

# SENATE BILL REPORT

## HB 1677

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As of March 11, 2011

**Title:** An act relating to changing the certified and registered mail requirements of the department of labor and industries and employment security department.

**Brief Description:** Changing the certified and registered mail requirements of the department of labor and industries and employment security department.

**Sponsors:** Representatives Reykdal, Sells, Hunt, Green, Ormsby, Kenney and Roberts.

**Brief History:** Passed House: 2/28/11, 97-0.

**Committee Activity:** Labor, Commerce & Consumer Protection: 3/10/11.

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Staff:** Edith Rice (786-7444)

**Background:** The programs administered by the Department of Labor and Industries (L&I) include contractor registration, electrician and plumber credentialing, boiler and unfired pressure vessel permitting, and wage complaint investigations. Under these and other programs, the L&I must send various notices using types of mailing specified in law. The Employment Security Department (ESD) also must send various notices relating to administration of unemployment insurance. The required mailing methods for notices for these agencies include certified mail, registered mail, and first-class mail.

Certified mail and registered mail are services offered by the United States Postal Service (Post Office). With certified mail, the sender receives a receipt stamped with the date of mailing. The recipient's signature is obtained at the time of delivery and a record maintained by the Post Office. A return receipt provides evidence of the recipient, the date of delivery, and the recipient's signature. Registered mail uses a system of receipts to monitor the movement of mail from acceptance to delivery.

The departments of Information Services and General Administration offer services to state agencies to track mail.

**Summary of Bill:** Department of Labor and Industries. Mailing requirements for the following types of notices sent by L&I are changed to a method by which the mailing can be tracked or the delivery confirmed:

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*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.*

*Asbestos:* registered mail, return receipt requested for denial, suspension, or revocation of certificate.

*Boilers/Unfired Pressure Vessels:* certified mail for violation.

*Contractor Registration:*

- certified and first-class mail for suspension of registration regarding a bond or insurance;
- certified mail for an infraction;
- mail, return receipt requested for a copy of a notice of infraction when the notice is personally served; and
- certified mail, return receipt requested for notice and order to withhold and deliver property belonging to an unregistered contractor after a notice of assessment.

*Electricians:*

- certified mail, return receipt requested for a penalty; and
- certified mail for revocation or suspension of certificate or license.

*Elevators, Lifting Devices, and Moving Walks:* certified mail for suspension, revocation, penalty, and request for arbitration.

*Manufactured/Mobile Homes:* certified mail for a penalty and revocation of certificate.

*Plumber:*

- registered mail, return receipt requested for revocation, suspension, or denial of renewal of a certificate; and
- certified mail for an infraction.

*Seasonal Labor:* registered mail for findings and award (copy).

*Wage Payment:* certified mail for citation and assessment or determination of compliance.

*Washington Industrial Safety and Health Act:* certified mail for a citation, penalty, and failure to correct.

Employment Security Department. Mailing requirements for the following types of notices sent by ESD are changed to a method by which the mailing can be tracked or the delivery confirmed:

*Overpayment:*

- certified mail return receipt request to the last known address for notice of determination of liability; and
- certified mail to last known address by certified mail for a copy of a warrant.

*Delinquent Employers:* certified mail to last known address for notice of assessment.

*Collection:*

- certified mail, return receipt requested for notice and order to withhold and deliver property; and
- certified mail for copy of warrant.

**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: It is not agency intention to change any notice requirements, but to allow the agency discretion to serve our business needs in the most efficient manner. The unemployment law is flawed, ESD should check references; but I support this bill.

**Persons Testifying:** PRO: Tamara Jones, L&I; Benjamin Duggan.