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**Labor & Workplace Standards  
Committee**

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**HB 2440**

**Brief Description:** Concerning the plumbing industry.

**Sponsors:** Representative Manweller.

**Brief Summary of Bill**

- Changes the ratio of trainees to certified plumbers from 1:1 to 2:1 for journey level plumbing and medical gas piping installation. Allows supervision of trainees through videoconferencing.
- Makes changes in penalties for plumber infractions and to the State Advisory Board of Plumbers.

**Hearing Date:** 1/29/18

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

**Background:**

Certification requirements. The Department of Labor and Industries (Department) administers and enforces the plumbing trade laws. A plumbing contractor must register as a contractor under laws applicable to construction generally, and a plumber must be certified as either a journey level or specialty plumber. Specialties are residential, backflow, and domestic pump. To obtain a plumbing certificate, persons meet certain experience and education requirements and pass an exam. For a journey level plumber, the individual must have four years experience working under the direct supervision of a journey level plumber. The experience required for specialty plumbers depends on the specialty. A medical gas piping installer endorsement authorizes a journey level plumber to install medical gas piping. To receive the endorsement, an individual must have completed or be enrolled in a medical gas piping training course.

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Persons gaining the required experience must obtain a training certificate. Trainees must work under the direct supervision of a journey level or specialty plumber working in that plumber's specialty, or certified medical gas piping installer, as appropriate. Supervision means the person is on the same job site and under the control of a certified plumber at least 75 percent of each working day for journey level and specialty plumbing. Supervision must be 100 percent of the time for medical gas piping. The ratio of trainees to certified plumbers is 1:1 for journey level plumbing and medical gas piping installation and 2:1 for specialty plumbing.

#### Infractions.

The Department may issue a notice of infraction to a person: (1) who is doing plumbing work or offering to do plumbing work without a plumbing certificate or being supervised by a certified plumber, and without being registered as a contractor or being employed by a registered contractor; and (2) to a person for employing anyone, or offering or advertising to employ anyone, to do plumbing work without being registered as a contractor. The infraction may be issued to the person engaging or offering to engage in plumbing, the contractor who is in violation, or the contractor's employee who authorized work in violation. For these infractions, the Department must issue a \$250 penalty for the first infraction and not more than \$1,000 for a subsequent infraction. Each day in which a person is in violation and each job site at which a person is in violation are separate violations. Appeals of infractions are heard by an administrative law judge (ALJ) and the ALJ may waive, reduce, or suspend the penalty for good cause.

#### Advisory Board.

A State Advisory Board of Plumbers (Board) conducts hearings on revocation and suspension of certificates, must consent to any contract the Department enters into for the development and administration of required examinations, and otherwise advises the Department on all matters relative to the plumbing provisions. The Board consists of seven members: two journey level plumbers, one specialty plumber, three members conducting a plumbing business, and one public member familiar with the business and trade of plumbing. The Director of the Department appoints the members.

#### **Summary of Bill:**

The requirements for supervision of trainees are modified so that the ratio of trainees to certified plumbers is 2:1 for journey level plumbing and for medical gas piping installation. The term "on the same job site" is defined to mean physically located on the same job site or actively engaged with the noncertified individual through videoconferencing.

Penalties for plumbing infractions are modified. The penalty is changed from a mandatory to a discretionary penalty and the penalty amounts are raised to \$500 for a first infraction and not more than \$1,500 for a subsequent infraction. The discretion of the ALJ to waive, reduce, or suspend the penalty is removed but the director of the Department may waive or reduce the collection of the penalty.

The composition of the Board is expanded to include one member from the Department of Health, appointed by the Secretary of the Department of Health. The Board's responsibility to advise the Department is made specific to enforcement and is to include plumbing industry

promotion, standards of plumbing installations, consumer protection, and standards for the protection of the public health.

**Appropriation:** None.

**Fiscal Note:** Requested on January 25, 2018.

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