
HOUSE BILL 1389

State of Washington 60th Legislature 2007 Regular Session

By Representatives McDonald, Ericks, Morrell and Ormsby

Read first time 01/18/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to contractor advertising; and amending RCW
2 18.27.100.

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

4 **Sec. 1.** RCW 18.27.100 and 2001 c 159 s 8 are each amended to read
5 as follows:

6 (1) Except as provided in RCW 18.27.065 for partnerships and joint
7 ventures, no person who has registered under one name as provided in
8 this chapter shall engage in the business, or act in the capacity, of
9 a contractor under any other name unless such name also is registered
10 under this chapter.

11 (2) All advertising and all contracts, correspondence, cards,
12 signs, posters, papers, and documents which show a contractor's name or
13 address shall show the contractor's name or address as registered under
14 this chapter.

15 (3)(a) Except as provided in this subsection (3)(a), all
16 advertising that shows the contractor's name or address shall show the
17 contractor's current registration number.

18 (i) The registration number may be omitted in an alphabetized
19 listing of registered contractors stating only the name, address, and

1 telephone number(~~(+ PROVIDED, That)~~), signs on motor vehicles subject
2 to RCW 46.16.010 and on-premise signs (~~(shall not constitute~~
3 ~~advertising as provided in this section)~~), and advertising by airwave
4 transmission.

5 (ii) The registration number shall be omitted in advertising in
6 print news media. The publisher shall retain a copy of the
7 contractor's current certificate of registration for a period of two
8 years after publication of the advertising.

9 (b) All materials used to directly solicit business from retail
10 customers who are not businesses shall show the contractor's current
11 registration number.

12 (c) A contractor shall not use a false or expired registration
13 number in purchasing or offering to purchase an advertisement for which
14 a contractor registration number is required. (~~Advertising by airwave~~
15 ~~transmission shall not be subject to this subsection (3)(a).~~

16 ~~(b))~~ (d) The director may issue a subpoena to any person or entity
17 selling any advertising subject to this section for the name, address,
18 ~~(and)~~ telephone number, and if required, the registration number
19 provided to the seller of the advertising by the purchaser of the
20 advertising. The subpoena must have enclosed a stamped, self-addressed
21 envelope and blank form to be filled out by the seller of the
22 advertising. If the seller of the advertising has the information on
23 file, the seller shall, within a reasonable time, return the completed
24 form to the department. The subpoena must be issued no more than two
25 days after the expiration of the issue or publication containing the
26 advertising or after the broadcast of the advertising. The good-faith
27 compliance by a seller of advertising with a written request of the
28 department for information concerning the purchaser of advertising
29 shall constitute a complete defense to any civil or criminal action
30 brought against the seller of advertising arising from such compliance.
31 Advertising by airwave or electronic transmission is subject to this
32 subsection (3)(~~(b))~~) (d).

33 (4) No contractor shall advertise that he or she is bonded and
34 insured because of the bond required to be filed and sufficiency of
35 insurance as provided in this chapter.

36 (5) A contractor shall not falsify a registration number and use
37 it, or use an expired registration number, in connection with any
38 solicitation or identification as a contractor. All individual

1 contractors and all partners, associates, agents, salesmen, solicitors,
2 officers, and employees of contractors shall use their true names and
3 addresses at all times while engaged in the business or capacity of a
4 contractor or activities related thereto.

5 (6) Any advertising by a person, firm, or corporation soliciting
6 work as a contractor when that person, firm, or corporation is not
7 registered pursuant to this chapter is a violation of this chapter.

8 (7)(a) The finding of a violation of this section by the director
9 at a hearing held in accordance with the Administrative Procedure Act,
10 chapter 34.05 RCW, shall subject the person committing the violation to
11 a penalty of not more than ten thousand dollars as determined by the
12 director.

13 (b) Penalties under this section shall not apply to a violation
14 determined to be an inadvertent error.

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