  
2 master specialty residential electrician, specialty residential  
3 electrician, or a properly supervised electrical trainee; or (B) a  
4 person exempt from the requirement to obtain a certified electrician to  
5 do such electrical work under RCW 19.28.261.

6 **Sec. 2.** RCW 18.106.040 and 2001 c 281 s 2 are each amended to read  
7 as follows:

8 (1) Upon receipt of the application and evidence set forth in RCW  
9 18.106.030, the director shall review the same and make a determination  
10 as to whether the applicant is eligible to take an examination for the  
11 certificate of competency. To be eligible to take the examination:

12 (a) Each applicant for a journeyman plumber's certificate of  
13 competency shall furnish written evidence that he or she has completed  
14 a course of study in the plumbing trade in the armed services of the  
15 United States or at a school licensed by the work force training and  
16 education coordinating board, or has had four or more years of  
17 experience under the direct supervision of a licensed journeyman  
18 plumber.

19 (b) Each applicant for a specialty plumber's certificate of  
20 competency under RCW 18.106.010(~~((+8))~~) (10)(a) shall furnish written  
21 evidence that he or she has completed a course of study in the plumbing  
22 trade in the armed services of the United States or at a school  
23 licensed by the work force training and education coordinating board  
24 under chapter 28C.10 RCW, or that he or she has had at least three  
25 years practical experience in the specialty.

26 (c) Each applicant for a specialty plumber's certificate of  
27 competency under RCW 18.106.010(~~((+8))~~) (10) (b) or (c) shall furnish  
28 written evidence that he or she is eligible to take the examination.  
29 These eligibility requirements shall be adopted by rule by the director  
30 pursuant to subsection (2)(b) of this section.

31 (2)(a) The director shall establish reasonable rules for the  
32 examinations to be given applicants for certificates of competency. In  
33 establishing the rules, the director shall consult with the state  
34 advisory board of plumbers as established in RCW 18.106.110.

35 (b) The director shall establish reasonable criteria by rule for  
36 determining an applicant's eligibility to take an examination for the  
37 certificate of competency for specialty plumbers under subsection

1 (1)(c) of this section. In establishing the criteria, the director  
2 shall consult with the state advisory board of plumbers as established  
3 in RCW 18.106.110. These rules must take effect by (~~July 1, 2002~~)  
4 December 31, 2006.

5 (3) Upon determination that the applicant is eligible to take the  
6 examination, the director shall so notify the applicant, indicating the  
7 time and place for taking the same.

8 (4) No other requirement for eligibility may be imposed.

9 **Sec. 3.** RCW 18.106.050 and 1997 c 326 s 5 are each amended to read  
10 as follows:

11 (1) The department, with the advice of the advisory board, shall  
12 prepare a written examination to be administered to applicants for  
13 certificates of competency for journeyman plumber and specialty  
14 plumber. The examination shall be constructed to determine:

15 (a) Whether the applicant possesses varied general knowledge of the  
16 technical information and practical procedures that are identified with  
17 the trade of journeyman plumber or specialty plumber; and

18 (b) Whether the applicant is familiar with the applicable plumbing  
19 codes and the administrative rules of the department pertaining to  
20 plumbing and plumbers.

21 (~~The department shall administer the examination to eligible  
22 persons. All applicants shall, before taking the examination, pay to  
23 the department a fee.~~)

24 (2) (~~For purposes of the medical gas piping installer  
25 endorsement,~~) The department, with the consent of the advisory board,  
26 may enter into a contract with a nationally recognized testing agency  
27 to develop, administer, and score (~~medical gas piping installer~~) any  
28 examinations required by this chapter. All applicants shall, before  
29 taking an examination (~~for a medical gas piping installer  
30 endorsement~~), pay the required examination fee. The department shall  
31 set the examination fee by contract with a nationally recognized  
32 testing agency. The fee shall cover but not exceed the costs of  
33 preparing and administering the examination and the materials necessary  
34 to conduct the practical elements of the examination. The department  
35 shall approve training courses and set the fees for training courses  
36 for (~~the medical gas piping installer endorsement~~) examinations  
37 provided by this chapter.

1       (3) An examination to determine the competency of an applicant for  
2 a specialty plumbing certificate for the installation, maintenance, and  
3 repair of the pressurization and filtration components of a domestic  
4 well water system must include questions designed to establish the  
5 applicant's knowledge of electrical safety and technical requirements.  
6 In developing the electrical portion of this examination, the  
7 department shall consult with the electrical board created under RCW  
8 19.28.311. Certification by a professional or trade association  
9 recognized by the electrical board as equivalent to a domestic well  
10 specialty electrician examination must be accepted as satisfying the  
11 electrical portion of this examination.

12       (4) The department shall certify the results of the examinations  
13 provided by this chapter, and shall notify the applicant in writing  
14 whether he or she has passed or failed. Any applicant who has failed  
15 the examination may retake the examination, upon the terms and after a  
16 period of time that the director shall set by rule. The director may  
17 not limit the number of times that a person may take the examination.

18       **Sec. 4.** RCW 18.106.110 and 1997 c 307 s 1 are each amended to read  
19 as follows:

20       (1) There is created a state advisory board of plumbers, to be  
21 composed of ~~((five))~~ seven members appointed by the governor. Two  
22 members shall be journeyman plumbers, ~~((two))~~ one member shall be a  
23 specialty plumber, three members shall be persons conducting a plumbing  
24 business, at least one of which shall be primarily engaged in a  
25 specialty plumbing business, and one member from the general public who  
26 is familiar with the business and trade of plumbing.

27       (2) The term of one journeyman plumber expires July 1, 1995; the  
28 term of the second journeyman plumber expires July 1, 2000; the term of  
29 the specialty plumber expires July 1, 2008; the term of one person  
30 conducting a plumbing business expires July 1, 1996; the term of the  
31 second person conducting a plumbing business expires July 1, 2000; the  
32 term of the third person conducting a plumbing business expires July 1,  
33 2007; and the term of the public member expires July 1, 1997.  
34 Thereafter, upon the expiration of said terms, the governor shall  
35 appoint a new member to serve for a period of three years. However, to  
36 ensure that the board can continue to act, a member whose term expires  
37 shall continue to serve until his or her replacement is appointed. In

1 the case of any vacancy on the board for any reason, the governor shall  
2 appoint a new member to serve out the term of the person whose position  
3 has become vacant.

4 (3) The advisory board shall carry out all the functions and duties  
5 enumerated in this chapter, as well as generally advise the department  
6 on all matters relative to this chapter.

7 (4) Each member of the advisory board shall receive travel expenses  
8 in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now  
9 existing or hereafter amended for each day in which such member is  
10 actually engaged in attendance upon the meetings of the advisory board.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.106 RCW  
12 to read as follows:

13 (1) The department shall, in consultation with the advisory board  
14 and the electrical board created under RCW 19.28.311, adopt reasonable  
15 rules as are necessary to adequately coordinate the regulation of both  
16 the plumbing and electrical aspects of domestic well water system  
17 specialty plumbing.

18 (2) In adopting the rules as required under subsection (1) of this  
19 section, the department shall establish, and seek the advice of, a  
20 technical advisory committee. The technical advisory committee is  
21 composed of at least five persons, appointed by the director from a  
22 list of at least eight nominees supplied by a statewide organization of  
23 persons engaged in the business of installing, maintaining, and  
24 repairing domestic well water systems as described in RCW  
25 18.106.010(10)(c).

26 (3) In adopting the rules required under subsection (1) of this  
27 section, the department may provide for: (a) Categories of domestic  
28 well water systems differentiating on the basis of pump capacity,  
29 sizing, or other basis as the department may deem appropriate; and (b)  
30 an alternative method of demonstrating the electrical and plumbing  
31 competency of any person who has been actively, continually, and  
32 primarily engaged in the business of installing, maintaining, and  
33 repairing domestic well water systems during the twenty-four months  
34 prior to the effective date of this section.

35 (4) The department shall refund any penalty paid by and rescind any  
36 citation issued to a person for failing to be properly licensed under  
37 RCW 19.28.010 if:

1 (a) The citation is issued on or after the effective date of this  
2 section to a person installing, maintaining, or repairing electrical  
3 components of a domestic well water system as defined in RCW  
4 18.106.010(10)(c);

5 (b) The person receiving the citation timely appeals the citation  
6 pursuant to RCW 19.28.131; and

7 (c) The person appealing the citation is issued, within one year of  
8 the effective date of the rules adopted under this section, a  
9 certificate of competency as a specialty plumber for the installation,  
10 maintenance, and repair of the pressurization and filtration components  
11 of a domestic well water system.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.106 RCW  
13 to read as follows:

14 (1) It is unlawful for any person, firm, partnership, corporation,  
15 or other entity to advertise, offer to do work, submit a bid, engage  
16 in, conduct, or carry on the business of installing or maintaining  
17 wires or equipment to convey electric current, or installing or  
18 maintaining equipment to be operated by electric current as it pertains  
19 to any domestic well water system, as described in RCW  
20 18.106.010(10)(c), without having an unrevoked, unsuspended, and  
21 unexpired: (a) Electrical contractor license as required by RCW  
22 19.28.041; (b) certificate of competency as a master journeyman  
23 electrician, journeyman electrician, master specialty residential  
24 electrician, specialty residential electrician, or a properly  
25 supervised electrical trainee, as required by RCW 19.28.161; or (c)  
26 certificate of competency as a domestic well water system specialty  
27 plumber issued by the department in accordance with this chapter.

28 (2) It is unlawful for any person, firm, partnership, corporation,  
29 or other entity to advertise, offer to do work, submit a bid, engage  
30 in, conduct, or carry on the business of plumbing, as defined in RCW  
31 18.106.010, pertaining to any domestic well water system, as described  
32 in RCW 18.106.010(10)(c), without having an unrevoked, unsuspended, and  
33 unexpired: (a) Certificate of competency as a journeyman plumber,  
34 specialty plumber, properly supervised plumbing trainee, or temporary  
35 permit, as required by RCW 18.106.020, and provided in RCW 18.106.070;  
36 or (b) certificate of competency as a domestic well water system



1 specialty plumber issued by the department in accordance with this  
2 chapter.

3 **Sec. 7.** RCW 19.28.041 and 2002 c 249 s 2 are each amended to read  
4 as follows:

5 (1) Except as provided by section 6 of this act, it is unlawful for  
6 any person, firm, partnership, corporation, or other entity to engage  
7 in, conduct, or carry on the business of installing or maintaining  
8 wires or equipment to convey electric current, or installing or  
9 maintaining equipment to be operated by electric current as it pertains  
10 to the electrical industry, without having an unrevoked, unsuspended,  
11 and unexpired electrical contractor license, issued by the department  
12 in accordance with this chapter. All electrical contractor licenses  
13 expire twenty-four calendar months following the day of their issue.  
14 The department may issue an electrical contractors license for a period  
15 of less than twenty-four months only for the purpose of equalizing the  
16 number of electrical contractor licenses that expire each month.  
17 Application for an electrical contractor license shall be made in  
18 writing to the department, accompanied by the required fee. The  
19 application shall state:

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

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

26 (c) Employer social security number;

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

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

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

33 (iii) For applicants domiciled in a state or province of Canada  
34 subject to an agreement entered into under RCW 51.12.120(7), as  
35 permitted by the agreement, filing a certificate of coverage issued by  
36 the agency that administers the workers' compensation law in the

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

4 (e) Employment security department number;

5 (f) State excise tax registration number;

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

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

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

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

1 revocation thereof, or withdrawal of the surety therefrom, suspends the  
2 license issued to the principal until a new bond has been filed and  
3 approved as provided in this section. Upon approval of a bond, the  
4 department shall on the next business day deposit the fee accompanying  
5 the application in the electrical license fund and shall file the bond  
6 in the office. The department shall upon request furnish to any  
7 person, firm, partnership, corporation, or other entity a certified  
8 copy of the bond upon the payment of a fee that the department shall  
9 set by rule. The fee shall cover but not exceed the cost of furnishing  
10 the certified copy. The bond shall be conditioned that in any  
11 installation or maintenance of wires or equipment to convey electrical  
12 current, and equipment to be operated by electrical current, the  
13 principal will comply with the provisions of this chapter and with any  
14 electrical ordinance, building code, or regulation of a 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 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

1 purpose. No person, firm, partnership, corporation, or other entity  
2 holding more than one specialty contractor license under this chapter  
3 may be required to pay an annual fee for more than one such license or  
4 to post more than one four thousand dollar bond, equivalent cash  
5 deposit, or other negotiable security.

6 (5) To obtain a general or specialty electrical contractor license  
7 the applicant must designate an individual who currently possesses a  
8 valid master journeyman electrician's certificate of competency, master  
9 specialty electrician's certificate of competency in the specialty for  
10 which application has been made, or administrator's certificate as a  
11 general electrical contractor administrator or as a specialty  
12 electrical contractor administrator in the specialty for which  
13 application has been made.

14 (6) Administrator certificate specialties include but are not  
15 limited to: Residential, pump and irrigation, limited energy system,  
16 signs, nonresidential maintenance, restricted nonresidential  
17 maintenance, appliance repair, and combination specialty. To obtain an  
18 administrator's certificate an individual must pass an examination as  
19 set forth in RCW 19.28.051 unless the applicant was a licensed  
20 electrical contractor at any time during 1974. Applicants who were  
21 electrical contractors licensed by the state of Washington at any time  
22 during 1974 are entitled to receive a general electrical contractor  
23 administrator's certificate without examination if the applicants apply  
24 prior to January 1, 1984. The board of electrical examiners shall  
25 certify to the department the names of all persons who are entitled to  
26 either a general or specialty electrical contractor administrator's  
27 certificate.

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