

# HOUSE BILL REPORT

## ESHB 1952

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### As Amended by the Senate

**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.

##### **Floor Activity:**

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

Senate Amended.

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

#### **Brief Summary of Engrossed Substitute Bill**

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

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### 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).

#### **Background:**

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*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.*

Persons who engage in the electrical business must obtain a license as an electrical contractor, and electricians must qualify for and be issued a certificate of competency. 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 must work under supervision of a certified electrician and under a specified ratio of trainees to certified electricians. The Department of Labor and Industries (Department) administers and enforces these licensing and certification requirements. 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.

Electrical installations must comply with the national electrical code, and a permit and inspection is generally required for electrical work. Cities may adopt ordinances with an equal or higher standard than required by the state for electrical work. If a city 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 hears appeals of license or certificate suspensions and revocations, appeals of proposed decisions on penalties made by the Office of Administrative Hearings, and appeals of other decisions. The Board is composed of one representative of a generator or distributor of electric power; one representative of a facilities-based telecommunications service provider; three licensed electrical contractors; one licensed telecommunications contractor; one representative of a business that manufactures or distributes electrical and telecommunications materials, equipment, or devices; one public member; three certified electricians; one telecommunications worker; one licensed professional electrical engineer who is a registered communications distributions designer; one outside line worker; and one nonvoting member who is a building official from a city or town with an electrical inspection program.

#### **Summary of Engrossed Substitute Bill:**

Cities that conduct electrical inspections may enforce the electrical laws related to electrical contractor licensing, and electrician certification and trainees. The penalties are the same as penalties the state imposes. The authority of the Department to enforce these laws is retained.

The Board member who is a building official of a city or town with an electrical inspection program is made a voting member of the Board.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment provides that:

- An entity may not be penalized by both a city or town and the Department of Labor and Industries (Department) for the same violation, but that each day an entity violates the state electrical laws is a separate violation.
- The state electrical chapter does not limit the authority of cities or towns that require electrical inspections to enact and enforce ordinances enforcing the same requirements of the state electrical laws regarding having or displaying a license or certificate, employing certified individuals, supervision of trainees, or duties of an electrical administrator.
- Penalties imposed by cities and towns are to be established within the limits of the state electrical laws. References to mandatory and discretionary amounts in statute for local enforcement of state laws are deleted.
- Penalties upheld through a city or town appellate process may be appealed to the Electrical Board (Board), with the process for service and hearings according to Department rules. All costs of appeal payable from the Electrical License Fund must be reimbursed by the city or town.
- Incorporated cities and towns, rather than the officials of these entities, may enforce the licensing and certification provisions.

The Senate amendment also strikes a provision making the Board member who is a building official of a city or town with an inspection program a voting member.

**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 Brickly, City of Longview.

**Persons Signed In To Testify But Not Testifying:** None.