

SENATE BILL REPORT

SB 5066

As of March 14, 2011

Title: An act relating to streamlining contractor appeals.

Brief Description: Regarding the streamlining of contractor appeals.

Sponsors: Senators Conway, Kohl-Welles and Kline; by request of Department of Labor & Industries.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/20/11.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Edith Rice (786-7444)

Background: The Contractor Registration Act (Act) requires contractors to register with the Department of Labor and Industries (Department). Contractors must comply with requirements relating to advertising, bonds and insurance, and other matters.

The Department may issue a notice of infraction to an unregistered contractor for failure to register and to registered contractors for specified violations. Monetary penalties are set forth. A contractor has 20 days to contest a notice of infraction by filing a notice of appeal with the Department. Appeals are heard by an administrative law judge (ALJ) with the Office of Administrative Hearings. Penalties must generally be paid within 30 days of a final determination by the ALJ.

If an unregistered contractor defaults in a payment of a penalty, the Director of the Department may issue a notice of assessment. An unregistered contractor has 30 days to contest the penalty by requesting reconsideration or filing an appeal in court. Procedures are set forth for filing a warrant in superior court and for enforcing the warrant in the same manner as a judgment.

Summary of Bill: The 30-day time period for an unregistered contractor to appeal a notice of assessment is replaced by a notice of infraction for both unregistered contractor and registered contractor violations. If a contractor, individual, or business does not appeal a notice of infraction within the 20-day appeal time period, the notice becomes final.

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.

The procedures for filing and enforcing a warrant in court are made applicable to all penalties, not limited to penalties for unregistered contractors.

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 agency request bill will streamline the process for contractors as well as the agency and may save some staff time.

Persons Testifying: PRO: Tamara Jones, Department of Labor and Industries.