
SENATE BILL 5682

State of Washington

63rd Legislature

2013 Regular Session

By Senators Braun and Ericksen

Read first time 02/08/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to replacement of like-in-kind household
2 appliances; amending RCW 18.27.090, 18.106.150, and 19.28.006; and
3 reenacting and amending RCW 19.28.091.

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

5 **Sec. 1.** RCW 18.27.090 and 2007 c 436 s 6 are each amended to read
6 as follows:

7 The registration provisions of this chapter do not apply to:

8 (1) An authorized representative of the United States government,
9 the state of Washington, or any incorporated city, town, county,
10 township, irrigation district, reclamation district, or other municipal
11 or political corporation or subdivision of this state;

12 (2) Officers of a court when they are acting within the scope of
13 their office;

14 (3) Public utilities operating under the regulations of the
15 utilities and transportation commission in construction, maintenance,
16 or development work incidental to their own business;

17 (4) Any construction, repair, or operation incidental to the
18 discovering or producing of petroleum or gas, or the drilling, testing,

1 abandoning, or other operation of any petroleum or gas well or any
2 surface or underground mine or mineral deposit when performed by an
3 owner or lessee;

4 (5) The sale of any finished products, materials, or articles of
5 merchandise that are not fabricated into and do not become a part of a
6 structure under the common law of fixtures;

7 (6) Any construction, alteration, improvement, or repair of
8 personal property performed by the registered or legal owner, or by a
9 mobile/manufactured home retail dealer or manufacturer licensed under
10 chapter 46.70 RCW who shall warranty service and repairs under chapter
11 46.70 RCW;

12 (7) Any construction, alteration, improvement, or repair carried on
13 within the limits and boundaries of any site or reservation under the
14 legal jurisdiction of the federal government;

15 (8) Any person who only furnished materials, supplies, or equipment
16 without fabricating them into, or consuming them in the performance of,
17 the work of the contractor;

18 (9) Any work or operation on one undertaking or project by one or
19 more contracts, the aggregate contract price of which for labor and
20 materials and all other items is less than five hundred dollars, such
21 work or operations being considered as of a casual, minor, or
22 inconsequential nature. The exemption prescribed in this subsection
23 does not apply in any instance wherein the work or construction is only
24 a part of a larger or major operation, whether undertaken by the same
25 or a different contractor, or in which a division of the operation is
26 made into contracts of amounts less than five hundred dollars for the
27 purpose of evasion of this chapter or otherwise. The exemption
28 prescribed in this subsection does not apply to a person who advertises
29 or puts out any sign or card or other device which might indicate to
30 the public that he or she is a contractor, or that he or she is
31 qualified to engage in the business of contractor;

32 (10) Any construction or operation incidental to the construction
33 and repair of irrigation and drainage ditches of regularly constituted
34 irrigation districts or reclamation districts; or to farming, dairying,
35 agriculture, viticulture, horticulture, or stock or poultry raising; or
36 to clearing or other work upon land in rural districts for fire
37 prevention purposes; except when any of the above work is performed by
38 a registered contractor;

1 (11) An owner who contracts for a project with a registered
2 contractor, except that this exemption shall not deprive the owner of
3 the protections of this chapter against registered and unregistered
4 contractors. The exemption prescribed in this subsection does not
5 apply to a person who performs the activities of a contractor for the
6 purpose of leasing or selling improved property he or she has owned for
7 less than twelve months;

8 (12) Any person working on his or her own property, whether
9 occupied by him or her or not, and any person working on his or her
10 personal residence, whether owned by him or her or not but this
11 exemption shall not apply to any person who performs the activities of
12 a contractor on his or her own property for the purpose of selling,
13 demolishing, or leasing the property;

14 (13) An owner who performs maintenance, repair, and alteration work
15 in or upon his or her own properties, or who uses his or her own
16 employees to do such work;

17 (14) A licensed architect or civil or professional engineer acting
18 solely in his or her professional capacity, an electrician certified
19 under the laws of the state of Washington, or a plumber certified under
20 the laws of the state of Washington or licensed by a political
21 subdivision of the state of Washington while operating within the
22 boundaries of such political subdivision. The exemption provided in
23 this subsection is applicable only when the person certified is
24 operating within the scope of his or her certification;

25 (15) Any person who engages in the activities herein regulated as
26 an employee of a registered contractor with wages as his or her sole
27 compensation or as an employee with wages as his or her sole
28 compensation;

29 (16) Contractors on highway projects who have been prequalified as
30 required by RCW 47.28.070, with the department of transportation to
31 perform highway construction, reconstruction, or maintenance work;

32 (17) A mobile/manufactured home dealer or manufacturer who
33 subcontracts the installation, set-up, or repair work to actively
34 registered contractors. This exemption only applies to the
35 installation, set-up, or repair of the mobile/manufactured homes that
36 were manufactured or sold by the mobile/manufactured home dealer or
37 manufacturer;

1 (18) An entity who holds a valid electrical contractor's license
2 under chapter 19.28 RCW that employs a certified journeyman
3 electrician, a certified residential specialty electrician, a certified
4 HVAC/refrigeration specialty electrician, or an electrical trainee
5 meeting the requirements of chapter 19.28 RCW to perform plumbing work
6 that is incidentally, directly, and immediately appropriate to the
7 like-in-kind replacement of a household appliance or other small
8 household utilization equipment that requires limited electric power
9 and limited waste and/or water connections. An electrical trainee must
10 be supervised by a certified electrician while performing plumbing
11 work.

12 **Sec. 2.** RCW 18.106.150 and 2003 c 399 s 402 are each amended to
13 read as follows:

14 (1) Nothing in this chapter shall be construed to require that a
15 person obtain a license or a certified plumber in order to do plumbing
16 work at his or her residence or farm or place of business or on other
17 property owned by him or her.

18 (2) A current certificate of competency or apprentice permit is not
19 required for:

20 (a) Persons performing plumbing work on a farm; or

21 (b) Certified journeyman electricians, certified residential
22 specialty electricians, certified HVAC/refrigeration specialty
23 electricians, or electrical trainees working for an electrical
24 contractor and performing exempt work under RCW 18.27.090(18).

25 (3) Nothing in this chapter shall be intended to derogate from or
26 dispense with the requirements of any valid plumbing code enacted by a
27 political subdivision of the state, except that no code shall require
28 the holder of a certificate of competency to demonstrate any additional
29 proof of competency or obtain any other license or pay any fee in order
30 to engage in the trade of plumbing.

31 (4) This chapter shall not apply to common carriers subject to Part
32 I of the Interstate Commerce Act, nor to their officers and employees.

33 (5) Nothing in this chapter shall be construed to apply to any
34 farm, business, industrial plant, or corporation doing plumbing work on
35 premises it owns or operates.

36 (6) Nothing in this chapter shall be construed to restrict the
37 right of any householder to assist or receive assistance from a friend,

1 neighbor, relative or other person when none of the individuals doing
2 such plumbing hold themselves out as engaged in the trade or business
3 of plumbing.

4 **Sec. 3.** RCW 19.28.006 and 2003 c 399 s 101 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this subchapter.

7 (1) "Administrator" means a person designated by an electrical
8 contractor to supervise electrical work and electricians in accordance
9 with the rules adopted under this chapter.

10 (2) "Basic electrical work" means the work classified in (a) and
11 (b) of this subsection as class A and class B basic electrical work:

12 (a) "Class A basic electrical work" means the like-in-kind
13 replacement of a: Contactor, relay, timer, starter, circuit board, or
14 similar control component; household appliance; circuit breaker; fuse;
15 residential luminaire; lamp; snap switch; dimmer; receptacle outlet;
16 thermostat; heating element; luminaire ballast with an exact same
17 ballast; ten horsepower or smaller motor; or wiring, appliances,
18 devices, or equipment as specified by rule.

19 (b) "Class B basic electrical work" means work other than class A
20 basic electrical work that requires minimal electrical circuit
21 modifications and has limited exposure hazards. Class B basic
22 electrical work includes the following:

23 (i) Extension of not more than one branch electrical circuit
24 limited to one hundred twenty volts and twenty amps each where:

25 (A) No cover inspection is necessary; and

26 (B) The extension does not supply more than two outlets;

27 (ii) Like-in-kind replacement of a single luminaire not exceeding
28 two hundred seventy-seven volts and twenty amps;

29 (iii) Like-in-kind replacement of a motor larger than ten
30 horsepower;

31 (iv) The following low voltage systems:

32 (A) Repair and replacement of devices not exceeding one hundred
33 volt-amperes in Class 2, Class 3, or power limited low voltage systems
34 in one and two-family dwellings;

35 (B) Repair and replacement of the following devices not exceeding
36 one hundred volt-amperes in Class 2, Class 3, or power limited low

1 voltage systems in other buildings, provided the equipment is not for
2 fire alarm or nurse call systems and is not located in an area
3 classified as hazardous by the national electrical code; or

4 (v) Wiring, appliances, devices, or equipment as specified by rule.

5 (3) "Board" means the electrical board under RCW 19.28.311.

6 (4) "Chapter" or "subchapter" means the subchapter, if no chapter
7 number is referenced.

8 (5) "Department" means the department of labor and industries.

9 (6) "Director" means the director of the department or the
10 director's designee.

11 (7) "Electrical construction trade" includes but is not limited to
12 installing or maintaining electrical wires and equipment that are used
13 for light, heat, or power and installing and maintaining remote
14 control, signaling, power limited, or communication circuits or
15 systems.

16 (8) "Electrical contractor" means a person, firm, partnership,
17 corporation, or other entity that offers to undertake, undertakes,
18 submits a bid for, or does the work of installing or maintaining wires
19 or equipment that convey electrical current.

20 (9) "Equipment" means any equipment or apparatus that directly
21 uses, conducts, insulates, or is operated by electricity but does not
22 mean: Plug-in appliances; or plug-in equipment as determined by the
23 department by rule.

24 (10) "Industrial control panel" means a factory-wired or user-wired
25 assembly of industrial control equipment such as motor controllers,
26 switches, relays, power supplies, computers, cathode ray tubes,
27 transducers, and auxiliary devices. The panel may include disconnect
28 means and motor branch circuit protective devices.

29 (11) "Journeyman electrician" means a person who has been issued a
30 journeyman electrician certificate of competency by the department.

31 (12) "Like-in-kind" means having similar characteristics such as
32 voltage requirements, current draw, and function, and being in the same
33 location.

34 (13) "Master electrician" means either a master journeyman
35 electrician or master specialty electrician.

36 (14) "Master journeyman electrician" means a person who has been
37 issued a master journeyman electrician certificate of competency by the

1 department and who may be designated by an electrical contractor to
2 supervise electrical work and electricians in accordance with rules
3 adopted under this chapter.

4 (15) "Master specialty electrician" means a person who has been
5 issued a specialty electrician certificate of competency by the
6 department and who may be designated by an electrical contractor to
7 supervise electrical work and electricians in accordance with rules
8 adopted under this chapter.

9 (16) "Specialty electrician" means a person who has been issued a
10 specialty electrician certificate of competency by the department.

11 (17) "HVAC/refrigeration specialty electrician" means a person who
12 has been issued an HVAC/refrigeration specialty electrician certificate
13 of competency by the department.

14 **Sec. 4.** RCW 19.28.091 and 2003 c 399 s 301 and 2003 c 242 s 1 are
15 each reenacted and amended to read as follows:

16 (1) No license under the provision of this chapter shall be
17 required from any utility or any person, firm, partnership,
18 corporation, or other entity employed by a utility because of work in
19 connection with the installation, repair, or maintenance of lines,
20 wires, apparatus, or equipment owned by or under the control of a
21 utility and used for transmission or distribution of electricity from
22 the source of supply to the point of contact at the premises and/or
23 property to be supplied and service connections and meters and other
24 apparatus or appliances used in the measurement of the consumption of
25 electricity by the customer.

26 (2) No license under the provisions of this chapter shall be
27 required from any utility because of work in connection with the
28 installation, repair, or maintenance of the following:

29 (a) Lines, wires, apparatus, or equipment used in the lighting of
30 streets, alleys, ways, or public areas or squares;

31 (b) Lines, wires, apparatus, or equipment owned by a commercial,
32 industrial, or public institution customer that are an integral part of
33 a transmission or distribution system, either overhead or underground,
34 providing service to such customer and located outside the building or
35 structure: PROVIDED, That a utility does not initiate the sale of
36 services to perform such work;

1 (c) Lines and wires, together with ancillary apparatus, and
2 equipment, owned by a customer that is an independent power producer
3 who has entered into an agreement for the sale of electricity to a
4 utility and that are used in transmitting electricity from an
5 electrical generating unit located on premises used by such customer to
6 the point of interconnection with the utility's system.

7 (3) Any person, firm, partnership, corporation, or other entity
8 licensed under RCW 19.28.041 may enter into a contract with a utility
9 for the performance of work under subsection (2) of this section.

10 (4) No license under the provisions of this chapter shall be
11 required from any person, firm, partnership, corporation, or other
12 entity because of the work of installing and repairing ignition or
13 lighting systems for motor vehicles.

14 (5) No license under the provisions of this chapter shall be
15 required from any person, firm, partnership, corporation, or other
16 entity because of work in connection with the installation, repair, or
17 maintenance of wires and equipment, and installations thereof, exempted
18 in RCW 19.28.010.

19 (6) The department may by rule exempt from licensing requirements
20 under this chapter work performed on premanufactured electric power
21 generation equipment assemblies and control gear involving the testing,
22 repair, modification, maintenance, or installation of components
23 internal to the power generation equipment, the control gear, or the
24 transfer switch.

25 (7) This chapter does not require an electrical contractor license
26 if: (a) An appropriately certified electrician or a properly
27 supervised certified electrical trainee is performing the installation,
28 repair, or maintenance of wires and equipment for a nonprofit
29 corporation that holds a current tax exempt status as provided under 26
30 U.S.C. Sec. 501(c)(3) or a nonprofit religious organization; (b) the
31 certified electrician or certified electrical trainee is not
32 compensated for the electrical work; and (c) the value of the
33 electrical work does not exceed thirty thousand dollars.

34 (8) An entity that currently holds a valid specialty or general
35 plumbing contractor's registration under chapter 18.27 RCW may employ
36 a certified plumber, a certified residential plumber, or a plumber
37 trainee meeting the requirements of chapter 18.106 RCW, or an entity
38 that currently holds a valid electrical contractor's license under this

1 chapter may employ a certified HVAC/refrigeration specialty
2 electrician, to perform electrical work that is incidentally, directly,
3 and immediately appropriate to the like-in-kind replacement of a
4 household appliance or other small household utilization equipment that
5 requires limited electric power and limited waste and/or water
6 connections. A plumber trainee must be supervised by a certified
7 plumber or a certified residential plumber while performing electrical
8 work. The electrical work is subject to the permitting and inspection
9 requirements of this chapter.

--- END ---