

SENATE BILL REPORT

SB 6492

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 2, 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: Senators Kauffman, Kohl-Welles, Kline, Keiser, Roach and Fraser.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/25/10, 2/02/10 [DPS, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 6492 be substituted therefor, and the substitute bill 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 (Recommended Substitute): The Director or the Director's representatives are authorized to 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 whom the electrician and electrical installation law applies, fails to provide the requested information. The superior court is authorized to enforce such a subpoena.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Substitute): Before the Electrical Board's (Board) quarterly meeting, the Secretary of the Board must provide a list of all subpoenas issues, why they were issued and the results of the issuance to the Board. Any member of the Board may request a full discussion of any subpoena at the Board's meeting.

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 on Original Bill: PRO: This bill provides for consumer and worker safety and helps to combat the underground economy. This will give the state a new tool in enforcement. The Plumbing Board has the power to issue subpoenas and this bill will bring the electrical department up to this standard. People who become licensed and certified are forced to compete on an uneven playing field with those who are not licensed and certified. The only way to enforce this now is to catch the unlicensed and uncertified people in the act; they must be caught red handed. The Electrical Board (Board) has a statutory responsibility to enforce existing regulations and this gives the Board the tools to enforce these regulations. This will level the playing field for legitimate contractors. It is used in other programs and there is no evidence that it has been abused.

OTHER: This is an administrative procedure. It is basically a letter asking for information. This is almost the same as the contractor registration program.

Persons Testifying: PRO: Senator Kauffman, prime sponsor; Nicole Grant, Certified Electrical Workers of Washington; Tracy Prezeau, Mike Grunwald, International Brotherhood of Electrical Workers.

OTHER: Ron Fuller, Department of Labor and Industries, Electrical Program.