
HOUSE BILL 1315

State of Washington 64th Legislature 2015 Regular Session

By Representatives Manweller, Condotta, and Schmick

Read first time 01/19/15. Referred to Committee on Labor.

1 AN ACT Relating to variances in the plumbing and electrical
2 trades; amending RCW 19.28.095, 19.28.191, 19.28.271, 18.106.010, and
3 18.106.200; adding a new section to chapter 19.28 RCW; and adding a
4 new section to chapter 18.106 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.28
7 RCW to read as follows:

8 (1) The department must grant a variance, upon application, to a
9 specialty or master specialty electrician who establishes that:

10 (a) The department changed its interpretation of this chapter or
11 a rule adopted under this chapter with the result that work performed
12 by the applicant is no longer within the scope of the specialty
13 certificate;

14 (b)(i) The applicant performed the work at issue under a
15 specialty certificate for at least six thousand hours. Time spent in
16 an apprenticeship program approved under chapter 49.04 RCW for the
17 applicant's specialty may be substituted for up to four thousand of
18 the six thousand hours; or

19 (ii) If the work at issue is the work of a telecommunications
20 system installer, the applicant performed the work at issue for at
21 least six thousand hours; and

1 (c) The applicant has no more than two final judgments for
2 serious violations of this chapter or the rules adopted under this
3 chapter.

4 (2) The department must grant a variance, upon application, to a
5 specialty or master specialty electrician who establishes that:

6 (a) The department changed its enforcement of this chapter or a
7 rule adopted under this chapter with respect to the scope of work
8 permitted under a certificate;

9 (b)(i) The applicant performed the work at issue under a
10 specialty certificate for at least six thousand hours. Time spent in
11 an apprenticeship program approved under chapter 49.04 RCW for the
12 applicant's specialty may be substituted for up to four thousand of
13 the six thousand hours; or

14 (ii) If the work at issue is the work of a telecommunications
15 system installer, the applicant performed the work at issue for at
16 least six thousand hours; and

17 (c) The applicant has no more than two final judgments for
18 serious violations of this chapter or the rules adopted under this
19 chapter and no final judgments for working outside the scope of the
20 applicant's specialty.

21 (3) The department must grant a variance, upon application, to a
22 specialty or master specialty electrician who establishes that:

23 (a)(i) New technology renders a specialty scope of work obsolete;
24 (ii) electricians certified in that specialty can safely perform the
25 work using the new technology; and (iii) the work to be performed
26 using the new technology is substantially similar to the existing
27 scope of work;

28 (b)(i) The applicant performed the work in question as permitted
29 under the appropriate specialty certificate for at least six thousand
30 hours. Time spent in an apprenticeship program approved under chapter
31 49.04 RCW for the applicant's specialty may be substituted for up to
32 four thousand of the six thousand hours; or

33 (ii) If the work at issue is the work of a telecommunications
34 system installer, the applicant performed the work at issue as
35 permitted under law for at least six thousand hours; and

36 (c) The applicant has no more than two final judgments for
37 serious violations of this chapter or the rules adopted under this
38 chapter.

39 (4) A variance application under this section stays any penalty
40 assessed that is not final against the following with respect to work

1 that is the subject of the variance application: (a) The specialty or
2 master specialty electrician who applied for the variance; (b) the
3 general or specialty electrical contractor who engaged the
4 electrician; and (c) the general or specialty electrical contractor
5 administrator or master electrician acting as administrator with
6 respect to the work. The application also stays the time period for
7 an appeal of the penalty assessed. The stay is in effect until the
8 final decision on the variance. If the variance is granted, any
9 pending penalty assessments must be dismissed.

10 (5) A variance granted under this section modifies the holder's
11 certificate of competency and authorizes the holder to perform the
12 work as specified in the variance. The department must grant the
13 variance with respect to all of the work for which the applicant
14 requested a variance and for which the criteria for a variance are
15 met.

16 (6) If the department denies an application for a variance, the
17 applicant may appeal to the board. The board must assign the appeal
18 to an administrative law judge. The appeal must be filed within
19 twenty days after notice of the denial. An applicant may not reapply
20 for a variance for the same work until the applicant has completed
21 six thousand hours of the required work since the prior variance
22 application.

23 (7) An applicant must accompany an application under this section
24 with a fee of one hundred dollars. The department must deposit the
25 fee in the electrical license fund.

26 (8) For purposes of this section:

27 (a) "Changed its interpretation" includes a rule amendment; a new
28 or revised interpretive or administrative policy; or a final written
29 order, ruling, approval, opinion, advice, determination, or
30 interpretation of the department that is inconsistent with a prior
31 written order, ruling, approval, opinion, advice, determination, or
32 interpretation of the department or any representative of the
33 department.

34 (b) "Changed its enforcement" includes an increase in the number
35 of inspectors, change in enforcement emphasis, or any other increased
36 enforcement by the department or any representative of the
37 department.

38 **Sec. 2.** RCW 19.28.095 and 2003 c 399 s 602 are each amended to
39 read as follows:

1 (1) The scope of work for the equipment repair specialty involves
2 servicing, maintaining, repairing, or replacing utilization equipment
3 and any work for which a variance has been granted under section 1(3)
4 of this act.

5 (2) "Utilization equipment" means equipment that is: (a) Self-
6 contained on a single skid or frame; (b) factory built to
7 standardized sizes or types; (c) listed or field evaluated by a
8 laboratory or approved by the department under WAC 296-46B-030; and
9 (d) connected as a single unit to a single source of electrical power
10 limited to a maximum of six hundred volts. The equipment may also be
11 connected to a separate single source of electrical control power
12 limited to a maximum of two hundred fifty volts. Utilization
13 equipment does not include devices used for occupant space heating by
14 industrial, commercial, hospital, educational, public, and private
15 commercial buildings, and other end users.

16 (3) "Servicing, maintaining, repairing, or replacing utilization
17 equipment" includes:

18 (a) The like-in-kind replacement of the equipment if the same
19 unmodified electrical circuit is used to supply the equipment being
20 replaced;

21 (b) The like-in-kind replacement or repair of remote control
22 components that are integral to the operation of the equipment;

23 (c) The like-in-kind replacement or repair of electrical
24 components within the equipment; and

25 (d) The disconnection, replacement, and reconnection of low-
26 voltage control and line voltage supply whips not over six feet in
27 length provided there are no modifications to the characteristics of
28 the branch circuit.

29 (4) "Servicing, maintaining, repairing, or replacing utilization
30 equipment" does not include:

31 (a) The installation, repair, or modification of wiring that
32 interconnects equipment and/or remote components, branch circuit
33 conductors, services, feeders, panelboards, disconnect switches,
34 motor control centers, remote magnetic starters/contactors, or
35 raceway/conductor systems interconnecting multiple equipment or other
36 electrical components;

37 (b) Any work providing electrical feeds into the power
38 distribution unit or installation of conduits and raceways; or

1 (c) Any electrical work governed under article(s) 500, 501, 502,
2 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified
3 locations), except for electrical work in sewage pumping stations.

4 **Sec. 3.** RCW 19.28.191 and 2014 c 156 s 2 are each amended to
5 read as follows:

6 (1) Upon receipt of the application, the department shall review
7 the application and determine whether the applicant is eligible to
8 take an examination for the master journey level electrician, journey
9 level electrician, master specialty electrician, or specialty
10 electrician certificate of competency.

11 (a) Before July 1, 2005, an applicant who possesses a valid
12 journey level electrician certificate of competency in effect for the
13 previous four years and a valid general administrator's certificate
14 may apply for a master journey level electrician certificate of
15 competency without examination.

16 (b) Before July 1, 2005, an applicant who possesses a valid
17 specialty electrician certificate of competency, in the specialty
18 applied for, for the previous two years and a valid specialty
19 administrator's certificate, in the specialty applied for, may apply
20 for a master specialty electrician certificate of competency without
21 examination.

22 (c) Before December 1, 2003, the following persons may obtain an
23 equipment repair specialty electrician certificate of competency
24 without examination:

25 (i) A person who has successfully completed an apprenticeship
26 program approved under chapter 49.04 RCW for the machinist trade; and

27 (ii) A person who provides evidence in a form prescribed by the
28 department affirming that: (A) He or she was employed as of April 1,
29 2003, by a factory-authorized equipment dealer or service company;
30 and (B) he or she has worked in equipment repair for a minimum of
31 four thousand hours.

32 (d) To be eligible to take the examination for a master journey
33 level electrician certificate of competency, the applicant must have
34 possessed a valid journey level electrician certificate of competency
35 for four years.

36 (e) To be eligible to take the examination for a master specialty
37 electrician certificate of competency, the applicant must have
38 possessed a valid specialty electrician certificate of competency, in
39 the specialty applied for, for two years.

1 (f) To be eligible to take the examination for a journey level
2 certificate of competency, the applicant must have:

3 (i) Worked in the electrical construction trade for a minimum of
4 eight thousand hours, of which four thousand hours shall be in
5 industrial or commercial electrical installation under the
6 supervision of a master journey level electrician or journey level
7 electrician and not more than a total of four thousand hours in all
8 specialties under the supervision of a master journey level
9 electrician, journey level electrician, master specialty electrician
10 working in that electrician's specialty, or specialty electrician
11 working in that electrician's specialty. Specialty electricians with
12 less than a four thousand hour work experience requirement cannot
13 credit the time required to obtain that specialty towards qualifying
14 to become a journey level electrician; or

15 (ii) Successfully completed an apprenticeship program approved
16 under chapter 49.04 RCW for the electrical construction trade.

17 (g)(i) To be eligible to take the examination for a specialty
18 electrician certificate of competency, the applicant must have:

19 (A) Worked in the residential (as specified in WAC
20 296-46B-920(2)(a)), pump and irrigation (as specified in WAC
21 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)),
22 limited energy (as specified in WAC 296-46B-920(2)(e)),
23 nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)),
24 or other new nonresidential specialties as determined by the
25 department in rule under the supervision of a master journey level
26 electrician, journey level electrician, master specialty electrician
27 working in that electrician's specialty, or specialty electrician
28 working in that electrician's specialty for a minimum of four
29 thousand hours;

30 (B) Worked in the appliance repair specialty as determined by the
31 department in rule, restricted nonresidential maintenance as
32 determined by the department in rule, the equipment repair specialty
33 as determined by the department in rule, the pump and irrigation
34 specialty other than as defined by (g)(i)(A) of this subsection or
35 domestic pump specialty as determined by the department in rule, or a
36 specialty other than the designated specialties in (g)(i)(A) of this
37 subsection for a minimum of the initial ninety days, or longer if set
38 by rule by the department. Except as authorized by any variance
39 granted under section 1(3) of this act, the restricted nonresidential
40 maintenance specialty is limited to a maximum of 277 volts and 20

1 amperes for lighting branch circuits and/or a maximum of 250 volts
2 and 60 amperes for other circuits, but excludes the replacement or
3 repair of circuit breakers. The initial period must be spent under
4 one hundred percent supervision of a master journey level
5 electrician, journey level electrician, master specialty electrician
6 working in that electrician's specialty, or specialty electrician
7 working in that electrician's specialty. After this initial period, a
8 person may take the specialty examination. If the person passes the
9 examination, the person may work unsupervised for the balance of the
10 minimum hours required for certification. A person may not be
11 certified as a specialty electrician in the appliance repair
12 specialty or in a specialty other than the designated specialties in
13 (g)(i)(A) of this subsection, however, until the person has worked a
14 minimum of two thousand hours in that specialty, or longer if set by
15 rule by the department; or

16 (C) Successfully completed an approved apprenticeship program
17 under chapter 49.04 RCW for the applicant's specialty in the
18 electrical construction trade.

19 (ii) In meeting the training requirements for the pump and
20 irrigation or domestic pump specialties, the individual shall be
21 allowed to obtain the experience required by this section at the same
22 time the individual is meeting the experience required by RCW
23 18.106.040(1)(c). After meeting the training requirements provided in
24 this section, the individual may take the examination and upon
25 passing the examination, meeting additional training requirements as
26 may still be required for those seeking a pump and irrigation, or a
27 domestic pump specialty certificate as defined by rule, and paying
28 the applicable fees, the individual must be issued the appropriate
29 certificate. The department may include an examination for specialty
30 plumbing certificate defined in RCW 18.106.010(10)(c) with the
31 examination required by this section. The department, by rule and in
32 consultation with the electrical board, may establish additional
33 equivalent ways to gain the experience requirements required by this
34 subsection. Individuals who are able to provide evidence to the
35 department, prior to January 1, 2007, that they have been employed as
36 a pump installer in the pump and irrigation or domestic pump business
37 by an appropriately licensed electrical contractor, registered
38 general contractor defined by chapter 18.27 RCW, or appropriate
39 general specialty contractor defined by chapter 18.27 RCW for not
40 less than eight thousand hours in the most recent six calendar years

1 shall be issued the appropriate certificate by the department upon
2 receiving such documentation and applicable fees. The department
3 shall establish a single document for those who have received both an
4 electrical specialty certification as defined by this subsection and
5 have also met the certification requirements for the specialty
6 plumber as defined by RCW 18.106.010(10)(c), showing that the
7 individual has received both certifications. No other experience or
8 training requirements may be imposed.

9 (iii) Before July 1, 2015, an applicant possessing an electrical
10 training certificate issued by the department is eligible to apply
11 one hour of every two hours of unsupervised telecommunications system
12 installation work experience toward eligibility for examination for a
13 limited energy system certificate of competency (as specified in WAC
14 296-46B-920(2)(e)), if:

15 (A) The telecommunications work experience was obtained while
16 employed by a contractor licensed under this chapter as a general
17 electrical contractor (as specified in WAC 296-46B-920(1)) or limited
18 energy system specialty contractor (as specified in WAC
19 296-46B-920(2)(e)); and

20 (B) Evidence of the telecommunications work experience is
21 submitted in the form of an affidavit prescribed by the department.

22 (h) Any applicant for a journey level electrician certificate of
23 competency who has successfully completed a two-year program in the
24 electrical construction trade at public community or technical
25 colleges, or not-for-profit nationally accredited technical or trade
26 schools licensed by the workforce training and education coordinating
27 board under chapter 28C.10 RCW, may substitute up to two years of the
28 technical or trade school program for two years of work experience
29 under a master journey level electrician or journey level
30 electrician. The applicant shall obtain the additional two years of
31 work experience required in industrial or commercial electrical
32 installation prior to the beginning, or after the completion, of the
33 technical school program. Any applicant who has received training in
34 the electrical construction trade in the armed service of the United
35 States may be eligible to apply armed service work experience towards
36 qualification to take the examination for the journey level
37 electrician certificate of competency.

38 (i) An applicant for a specialty electrician certificate of
39 competency who, after January 1, 2000, has successfully completed a
40 two-year program in the electrical construction trade at a public

1 community or technical college, or a not-for-profit nationally
2 accredited technical or trade school licensed by the workforce
3 training and education coordinating board under chapter 28C.10 RCW,
4 may substitute up to one year of the technical or trade school
5 program for one year of work experience under a master journey level
6 electrician, journey level electrician, master specialty electrician
7 working in that electrician's specialty, or specialty electrician
8 working in that electrician's specialty. Any applicant who has
9 received training in the electrical construction trade in the armed
10 services of the United States may be eligible to apply armed service
11 work experience towards qualification to take the examination for an
12 appropriate specialty electrician certificate of competency.

13 (j) The department must determine whether hours of training and
14 experience in the armed services or school program are in the
15 electrical construction trade and appropriate as a substitute for
16 hours of work experience. The department must use the following
17 criteria for evaluating the equivalence of classroom electrical
18 training programs and work in the electrical construction trade:

19 (i) A two-year electrical training program must consist of three
20 thousand or more hours.

21 (ii) In a two-year electrical training program, a minimum of two
22 thousand four hundred hours of student/instructor contact time must
23 be technical electrical instruction directly related to the scope of
24 work of the electrical specialty. Student/instructor contact time
25 includes lecture and in-school lab.

26 (iii) The department may not allow credit for a program that
27 accepts more than one thousand hours transferred from another
28 school's program.

29 (iv) Electrical specialty training school programs of less than
30 two years will have all of the above student/instructor contact time
31 hours proportionately reduced. Such programs may not apply to more
32 than fifty percent of the work experience required to attain
33 certification.

34 (v) Electrical training programs of less than two years may not
35 be credited towards qualification for journey level electrician
36 unless the training program is used to gain qualification for a four
37 thousand hour electrical specialty.

38 (k) No other requirement for eligibility may be imposed.

39 (2) The department shall establish reasonable rules for the
40 examinations to be given applicants for certificates of competency.

1 In establishing the rules, the department shall consult with the
2 board. Upon determination that the applicant is eligible to take the
3 examination, the department shall so notify the applicant, indicating
4 the time and place for taking the examination.

5 (3) No noncertified individual may work unsupervised more than
6 one year beyond the date when the trainee would be eligible to test
7 for a certificate of competency if working on a full-time basis after
8 original application for the trainee certificate. For the purposes of
9 this section, "full-time basis" means two thousand hours.

10 **Sec. 4.** RCW 19.28.271 and 2011 c 301 s 7 are each amended to
11 read as follows:

12 (1) It is unlawful for any person, firm, partnership,
13 corporation, or other entity to employ an individual for purposes of
14 RCW 19.28.161 through 19.28.271 who has not been issued a certificate
15 of competency, a temporary permit, or a training certificate. It is
16 unlawful for any individual to engage in the electrical construction
17 trade or to maintain or install any electrical equipment or
18 conductors without having in his or her possession a certificate of
19 competency, a temporary permit, or a training certificate under RCW
20 19.28.161 through 19.28.271, and photo identification. The department
21 may establish by rule a requirement that the individual also wear and
22 visibly display his or her certificate or permit.

23 (2) Any person, firm, partnership, corporation, or other entity
24 found in violation of RCW 19.28.161 through 19.28.271 shall be
25 assessed a penalty of not less than fifty dollars or more than five
26 hundred dollars. The department shall set by rule a schedule of
27 penalties for violating RCW 19.28.161 through 19.28.271. An appeal
28 may be made to the board as is provided in RCW 19.28.131. The appeal
29 shall be filed within twenty days after the notice of the penalty is
30 given to the assessed party using a method by which the mailing can
31 be tracked or the delivery can be confirmed, sent to the last known
32 address of the assessed party and shall be made by filing a written
33 notice of appeal with the department. The time for an appeal is
34 stayed while a variance application under section 1 of this act is
35 pending for the work that is the subject of the penalty. Any
36 equipment maintained or installed by any person who does not possess
37 a certificate of competency under RCW 19.28.161 through 19.28.271
38 shall not receive an electrical work permit and electrical service
39 shall not be connected or maintained to operate the equipment. Each

1 day that a person, firm, partnership, corporation, or other entity
2 violates RCW 19.28.161 through 19.28.271 is a separate violation.

3 (3) A civil penalty shall be collected in a civil action brought
4 by the attorney general in the county wherein the alleged violation
5 arose at the request of the department if any of RCW 19.28.161
6 through 19.28.271 or any rules adopted under RCW 19.28.161 through
7 19.28.271 are violated.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.106
9 RCW to read as follows:

10 (1) The department must grant a variance, upon application, to a
11 specialty plumber who establishes that:

12 (a) The department changed its interpretation of this chapter or
13 a rule adopted under this chapter with the result that work performed
14 by the applicant is no longer within the scope of the specialty
15 certificate;

16 (b) The applicant performed the work at issue under a specialty
17 certificate for at least six thousand hours. Time spent in an
18 apprenticeship program approved under chapter 49.04 RCW for the
19 applicant's specialty may be substituted for up to four thousand of
20 the six thousand hours; and

21 (c) The applicant has no more than two final judgments for
22 serious violations of this chapter or the rules adopted under this
23 chapter.

24 (2) The department must grant a variance, upon application, to a
25 specialty plumber who establishes that:

26 (a) The department changed its enforcement of this chapter or a
27 rule adopted under this chapter with respect to the scope of work
28 permitted under a certificate;

29 (b) The applicant performed the work at issue under a specialty
30 certificate for at least six thousand hours. Time spent in an
31 apprenticeship program approved under chapter 49.04 RCW for the
32 applicant's specialty may be substituted for up to four thousand of
33 the six thousand hours; and

34 (c) The applicant has no more than two final judgments for
35 serious violations of this chapter or the rules adopted under this
36 chapter and no final judgments for working outside the scope of the
37 applicant's specialty.

38 (3) The department must grant a variance, upon application, to a
39 specialty plumber who establishes that:

1 (a)(i) New technology renders a specialty scope of work
2 obsolete; (ii) plumbers certified in that specialty can safely
3 perform the work using the new technology; and (iii) the work to be
4 performed using the new technology is substantially similar to the
5 existing scope of work;

6 (b) The applicant performed the work in question as permitted
7 under the appropriate specialty certificate for at least six thousand
8 hours. Time spent in an apprenticeship program approved under chapter
9 49.04 RCW for the applicant's specialty may be substituted for up to
10 four thousand of the six thousand hours; and

11 (c) The applicant has no more than two final judgments for
12 serious violations of this chapter or the rules adopted under this
13 chapter.

14 (4) A variance application stays any penalty assessed that is not
15 final against the following with respect to work that is the subject
16 of the variance application: (a) The specialty plumber who applied
17 for the variance; (b) the contractor who engaged the specialty
18 plumber; and (c) the employee of the contractor who directed the
19 work. The application also stays the time period for an appeal of the
20 penalty assessed. The stay is in effect until the final decision on
21 the variance. If the variance is granted, any pending penalty
22 assessments must be dismissed.

23 (5) A variance granted under this section modifies the holder's
24 certificate of competency and authorizes the holder to perform the
25 work as specified in the variance. The department must grant the
26 variance with respect to all of the work for which the applicant
27 requested a variance and for which the criteria for a variance are
28 met.

29 (6) If the department denies an application for a variance, the
30 applicant may appeal to the department. The department must assign
31 the appeal to an administrative law judge. The appeal must be filed
32 within twenty days after notice of the denial. An applicant may not
33 reapply for a variance for the same work until the applicant has
34 completed six thousand hours of the required work since the prior
35 variance application.

36 (7) An applicant must accompany an application under this section
37 with a fee of one hundred dollars. The department must deposit the
38 fee in the plumbing certificate fund.

39 (8) For purposes of this section:

1 (a) "Changed its interpretation" includes a rule amendment; a new
2 or revised interpretive or administrative policy; or a final written
3 order, ruling, approval, opinion, advice, determination, or
4 interpretation of the department that is inconsistent with a prior
5 written order, ruling, approval, opinion, advice, determination, or
6 interpretation of the department or any representative of the
7 department.

8 (b) "Changed its enforcement" includes an increase in the number
9 of inspectors, change in enforcement emphasis, or any other increased
10 enforcement by the department or any representative of the
11 department.

12 **Sec. 6.** RCW 18.106.010 and 2013 c 23 s 14 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Advisory board" means the state advisory board of plumbers.

17 (2) "Contractor" means any person, corporate or otherwise, who
18 engages in, or offers or advertises to engage in, any work covered by
19 the provisions of this chapter by way of trade or business, or any
20 person, corporate or otherwise, who employs anyone, or offers or
21 advertises to employ anyone, to engage in any work covered by the
22 provisions of this chapter.

23 (3) "Department" means the department of labor and industries.

24 (4) "Director" means the director of department of labor and
25 industries.

26 (5) "Journey level plumber" means any person who has been issued
27 a certificate of competency by the department of labor and industries
28 as provided in this chapter.

29 (6) "Like-in-kind" means having similar characteristics such as
30 plumbing size, type, and function, and being in the same location.

31 (7) "Medical gas piping" means oxygen, nitrous oxide, high
32 pressure nitrogen, medical compressed air, and medical vacuum
33 systems.

34 (8) "Medical gas piping installer" means a journey level plumber
35 who has been issued a medical gas piping installer endorsement.

36 (9) "Plumbing" means that craft involved in installing, altering,
37 repairing and renovating potable water systems, liquid waste systems,
38 and medical gas piping systems within a building. Installation in a

1 water system of water softening or water treatment equipment is not
2 within the meaning of plumbing as used in this chapter.

3 (10) "Specialty plumber" means anyone who has been issued a
4 specialty certificate of competency limited to the following scopes
5 of work and any work for which a variance has been granted under
6 section 5(3) of this act:

7 (a) Installation, maintenance, and repair of the plumbing of
8 single-family dwellings, duplexes, and apartment buildings that do
9 not exceed three stories;

10 (b) Maintenance and repair of backflow prevention assemblies; or

11 (c) A domestic water pumping system consisting of the
12 installation, maintenance, and repair of the pressurization,
13 treatment, and filtration components of a domestic water system
14 consisting of: One or more pumps; pressure, storage, and other tanks;
15 filtration and treatment equipment; if appropriate, a pitless
16 adapter; along with valves, transducers, and other plumbing
17 components that:

18 (i) Are used to acquire, treat, store, or move water suitable for
19 either drinking or other domestic purposes, including irrigation, to:

20 (A) A single-family dwelling, duplex, or other similar place of
21 residence; (B) a public water system, as defined in RCW 70.119.020
22 and as limited under RCW 70.119.040; or (C) a farm owned and operated
23 by a person whose primary residence is located within thirty miles of
24 any part of the farm;

25 (ii) Are located within the interior space, including but not
26 limited to an attic, basement, crawl space, or garage, of a
27 residential structure, which space is separated from the living area
28 of the residence by a lockable entrance and fixed walls, ceiling, or
29 floor;

30 (iii) If located within the interior space of a residential
31 structure, are connected to a plumbing distribution system supplied
32 and installed into the interior space by either: (A) A person who,
33 pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary
34 permit or certificate of competency as a journey level plumber,
35 specialty plumber, or trainee, as defined in this chapter; or (B) a
36 person exempt from the requirement to obtain a certified plumber to
37 do such plumbing work under RCW 18.106.150.

38 **Sec. 7.** RCW 18.106.200 and 1996 c 147 s 5 are each amended to
39 read as follows:

1 A violation designated as an infraction under this chapter shall
2 be heard and determined by an administrative law judge of the office
3 of administrative hearings. If a party desires to contest the notice
4 of infraction, the party shall file a notice of appeal with the
5 department within twenty days of issuance of the infraction. The time
6 for an appeal is stayed while a variance application is pending under
7 section 5 of this act for the work that is the subject of the
8 penalty. The administrative law judge shall conduct hearings in these
9 cases at locations in the county where the infraction is alleged to
10 have occurred.

--- END ---