
HOUSE BILL 1597

State of Washington 60th Legislature 2007 Regular Session

By Representative Moeller

Read first time 01/24/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to requiring workers to have licenses,
2 certificates, or permits in their possession when performing plumbing,
3 electrical, and conveyance work; amending RCW 19.27.050, 18.106.020,
4 18.106.070, 18.106.090, 18.106.170, 19.28.271, 19.28.211, 19.28.231,
5 19.28.251, 70.87.230, 70.87.250, and 70.87.120; reenacting and amending
6 RCW 19.28.161; and creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that dishonest
9 construction contractors sometimes hire workers without proper
10 licenses, certificates, and permits to do electrical, plumbing, and
11 conveyance work. This practice gives these contractors an unfair
12 competitive advantage and leaves workers and customers vulnerable.
13 Requiring workers to have their licenses, certificates, and permits in
14 their possession while doing such work will help address the problems
15 of the underground economy in the construction industry, level the
16 playing field for honest contractors, and protect workers and
17 consumers.

1 **Sec. 2.** RCW 19.27.050 and 1985 c 360 s 9 are each amended to read
2 as follows:

3 The counties and cities shall enforce the state building code
4 required by this chapter (~~(shall be enforced by the counties and~~
5 ~~cities)), and refer alleged or apparent violations of RCW 18.106.020,
6 19.28.271, and 70.87.230 to the department of labor and industries for
7 investigation and appropriate enforcement action. Any county or city
8 not having a building department shall contract with another county,
9 city, or inspection agency approved by the county or city for
10 enforcement of the state building code within its jurisdictional
11 boundaries.~~

12 **Sec. 3.** RCW 18.106.020 and 2006 c 185 s 11 are each amended to
13 read as follows:

14 (1) No person may engage in or offer to engage in the trade of
15 plumbing without having a journeyman certificate, specialty
16 certificate, temporary permit, or trainee certificate in his or her
17 possession. The person is encouraged to wear and visibly display his
18 or her certificate or permit. A trainee must be supervised by a person
19 who has a journeyman certificate, specialty certificate, or temporary
20 permit, as specified in RCW 18.106.070. No contractor may employ a
21 person to engage in or offer to engage in the trade of plumbing unless
22 the person employed has a journeyman certificate, specialty
23 certificate, temporary permit, or trainee certificate. This section
24 does not apply to a contractor who is contracting for work on his or
25 her own residence. Until July 1, 2007, the department shall issue a
26 written warning to any specialty plumber defined by RCW
27 18.106.010(10)(c) not having a valid plumber certification. The
28 warning will state that the individual must apply for a plumber
29 training certificate or be qualified for and apply for plumber
30 certification under the requirements in RCW 18.106.040 within thirty
31 calendar days of the warning. Only one warning will be issued to any
32 individual. If the individual fails to comply with this section, the
33 department shall issue a penalty or penalties as authorized by this
34 chapter.

35 (2) No person may engage in or offer to engage in medical gas
36 piping installation without having a certificate of competency as a
37 journeyman plumber and a medical gas piping installer endorsement in

1 his or her possession. The person is encouraged to wear and visibly
2 display his or her certificate and endorsement. A trainee may engage
3 in medical gas piping installation if he or she has a training
4 certificate and is supervised by a person with a medical gas piping
5 installer endorsement. No contractor may employ a person to engage in
6 or offer to engage in medical gas piping installation unless the person
7 employed has a certificate of competency as a journeyman plumber and a
8 medical gas piping installer endorsement.

9 (3) No contractor may advertise, offer to do work, submit a bid, or
10 perform any work under this chapter without being registered as a
11 contractor under chapter 18.27 RCW.

12 (4) Violation of this section is an infraction. Each day in which
13 a person engages in the trade of plumbing in violation of this section
14 or employs a person in violation of this section is a separate
15 infraction. Each worksite at which a person engages in the trade of
16 plumbing in violation of this section or at which a person is employed
17 in violation of this section is a separate infraction.

18 (5) Notices of infractions for violations of this section may be
19 issued to:

20 (a) The person engaging in or offering to engage in the trade of
21 plumbing in violation of this section;

22 (b) The contractor in violation of this section; and

23 (c) The contractor's employee who authorized the work assignment of
24 the person employed in violation of this section.

25 **Sec. 4.** RCW 18.106.070 and 2006 c 185 s 10 are each amended to
26 read as follows:

27 (1) The department shall issue a certificate of competency to all
28 applicants who have passed the examination and have paid the fee for
29 the certificate. The certificate shall include a photograph of the
30 holder. The certificate shall bear the date of issuance, and shall
31 expire on the birthdate of the holder immediately following the date of
32 issuance. The certificate shall be renewable every other year, upon
33 application, on or before the birthdate of the holder, except for
34 specialty plumbers defined by RCW 18.106.010(10)(c) who also have an
35 electrical certification issued jointly as provided by RCW
36 18.106.050(3) in which case their certificate shall be renewable every
37 three years on or before the birthdate of the holder. The department

1 shall renew a certificate of competency if the applicant: (a) Pays the
2 renewal fee assessed by the department; and (b) during the past two
3 years has completed sixteen hours of continuing education approved by
4 the department with the advice of the advisory board, including four
5 hours related to electrical safety. For holders of the specialty
6 plumber certificate under RCW 18.106.010(10)(c), the continuing
7 education may comprise both electrical and plumbing education with a
8 minimum of twelve of the required twenty-four hours of continuing
9 education in plumbing. If a person fails to renew the certificate by
10 the renewal date, he or she must pay a doubled fee. If the person does
11 not renew the certificate within ninety days of the renewal date, he or
12 she must retake the examination and pay the examination fee.

13 The journeyman plumber and specialty plumber certificates of
14 competency, the medical gas piping installer endorsement, and the
15 temporary permit provided for in this chapter grant the holder the
16 right to engage in the work of plumbing as a journeyman plumber,
17 specialty plumber, or medical gas piping installer, in accordance with
18 their provisions throughout the state and within any of its political
19 subdivisions on any job or any employment without additional proof of
20 competency or any other license or permit or fee to engage in the work.
21 This section does not preclude employees from adhering to a union
22 security clause in any employment where such a requirement exists.

23 (2) A person who is indentured in an apprenticeship program
24 approved under chapter 49.04 RCW for the plumbing construction trade or
25 who is learning the plumbing construction trade may work in the
26 plumbing construction trade if supervised by a certified journeyman
27 plumber or a certified specialty plumber in that plumber's specialty.
28 All apprentices and individuals learning the plumbing construction
29 trade shall obtain a plumbing training certificate from the department.
30 The certificate shall authorize the holder to learn the plumbing
31 construction trade while under the direct supervision of a journeyman
32 plumber or a specialty plumber working in his or her specialty. The
33 certificate shall include a photograph of the holder. The holder of
34 the plumbing training certificate shall renew the certificate annually.
35 At the time of renewal, the holder shall provide the department with an
36 accurate list of the holder's employers in the plumbing construction
37 industry for the previous year and the number of hours worked for each
38 employer. An annual fee shall be charged for the issuance or renewal

1 of the certificate. The department shall set the fee by rule. The fee
2 shall cover but not exceed the cost of administering and enforcing the
3 trainee certification and supervision requirements of this chapter.
4 (~~Apprentices and individuals learning the plumbing construction trade~~
5 ~~shall have their plumbing training certificates in their possession at~~
6 ~~all times that they are performing plumbing work. They shall show~~
7 ~~their certificates to an authorized representative of the department at~~
8 ~~the representative's request.))~~

9 (3) Any person who has been issued a plumbing training certificate
10 under this chapter may work if that person is under supervision.
11 Supervision shall consist of a person being on the same job site and
12 under the control of either a journeyman plumber or an appropriate
13 specialty plumber who has an applicable certificate of competency
14 issued under this chapter. Either a journeyman plumber or an
15 appropriate specialty plumber shall be on the same job site as the
16 noncertified individual for a minimum of seventy-five percent of each
17 working day unless otherwise provided in this chapter. The ratio of
18 noncertified individuals to certified journeymen or specialty plumbers
19 working on a job site shall be: (a) Not more than two noncertified
20 plumbers working on any one job site for every certified specialty
21 plumber or journeyman plumber working as a specialty plumber; and (b)
22 not more than one noncertified plumber working on any one job site for
23 every certified journeyman plumber working as a journeyman plumber.

24 An individual who has a current training certificate and who has
25 successfully completed or is currently enrolled in an approved
26 apprenticeship program or in a technical school program in the plumbing
27 construction trade in a school approved by the work force training and
28 education coordinating board, may work without direct on-site
29 supervision during the last six months of meeting the practical
30 experience requirements of this chapter.

31 (4) An individual who has a current training certificate and who
32 has successfully completed or is currently enrolled in a medical gas
33 piping installer training course approved by the department may work on
34 medical gas piping systems if the individual is under the direct
35 supervision of a certified medical gas piping installer who holds a
36 medical gas piping installer endorsement one hundred percent of a
37 working day on a one-to-one ratio.

1 (5) The training to become a certified plumber must include not
2 less than sixteen hours of classroom training established by the
3 director with the advice of the advisory board. The classroom training
4 must include, but not be limited to, electrical wiring safety,
5 grounding, bonding, and other related items plumbers need to know to
6 work under RCW 19.28.091.

7 (6) All persons who are certified plumbers before January 1, 2003,
8 are deemed to have received the classroom training required in
9 subsection (5) of this section.

10 **Sec. 5.** RCW 18.106.090 and 1985 c 7 s 78 are each amended to read
11 as follows:

12 The department is authorized to grant and issue temporary permits
13 in lieu of certificates of competency whenever a plumber coming into
14 the state of Washington from another state requests the department for
15 a temporary permit to engage in the trade of plumbing as a journeyman
16 plumber or as a specialty plumber during the period of time between
17 filing of an application for a certificate as provided in RCW
18 18.106.030 as now or hereafter amended and taking the examination
19 provided for in RCW 18.106.050(~~(:—PROVIDED, That)~~). The temporary
20 permit shall include a photograph of the plumber. No temporary permit
21 shall be issued to:

- 22 (1) Any person who has failed to pass the examination for a
23 certificate of competency;
- 24 (2) Any applicant under this section who has not furnished the
25 department with such evidence required under RCW 18.106.030;
- 26 (3) To any apprentice plumber.

27 **Sec. 6.** RCW 18.106.170 and 1983 c 124 s 6 are each amended to read
28 as follows:

29 An authorized representative of the department may investigate
30 alleged or apparent violations of this chapter, and shall investigate
31 referrals of alleged or apparent violations of RCW 18.106.020 from
32 local government officials charged with the duty to enforce building
33 codes under chapter 19.27 RCW or conduct plumbing inspections under a
34 local ordinance. An authorized representative of the department or a
35 local government official upon presentation of credentials may inspect
36 sites at which a person is doing plumbing work for the purpose of

1 determining whether that person has a certificate or permit issued by
2 the department in accordance with this chapter or is supervised by a
3 person who has such a certificate or permit. Upon request of the
4 authorized representative of the department or the local government
5 official, a person doing plumbing work shall produce (~~evidence that~~
6 ~~the person has a~~) his or her certificate or permit (~~issued by the~~
7 ~~department in accordance with this chapter~~) or, if required by this
8 chapter, evidence that he or she is supervised by a person who has such
9 a certificate or permit.

10 **Sec. 7.** RCW 19.28.271 and 2001 c 211 s 20 are each amended to read
11 as follows:

12 (1) It is unlawful for any person, firm, partnership, corporation,
13 or other entity to employ an individual for purposes of RCW 19.28.161
14 through 19.28.271 who has not been issued a certificate of competency,
15 a temporary permit, or a training certificate. It is unlawful for any
16 individual to engage in the electrical construction trade or to
17 maintain or install any electrical equipment or conductors without
18 having in his or her possession a certificate of competency, a
19 temporary permit, or a training certificate under RCW 19.28.161 through
20 19.28.271. The individual is encouraged to wear and visibly display
21 his or her certificate of competency, temporary permit, or training
22 certificate. The individual shall produce the certificate of
23 competency, temporary permit, or training certificate upon request of
24 an electrical inspector appointed by the director of labor and
25 industries or a local government official charged with the duty to
26 enforce building codes under chapter 19.27 RCW or conduct electrical
27 inspections under a local ordinance.

28 (2) Any person, firm, partnership, corporation, or other entity
29 found in violation of RCW 19.28.161 through 19.28.271 shall be assessed
30 a penalty of not less than fifty dollars or more than five hundred
31 dollars. The department shall set by rule a schedule of penalties for
32 violating RCW 19.28.161 through 19.28.271. An appeal may be made to
33 the board as is provided in RCW 19.28.131. The appeal shall be filed
34 within twenty days after the notice of the penalty is given to the
35 assessed party by certified mail, return receipt requested, sent to the
36 last known address of the assessed party and shall be made by filing a
37 written notice of appeal with the department. Any equipment maintained

1 or installed by any person who does not possess a certificate of
2 competency under RCW 19.28.161 through 19.28.271 shall not receive an
3 electrical work permit and electrical service shall not be connected or
4 maintained to operate the equipment. Each day that a person, firm,
5 partnership, corporation, or other entity violates RCW 19.28.161
6 through 19.28.271 is a separate violation.

7 ~~((+2))~~ (3) A civil penalty shall be collected in a civil action
8 brought by the attorney general in the county wherein the alleged
9 violation arose at the request of the department if any of RCW
10 19.28.161 through 19.28.271 or any rules adopted under RCW 19.28.161
11 through 19.28.271 are violated.

12 **Sec. 8.** RCW 19.28.161 and 2006 c 224 s 2 and 2006 c 185 s 6 are
13 each reenacted and amended to read as follows:

14 (1) No person may engage in the electrical construction trade
15 without having a valid master journeyman electrician certificate of
16 competency, journeyman electrician certificate of competency, master
17 specialty electrician certificate of competency, or specialty
18 electrician certificate of competency issued by the department in
19 accordance with this chapter. Electrician certificate of competency
20 specialties include, but are not limited to: Residential, pump and
21 irrigation, limited energy system, signs, nonresidential maintenance,
22 restricted nonresidential maintenance, and appliance repair. Until
23 July 1, 2007, the department of labor and industries shall issue a
24 written warning to any specialty pump and irrigation or domestic pump
25 electrician not having a valid electrician certification. The warning
26 will state that the individual must apply for an electrical training
27 certificate or be qualified for and apply for electrician certification
28 under the requirements in RCW 19.28.191(1)(g) within thirty calendar
29 days of the warning. Only one warning will be issued to any
30 individual. If the individual fails to comply with this section, the
31 department shall issue a penalty as defined in RCW 19.28.271 to the
32 individual.

33 (2) A person who is indentured in an apprenticeship program
34 approved under chapter 49.04 RCW for the electrical construction trade
35 or who is learning the electrical construction trade may work in the
36 electrical construction trade if supervised by a certified master
37 journeyman electrician, journeyman electrician, master specialty

1 electrician in that electrician's specialty, or specialty electrician
2 in that electrician's specialty. All apprentices and individuals
3 learning the electrical construction trade shall obtain an electrical
4 training certificate from the department. The certificate shall
5 authorize the holder to learn the electrical construction trade while
6 under the direct supervision of a master journeyman electrician,
7 journeyman electrician, master specialty electrician working in that
8 electrician's specialty, or specialty electrician working in that
9 electrician's specialty. The certificate shall include a photograph of
10 the holder. The holder of the electrical training certificate shall
11 renew the certificate biennially. At the time of renewal, the holder
12 shall provide the department with an accurate list of the holder's
13 employers in the electrical construction industry for the previous
14 biennial period and the number of hours worked for each employer, and
15 proof of sixteen hours of approved classroom electrical continuing
16 education courses covering this chapter, the national electrical code,
17 or electrical theory, or the equivalent electrical training courses
18 taken as part of an approved apprenticeship program under chapter 49.04
19 RCW or an approved electrical training program under RCW
20 19.28.191(1)(h). This education requirement is effective July 1, 2007.
21 A biennial fee shall be charged for the issuance or renewal of the
22 certificate. The department shall set the fee by rule. The fee shall
23 cover but not exceed the cost of administering and enforcing the
24 trainee certification and supervision requirements of this chapter.
25 Apprentices and individuals learning the electrical construction trade
26 shall have their electrical training certificates in their possession
27 at all times that they are performing electrical work. They shall show
28 their certificates to an authorized representative of the department at
29 the representative's request.

30 (3) Any person who has been issued an electrical training
31 certificate under this chapter may work if that person is under
32 supervision. Supervision shall consist of a person being on the same
33 job site and under the control of either a certified master journeyman
34 electrician, journeyman electrician, master specialty electrician
35 working in that electrician's specialty, or specialty electrician
36 working in that electrician's specialty. Either a certified master
37 journeyman electrician, journeyman electrician, master specialty
38 electrician working in that electrician's specialty, or specialty

1 electrician working in that electrician's specialty shall be on the
2 same job site as the noncertified individual for a minimum of seventy-
3 five percent of each working day unless otherwise provided in this
4 chapter.

5 (4) The ratio of noncertified individuals to certified master
6 journeymen electricians, journeymen electricians, master specialty
7 electricians, or specialty electricians on any one job site is as
8 follows:

9 (a) When working as a specialty electrician, not more than two
10 noncertified individuals for every certified master specialty
11 electrician working in that electrician's specialty, specialty
12 electrician working in that electrician's specialty, master journeyman
13 electrician, or journeyman electrician, except that the ratio
14 requirements are one certified master specialty electrician working in
15 that electrician's specialty, specialty electrician working in that
16 electrician's specialty, master journeyman electrician, or journeyman
17 electrician working as a specialty electrician to no more than four
18 students enrolled in and working as part of an electrical construction
19 program at public community or technical colleges, or not-for-profit
20 nationally accredited trade or technical schools licensed by the work
21 force training and education coordinating board under chapter 28C.10
22 RCW. In meeting the ratio requirements for students enrolled in an
23 electrical construction program at a trade school, a trade school may
24 receive input and advice from the electrical board; and

25 (b) When working as a journeyman electrician, not more than one
26 noncertified individual for every certified master journeyman
27 electrician or journeyman electrician, except that the ratio
28 requirements shall be one certified master journeyman electrician or
29 journeyman electrician to no more than four students enrolled in and
30 working as part of an electrical construction program at public
31 community or technical colleges, or not-for-profit nationally
32 accredited trade or technical schools licensed by the work force
33 training and education coordinating board under chapter 28C.10 RCW. In
34 meeting the ratio requirements for students enrolled in an electrical
35 construction program at a trade school, a trade school may receive
36 input and advice from the electrical board.

37 An individual who has a current training certificate and who has
38 successfully completed or is currently enrolled in an approved

1 apprenticeship program or in an electrical construction program at
2 public community or technical colleges, or not-for-profit nationally
3 accredited technical or trade schools licensed by the work force
4 training and education coordinating board under chapter 28C.10 RCW, may
5 work without direct on-site supervision during the last six months of
6 meeting the practical experience requirements of this chapter.

7 (5) For the residential (as specified in WAC 296-46B-920(2)(a)),
8 pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as
9 specified in WAC 296-46B-920(2)(d)), limited energy (as specified in
10 WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC
11 296-46B-920(2)(g)), restricted nonresidential maintenance as determined
12 by the department in rule, or other new nonresidential specialties, not
13 including appliance repair, as determined by the department in rule,
14 either a master journeyman electrician, journeyman electrician, master
15 specialty electrician working in that electrician's specialty, or
16 specialty electrician working in that electrician's specialty must be
17 on the same job site as the noncertified individual for a minimum of
18 seventy-five percent of each working day. Other specialties must meet
19 the requirements specified in RCW 19.28.191 (1)(g)(ii). When the ratio
20 of certified electricians to noncertified individuals on a job site is
21 one certified electrician to three or four noncertified individuals,
22 the certified electrician must:

23 (a) Directly supervise and instruct the noncertified individuals
24 and the certified electrician may not directly make or engage in an
25 electrical installation; and

26 (b) Be on the same job site as the noncertified individual for a
27 minimum of one hundred percent of each working day.

28 (6) The electrical contractor shall accurately verify and attest to
29 the electrical trainee hours worked by electrical trainees on behalf of
30 the electrical contractor.

31 **Sec. 9.** RCW 19.28.211 and 2006 c 185 s 12 are each amended to read
32 as follows:

33 (1) The department shall issue a certificate of competency to all
34 applicants who have passed the examination provided in RCW 19.28.201,
35 and who have complied with RCW 19.28.161 through 19.28.271 and the
36 rules adopted under this chapter. The certificate shall include a
37 photograph of the holder. The certificate shall bear the date of

1 issuance, and shall expire on the holder's birthday. The certificate
2 shall be renewed every three years, upon application, on or before the
3 holder's birthdate. A fee shall be assessed for each certificate and
4 for each annual renewal.

5 (2) If the certificate holder demonstrates to the department that
6 he or she has satisfactorily completed an annual eight-hour continuing
7 education course, the certificate may be renewed without examination by
8 appropriate application unless the certificate has been revoked,
9 suspended, or not renewed within ninety days after the expiration date.
10 For pump and irrigation or domestic pump specialty electricians, the
11 continuing education course may combine both electrical and plumbing
12 education provided that there is a minimum of four hours of electrical
13 training in the course.

14 (a) The contents and requirements for satisfactory completion of
15 the continuing education course shall be determined by the director and
16 approved by the board.

17 (b) The department shall accept proof of a certificate holder's
18 satisfactory completion of a continuing education course offered in
19 another state as meeting the requirements for maintaining a current
20 Washington state certificate of competency if the department is
21 satisfied the course is comparable in nature to that required in
22 Washington state for maintaining a current certificate of competency.

23 (3) If the certificate is not renewed before the expiration date,
24 the individual shall pay twice the usual fee. The department shall set
25 the fees by rule for issuance and renewal of a certificate of
26 competency. The fees shall cover but not exceed the costs of issuing
27 the certificates and of administering and enforcing the electrician
28 certification requirements of this chapter.

29 (4) The certificates of competency and temporary permits provided
30 for in this chapter grant the holder the right to work in the
31 electrical construction trade as a master electrician, journeyman
32 electrician, or specialty electrician in accordance with their
33 provisions throughout the state and within any of its political
34 subdivisions without additional proof of competency or any other
35 license, permit, or fee to engage in such work.

36 **Sec. 10.** RCW 19.28.231 and 2001 c 211 s 16 are each amended to
37 read as follows:

1 The department is authorized to grant and issue temporary permits
2 in lieu of certificates of competency whenever an electrician coming
3 into the state of Washington from another state requests the department
4 for a temporary permit to engage in the electrical construction trade
5 as an electrician during the period of time between filing of an
6 application for a certificate as provided in RCW 19.28.181 and the date
7 the results of taking the examination provided for in RCW 19.28.201 are
8 furnished to the applicant. The temporary permit shall include a
9 photograph of the holder. The department is authorized to enter into
10 reciprocal agreements with other states providing for the acceptance of
11 such states' journeyman and speciality electrician certificate of
12 competency or its equivalent when such states requirements are equal to
13 the standards set by this chapter. No temporary permit shall be issued
14 to:

15 (1) Any person who has failed to pass the examination for a
16 certificate of competency, except that any person who has failed the
17 examination for competency under this section shall be entitled to
18 continue to work under a temporary permit for ninety days if the person
19 is enrolled in a journeyman electrician refresher course and shows
20 evidence to the department that he or she has not missed any classes.
21 The person, after completing the journeyman electrician refresher
22 course, shall be eligible to retake the examination for competency at
23 the next scheduled time.

24 (2) Any applicant under this section who has not furnished the
25 department with such evidence required under RCW 19.28.181.

26 (3) To any apprentice electrician.

27 **Sec. 11.** RCW 19.28.251 and 2001 c 211 s 18 are each amended to
28 read as follows:

29 The director may (~~promulgate~~) adopt rules, make specific
30 decisions, orders, and rulings, including demands and findings, and
31 take other necessary action for the implementation and enforcement of
32 RCW 19.28.161 through 19.28.271. The director shall investigate
33 referrals of alleged or apparent violations of RCW 19.28.271 from local
34 government officials charged with the duty to enforce building codes
35 under chapter 19.27 RCW or conduct electrical inspections under a local
36 ordinance. In the administration of RCW 19.28.161 through 19.28.271

1 the department shall not enter any controversy arising over work
2 assignments with respect to the trades involved in the construction
3 industry.

4 **Sec. 12.** RCW 70.87.230 and 2003 c 143 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in RCW 70.87.270, a person may not perform
7 conveyance work within the state unless he or she is an elevator
8 mechanic who is regularly employed by and is working: ((+1+)) (a) For
9 an owner exempt from licensing requirements under RCW 70.87.270 and
10 performing maintenance; ((+2+)) (b) for a public agency performing
11 maintenance; or ((+3+)) (c) under the direct supervision of an elevator
12 contractor. A person, firm, public agency, or company is not required
13 to be an elevator contractor for removing or dismantling conveyances
14 that are destroyed as a result of a complete demolition of a secured
15 building or structure or where the building is demolished back to the
16 basic support structure whereby no access is permitted therein to
17 endanger the safety and welfare of a person.

18 (2) When performing conveyance work, an elevator mechanic must have
19 his or her license in his or her possession. The elevator mechanic is
20 encouraged to wear and visibly display his or her certificate. The
21 elevator mechanic must produce the license upon request of an elevator
22 inspector of the department or a local government official charged with
23 the duty to enforce building codes under chapter 19.27 RCW or conduct
24 elevator inspections under a local ordinance.

25 **Sec. 13.** RCW 70.87.250 and 2003 c 143 s 21 are each amended to
26 read as follows:

27 (1) Upon approval of an application, the department may issue a
28 license that is biennially renewable. Each license must include a
29 photograph of the licensee. The fee for the license and for any
30 renewal shall be set by the department in rule.

31 (2) The department may issue temporary elevator mechanic licenses.
32 These temporary elevator mechanic licenses will be issued to those
33 certified as qualified and competent by licensed elevator contractors.
34 The company shall furnish proof of competency as the department may
35 require. Each license must include a photograph of the licensee. Each
36 license must recite that it is valid for a period of thirty days from

1 the date of issuance and for such particular conveyance or geographical
2 areas as the department may designate, and otherwise entitles the
3 licensee to the rights and privileges of an elevator mechanic license
4 issued in this chapter. A temporary elevator mechanic license may be
5 renewed by the department and a fee as established in rule must be
6 charged for any temporary elevator mechanic license or renewal.

7 (3) The renewal of all licenses granted under this section is
8 conditioned upon the submission of a certificate of completion of a
9 course designed to ensure the continuing education of licensees on new
10 and existing rules of the department. The course must consist of not
11 less than eight hours of instruction that must be attended and
12 completed within one year immediately preceding any license renewal.

13 (4) The courses must be taught by instructors through continuing
14 education providers that may include, but are not limited to,
15 association seminars and labor training programs. The department must
16 approve the continuing education providers. All instructors must be
17 approved by the department and are exempt from the requirements of
18 subsection (3) of this section with regard to his or her application
19 for license renewal, provided that such applicant was qualified as an
20 instructor at any time during the one year immediately preceding the
21 scheduled date for such renewal.

22 (5) A licensee who is unable to complete the continuing education
23 course required under this section before the expiration of his or her
24 license due to a temporary disability may apply for a waiver from the
25 department. This will be on a form provided by the department and
26 signed under the pains and penalties of perjury and accompanied by a
27 certified statement from a competent physician attesting to the
28 temporary disability. Upon the termination of the temporary
29 disability, the licensee must submit to the department a certified
30 statement from the same physician, if practicable, attesting to the
31 termination of the temporary disability. At which time a waiver
32 sticker, valid for ninety days, must be issued to the licensee and
33 affixed to his or her license.

34 (6) Approved training providers must keep uniform records, for a
35 period of ten years, of attendance of licensees and these records must
36 be available for inspection by the department at its request. Approved
37 training providers are responsible for the security of all attendance
38 records and certificates of completion. However, falsifying or

1 knowingly allowing another to falsify attendance records or
2 certificates of completion constitutes grounds for suspension or
3 revocation of the approval required under this section.

4 **Sec. 14.** RCW 70.87.120 and 1998 c 137 s 4 are each amended to read
5 as follows:

6 (1) The department shall appoint and employ inspectors, as may be
7 necessary to carry out the provisions of this chapter, under the
8 provisions of the rules adopted by the Washington personnel resources
9 board in accordance with chapter 41.06 RCW.

10 (2)(a) Except as provided in (b) of this subsection, the department
11 shall cause all conveyances to be inspected and tested at least once
12 each year. Inspectors have the right during reasonable hours to enter
13 into and upon any building or premises in the discharge of their
14 official duties, for the purpose of making any inspection or testing
15 any conveyance contained thereon or therein. Inspections and tests
16 shall conform with the rules adopted by the department. The department
17 shall inspect all installations before it issues any initial permit for
18 operation. Permits shall not be issued until the fees required by this
19 chapter have been paid.

20 (b)(i) Private residence conveyances operated exclusively for
21 single-family use shall be inspected and tested only when required
22 under RCW 70.87.100 or as necessary for the purposes of subsection (4)
23 of this section and shall be exempt from RCW 70.87.090 unless an annual
24 inspection and operating permit are requested by the owner.

25 (ii) The department may perform additional inspections of a private
26 residence conveyance at the request of the owner of the conveyance.
27 Fees for these inspections shall be in accordance with the schedule of
28 fees adopted for operating permits pursuant to RCW 70.87.030. An
29 inspection requested under this subsection (2)(b)(ii) shall not be
30 performed until the required fees have been paid.

31 (3) If inspection shows a conveyance to be in an unsafe condition,
32 the department shall issue an inspection report in writing requiring
33 the repairs or alterations to be made to the conveyance that are
34 necessary to render it safe and may also suspend or revoke a permit
35 pursuant to RCW 70.87.125 or order the operation of a conveyance
36 discontinued pursuant to RCW 70.87.145.

1 (a) A penalty may be assessed under RCW 70.87.185 for failure to
2 correct a violation within ninety days after the owner is notified in
3 writing of inspection results.

4 (b) The owner may be assessed a penalty under RCW 70.87.185 for
5 failure to submit official notification in writing to the department
6 that all corrections have been completed.

7 (4) The department may investigate accidents and alleged or
8 apparent violations of this chapter, and shall investigate referrals of
9 alleged or apparent violations of RCW 70.87.230 from local government
10 officials charged with the duty to enforce building codes under chapter
11 19.27 RCW or conduct elevator inspections under a local ordinance.

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