

SENATE BILL REPORT

SB 6476

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 2, 2012

Title: An act relating to plumbing contractors.

Brief Description: Regulating plumbing contractors.

Sponsors: Senators Kohl-Welles, Conway, Nelson, Keiser and Chase.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/26/12, 2/02/12 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 6476 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

Signed by Senator King, Assistant Ranking Minority Member.

Minority Report: That it be referred without recommendation.

Signed by Senators Holmquist Newbry, Ranking Minority Member; Hewitt.

Staff: Edith Rice (786-7444)

Background: Plumbers install, alter, repair and renovate potable water systems, liquid waste systems, and medical gas piping systems within a building. Specialty plumbers are those plumbers who hold a specialty certificate of competency limited to installation, maintenance, and repair of the plumbing in a single family dwelling, duplexes and apartment buildings which are three stories or less, maintenance and repair of backflow prevention assemblies or a variety of services required by a domestic water pumping system. Plumbers must be certified by the Department of Labor and Industries (L&I).

Contractors are individuals or corporations who perform plumbing services, offer or advertise plumbing services, or employ others to perform plumbing services. They must be registered and licensed.

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.

Summary of Bill (Recommended Substitute): Any person who engages in business as a plumbing contractor must have a valid registration as a contractor in compliance with state law. By June 30, 2013 anyone who wishes to do business as a plumbing contractor must have a valid registration from L&I as a plumbing contractor. A plumbing contractor registration requires that the applicant employ full time an individual possessing a valid plumber certification of competency. The individual performing the plumbing work must possess a journeyman certificate, specialty certificate, temporary permit, or trainee certificate. Each violation of a requirement under the plumbing statutes is a separate infraction and can be issued to the plumbing contractor and the plumbing contractor's employee who is in violation of this law.

L&I can revoke or suspend a certificate of competency or plumbing contractor registration if it was obtained through error or fraud. An individual performing plumbing work on his or her own property is not required to have a license. L&I is authorized to adopt rules relating to a penalty schedule for infractions. The minimum penalty is \$500 for the first infraction and not more than \$5,000 for a second or subsequent infraction. Plumbing contractors who receive three infractions within a 36-month period may have his or her certificate, license, endorsement or registration suspended for up to two years. Other infractions are described.

Those who advertise plumbing services and have three or more violations of this law in a 36-month period may be subject to criminal prosecution for false advertising.

Plumbing contractors may not file a lawsuit or lien for plumbing work performed by unlicensed plumbers. Invoices must be provided to residential consumers and must include specific information about the plumbing contractor's business and the plumber. Plumbing contractor is defined in the laws relating to contractor registration.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Substitute):

- Provisions conflicting with current hearings requirements are removed.
- The number of violations committed within a 36-month period for which an individual may be subject to criminal prosecution for false advertising is specified.
- Provisions which are redundant or unenforceable are removed.
- Language is clarified to be consistent with existing law.
- Plumbing contractor is defined in the laws relating to contractor registration.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

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 is good for legally compliant businesses; bad for cyber businesses which are not licensed.

CON: Small contractors can't employ a full-time plumber, remodelers have the same problem, burdensome cost on small contractors, the bill doesn't solve the problems and hurts businesses.

OTHER: Need technical changes, not feasible at this point.

Persons Testifying: PRO: Charles Mitchel, Plumbing, Heating, Cooling Contractors of WA.; Larry Stevens, Mechanical Contractors Assn. of WA; Evan Conklin, Seattle Plumbing Company.

CON: Tom Kwieciak, Building Industry Assn. of WA; Jim King, WA. HVACR Assn.; James Curry, Associated Builders & Contractors.

OTHER: Tamara Jones, L&I; Gary Smith, Ind. Business Assn.