

HOUSE BILL REPORT

ESHB 1952

As Passed Legislature

Title: An act relating to enforcement of the electrical laws.

Brief Description: Concerning enforcement of the electrical laws.

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Blake, Walsh, Pellicciotti, Chapman, Stambaugh and Ormsby).

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/13/17, 2/16/17 [DPS].

Floor Activity:

Passed House: 3/3/17, 97-0.

Passed House: 1/24/18, 96-0.

Senate Amended.

Passed Senate: 2/28/18, 45-4.

House Concurred.

Passed House: 3/3/18, 96-0.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Permits cities that conduct electrical inspections to enforce electrical licensing and certification requirements.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

Minority Report: Do not pass. Signed by 3 members: Representatives Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Pike.

Staff: Joan Elgee (786-7106).

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.

Background:

A persons who engages in the electrical business must be a licensed as an electrical contractor, and an electrician must qualify for and be issued a certificate of competency. Similarly, persons engaged in the telecommunications business must be licensed as telecommunications contractors. Apprentices and other persons learning the electrical trade must obtain a training certificate, and work under supervision of a certified electrician and under a specified ratio of trainees to certified electricians. An electrical contractor must designate a supervisory employee as the master electrician or administrator. Among other responsibilities, this individual ensures that all work of the firm complies with the electrical installation laws.

The Department of Labor and Industries (Department) administers and enforces these licensing and certification requirements and otherwise administers the electrical laws. A person who engages in the electrical business without being licensed is subject to a \$50 to \$10,000 civil penalty. A person who violates the supervision requirements, employs a person without a certificate to perform electrical work, or who performs electrical work without a certificate is subject to a \$50 to \$500 civil penalty. The Department may also issue a penalty of \$100 to \$10,000 to a person who engages in the telecommunications business without a license. Penalties, as well as other monies received, are paid into the Electrical License Fund, which is used for the Department's administration of the state electrical laws.

Electrical installations must comply with the national electrical code, and a permit and inspection is generally required for electrical work. Cities and towns may adopt ordinances with an equal or higher standard than required by the state for electrical work. If a city or town adopts such an ordinance and enforces a standard, inspections are performed by the city rather than the Department. About 25 cities have electrical ordinances and perform inspections.

The Electrical Board (Board) advises the Director of the Department on enforcement of the electrical laws. The Board also appeals of proposed decisions on penalties made by the Office of Administrative Hearings and appeals of other decisions.

Summary of Engrossed Substitute Bill:

Cities or towns that conduct electrical inspections may enact and enforce, under authority given by law, an ordinance enforcing state electrical laws related to electrical contractor licensing, telecommunications contractor licensing, electrician certification and trainees, and duties of an administrator. Authority is granted to cities and towns to enforce the laws relating to electrical contractor and telecommunications licensing, and electrician certification and trainees. The authority of the Department to enforce these laws is retained.

Penalties imposed by a city or town are to be established within the limits of the electrical laws. An entity may not be penalized by both a city or town and the Department for the same violation. However, each day an entity violates the electrical laws is a separate violation. Penalties upheld through an appellate process of a city or town may be appealed to the Board. Costs payable from the Electrical License Fund must be reimbursed by the city or

town and the process for service and hearings before the Board shall be under rules enacted by the Department.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The bill would give cities a tool to enforce the laws and would allow cities to retain the fines. A contractor was working out of ratio in Seattle with 14 or 15 trainees to one electrician and was doing so as a business model. This would not have happened if the city had authority to enforce the laws. The contractor was fined \$177,000 by the Department. Proponents are comfortable making the language permissive.

(Opposed) Cities did not participate in development of the bill and need more time to analyze it. It could have a significant fiscal impact and is also unclear. Cities are willing to work with the proponents.

Persons Testifying: (In support) Matthew Hepner, International Brotherhood of Electrical Workers.

(Opposed) John Bricky, City of Longview.

Persons Signed In To Testify But Not Testifying: None.