

---

HOUSE BILL 2529

---

State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Appleton, Chase, and Hasegawa

Prefiled 01/04/10. Read first time 01/11/10. Referred to Committee on Environmental Health.

1            AN ACT Relating to contractor notification of potential property  
2            contamination; amending RCW 18.27.030; and adding a new section to  
3            chapter 64.44 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 64.44 RCW  
6            to read as follows:

7            (1) For purposes of this section "construction contractor" has the  
8            same meaning as "contractor" in RCW 18.27.010.

9            (2) A construction contractor working or contracting to work on a  
10           property shall notify the property owner and local law enforcement  
11           authorities if the construction contractor finds evidence of potential  
12           contamination or that the site has been used as an illegal drug  
13           manufacturing site.

14           (3) If a construction contractor fails to make the notifications  
15           required in subsection (2) of this section, the construction contractor  
16           may be liable for decontamination, demolition, and disposal expenses  
17           if: (a) The property is later found to be contaminated and that there  
18           was evidence of the contamination that the construction contractor  
19           should have noticed; (b) the property owner did not occupy the property

1 at the time the construction contractor was working on it and had no  
2 knowledge of the potential contamination; and (c) the property owner  
3 who owned the property when the contractor was working on it no longer  
4 owns the property.

5 **Sec. 2.** RCW 18.27.030 and 2008 c 120 s 1 are each amended to read  
6 as follows:

7 (1) An applicant for registration as a contractor shall submit an  
8 application under oath upon a form to be prescribed by the director and  
9 which shall include the following information pertaining to the  
10 applicant:

11 (a) Employer social security number.

12 (b) Unified business identifier number.

13 (c) Evidence of workers' compensation coverage for the applicant's  
14 employees working in Washington, as follows:

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

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

19 (iii) For applicants domiciled in a state or province of Canada  
20 subject to an agreement entered into under RCW 51.12.120(7), as  
21 permitted by the agreement, filing a certificate of coverage issued by  
22 the agency that administers the workers' compensation law in the  
23 applicant's state or province of domicile certifying that the applicant  
24 has secured the payment of compensation under the other state's or  
25 province's workers' compensation law.

26 (d) Employment security department number.

27 (e) Unified business identifier (UBI) account number may be  
28 substituted for the information required by (c) and (d) of this  
29 subsection if the applicant will not employ employees in Washington.

30 (f) Type of contracting activity, whether a general or a specialty  
31 contractor and if the latter, the type of specialty.

32 (g) The name and address of each partner if the applicant is a firm  
33 or partnership, or the name and address of the owner if the applicant  
34 is an individual proprietorship, or the name and address of the  
35 corporate officers and statutory agent, if any, if the applicant is a  
36 corporation or the name and address of all members of other business

1 entities. The information contained in such application is a matter of  
2 public record and open to public inspection.

3 (2) The department may verify the workers' compensation coverage  
4 information provided by the applicant under subsection (1)(c) of this  
5 section, including but not limited to information regarding the  
6 coverage of an individual employee of the applicant. If coverage is  
7 provided under the laws of another state, the department may notify the  
8 other state that the applicant is employing employees in Washington.

9 (3)(a) The department shall deny an application for registration  
10 if: (i) The applicant has been previously performing work subject to  
11 this chapter as a sole proprietor, partnership, corporation, or other  
12 entity and the department has notice that the applicant has an  
13 unsatisfied final judgment against him or her in an action based on  
14 work performed subject to this chapter or the applicant owes the  
15 department money for penalties assessed or fees due under this chapter  
16 as a result of a final judgment; (ii) the applicant was an owner,  
17 principal, or officer of a partnership, corporation, or other entity  
18 that either has an unsatisfied final judgment against it in an action  
19 that was incurred for work performed subject to this chapter or owes  
20 the department money for penalties assessed or fees due under this  
21 chapter as a result of a final judgment; (iii) the applicant does not  
22 have a valid unified business identifier number; (iv) the department  
23 determines that the applicant has falsified information on the  
24 application, unless the error was inadvertent; or (v) the applicant  
25 does not have an active and valid certificate of registration with the  
26 department of revenue.

27 (b) The department shall suspend an active registration if (i) the  
28 department has determined that the registrant has an unsatisfied final  
29 judgment against it for work within the scope of this chapter; (ii) the  
30 department has determined that the registrant is a sole proprietor or  
31 an owner, principal, or officer of a registered contractor that has an  
32 unsatisfied final judgment against it for work within the scope of this  
33 chapter; (iii) the registrant does not maintain a valid unified  
34 business identifier number; (iv) the department has determined that the  
35 registrant falsified information on the application, unless the error  
36 was inadvertent; ~~((or))~~ (v) the registrant does not have an active and  
37 valid certificate of registration with the department of revenue; or  
38 (vi) the registrant has violated section 1(3) of this act.

1           (c) The department may suspend an active registration if the  
2 department has determined that an owner, principal, partner, or officer  
3 of the registrant was an owner, principal, or officer of a previous  
4 partnership, corporation, or other entity that has an unsatisfied final  
5 judgment against it.

6           (4) The department shall not deny an application or suspend a  
7 registration because of an unsatisfied final judgment if the  
8 applicant's or registrant's unsatisfied final judgment was determined  
9 by the director to be the result of the fraud or negligence of another  
10 party.

--- END ---