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**Labor Committee**

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**HB 1315**

**Brief Description:** Providing for certain variances in the plumbing and electrical trades.

**Sponsors:** Representatives Manweller, Condotta and Schmick.

**Brief Summary of Bill**

- Requires the Department of Labor and Industries (Department) to grant a variance to a specialty electrician or specialty plumber allowing specified work if the electrician or plumber establishes that the Department changed its interpretation or enforcement or new technology makes a scope obsolete.

**Hearing Date:** 2/12/15

**Staff:** Joan Elgee (786-7106).

**Background:**

The regulatory scheme for electricians consists of licensure for electrical contractors and certification for electricians. Electricians may be certified as journey level, or as multiple types of specialty electricians. Each contractor must designate a person as the master electrician or administrator to ensure compliance with the law. Certification is not required, however, for the telecommunications specialty. Most specialty scopes of work are established by rule. Electrical installations must meet certain standards and variances are permitted from the installation requirements on a case by case basis.

For the plumbing trade, plumbing contractors must register as a contractor under laws applicable to construction generally and plumbers must be certified as either a journey level or specialty plumber. Plumber specialty scopes of work are specified in law.

The plumbing and electrical trade laws are administered and enforced by the Department of Labor and Industries (Department). The Department may assess penalties for violations.

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## **Summary of Bill:**

A variance process is established under which specialty electricians and plumbers may apply for and be issued a variance under certain criteria that allows the electrician or plumber to perform work as specified in the variance.

A variance must be granted if the applicant establishes that:

- The Department changed its interpretation of the laws or rules so that work is no longer within the scope of the specialty certificate.
- The Department changed its enforcement of the laws or rules with respect to the scope of work permitted under a specialty certificate.
- New technology renders a scope obsolete, electricians certified in that specialty can safely perform the work using the new technology, and the work using the new technology is substantially similar to the existing scope of work.

Definitions are provided. "Changed its interpretation" includes an amendment to a rule, a new or revised interpretive or administrative policy, or a final written interpretation of the Department that is inconsistent with a prior interpretation of the Department or any Department representative.

"Changed its enforcement" includes an increase in the number of inspectors, change in enforcement emphasis, or any other increased enforcement by the Department or Department representative.

To be eligible for a variance, the applicant must have performed the work at issue under a specialty certificate for at least 6,000 hours. Time spent in an apprenticeship program counts for up to 4,000 of the hours. A telecommunications system installer must have performed the work for at least 6,000 hours. In addition, the applicant may not have more than two final serious violations of the electrical laws. For a variance based on a change of enforcement, the applicant must also have no final violations for working outside the specialty scope.

When a certificate holder applies for a variance, any pending penalties with respect to work that is the subject of the variance application and the time period for appeal of the penalty are stayed. If the variance is granted, any pending penalties must be dismissed. The penalty provisions also apply to the electrical contractor and the administrator or master electrician.

If the Department denies an application for a variance, the applicant may appeal and the appeal is heard by an administrative law judge. An applicant may not reapply for a variance for the same work until the applicant has completed 6,000 hours of the work since the prior application.

The fee for a variance application is \$100.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.