

# SENATE BILL REPORT

## SB 5682

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As Reported by Senate Committee On:  
Commerce & Labor, February 22, 2013

**Title:** An act relating to replacement of like-in-kind household appliances.

**Brief Description:** Concerning the replacement of like-in-kind household appliances.

**Sponsors:** Senators Braun and Ericksen.

**Brief History:**

**Committee Activity:** Commerce & Labor: 2/22/13 [DP, DNP].

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

**Minority Report:** Do not pass.

Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

**Staff:** Mac Nicholson (786-7445)

**Background:** Any person or firm who undertakes, or offers to undertake construction related activities must register as a contractor with the Department of Labor and Industries (L&I). Failure to register as a contractor will subject the person to criminal liability.

Any person or firm in the business of installing or repairing plumbing must register as a contractor, and the work must be performed by a certified plumber. Similarly, any person or firm in the business of installing or maintaining wires or electrical equipment must obtain an electrical contractor license, and the electrical work must be performed by a licensed electrician. There are several specialty electrician licenses available, with limited scopes of work.

State law provides a number of exemptions to the contractor registration and electrical and plumbing licensing requirements. Specifically, licensed journeyman electricians, residential specialty electricians, and electrical trainees working for licensed electrical contractors do not need a plumbing certificate to perform plumbing work incidental to the like-in-kind replacement of a household appliance or other small household equipment that requires

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limited electric power and limited plumbing connections. The electrical contractor employing the electrician to do such work does not need to separately register as a contractor.

Conversely, a registered specialty or general plumbing contractor can employ a certified plumber to perform electrical work that is incidental to the like-in-kind replacement of a household appliance.

**Summary of Bill:** Licensed HVAC/refrigeration specialty electricians do not need a plumbing certificate to perform plumbing work incidental to the like-in-kind replacement of household appliances. The electrical contractor employing the HVAC/refrigeration specialty electrician to do such work does not need to separately register as a contractor.

A licensed electrical contractor can employ a licensed HVAC/refrigeration specialty electrician to perform electrical work that is incidental to the like-in-kind replacement of a household appliance.

An HVAC/refrigeration specialty electrician is a person who has been issued an HVAC/refrigeration specialty electrician certificate of competency by L&I.

**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: Heating and air conditioning companies have been replacing water heaters for years, and the installers have been doing the limited plumbing work on the water heater replacements. Recently a compliance inspector from L&I issued citations because the installer disconnected the water line and while the installer had an electrical license, he was not a certified plumber. Heating and air conditioning companies have been getting permits and inspections to do the work for years, but only electrical and plumbing journeymen are able to do the replacement. There is no reason why those trades need to be doing the work. HVAC installers have the training and ability to do the work. This bill will decrease the amount of underground work and will lower costs for homeowners and lead to safer installations.

CON: Operating outside the statute is not an excuse for doing the installations. The plumbers' advisory board has discussed changes but has not settled on any changes yet. Stakeholders should be active in this process. The plumbing industry is responsible for protecting the health of citizens through the proper installation of plumbing systems. Water heaters are fixtures, not appliances. Plumbers need minimum of 6000 hours to be certified, and this bill would allow HVAC technicians to do the installations without any training. This is not a jobs bill. It is a reduction of standards when it comes to installing household appliances. There is no reason to lower the standard when safety issues are at stake.

**Persons Testifying:** PRO: Mike Frickberg, Merit Mechanical; Bill Pinkey, Barron Heating & Air Conditioning; Dennis Davis, College Place Heating & Air Conditioning; Adam Gloss, Bel-Red Energy Solutions; Jim King, WA State HVAC Assn.; Gary Smith, Independent Business Assn.

CON: Randy Scott, WA State Assn. of Plumbers and Pipefitters; Nicole Grant, Certified Electrical Workers of WA; Charly Mitchel, Plumbing, Heating, Cooling Contractors of WA, Mitchel Plumbing Company.