

SENATE BILL REPORT

SHB 2555

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 25, 2010

Title: An act relating to authorizing the department of labor and industries to issue subpoenas, but only with respect to enforcement of chapter 19.28 RCW

Brief Description: Authorizing the department of labor and industries to issue subpoenas to enforce production of information related to electricians and electrical installations.

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Simpson, Ormsby and Moeller).

Brief History: Passed House: 2/10/10, 96-0.

Committee Activity: Labor, Commerce & Consumer Protection: 2/23/10, 2/25/10 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, King and Kline.

Minority Report: Do not pass.

Signed by Senator Honeyford.

Staff: Kathleen Buchli (786-7488)

Background: The Department of Labor and Industries (Department) is responsible for licensing electrical contractors and certifying electricians. An electrical contractor license is required for a business to do most electrical work. Certification is required for a worker participating in the electrical construction trade. Violations are subject to a penalty. The Department may inspect a job site to determine whether electrical contractors and electricians have complied with the requirements for licensing, certification, and installation. The inspector may choose to inspect a particular job site or may be requested by a third party to inspect a particular site. The Department may audit an electrical contractor's records in order to verify the hours of experience submitted by an electrical trainee to the Department under certain circumstances.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

There is no statutory authority for the Director of the Department (Director) to issue subpoenas related to its enforcement activities. However, subpoena authority is given to the Director or the Director's representative in the context of registered contractors to enforce the production and examination of a list of the registered contractors working on the property, contracts between the registered contractor and any suppliers or subcontractors, and any other information necessary to enforce contractor registration. The subpoena may only be issued if the contractor fails to provide the information when requested. The superior court may enforce such subpoenas.

Summary of Bill: The Director or the Director's representatives may issue subpoenas to enforce the production and examination of any information needed to enforce the law surrounding electrical installations and electricians if there is reason to believe a violation has taken place. The subpoena may only be issued if the person to which the electrician and electrical installation law applies fails to provide the requested information.

The subpoena and the request for information must describe the possible violation, cite to relevant law, and explain how the information being requested or subpoenaed is reasonably related to the possible violation. The superior court is authorized to enforce such a subpoena.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill provides a valuable tool to help enforce current law and provides for consumer and worker safety. We support this bill as it has been amended by the House of Representatives.

Persons Testifying: PRO: Nicole Grant, Certified Electrical Workers of Washington; Larry Stevens, National Electrical Contractors Association.

Signed in, Unable to Testify & Submitted Written Testimony: CON: Tim Linenbrink, citizen.