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ENGROSSED SUBSTITUTE HOUSE BILL 1952

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State of Washington

65th Legislature

2017 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Blake, J. Walsh, Pellicciotti, Chapman, Stambaugh, and Ormsby)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to enforcement of the electrical laws; amending  
2 RCW 19.28.010 and 19.28.311; adding a new section to chapter 19.28  
3 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 19.28.010 and 2001 c 211 s 2 are each amended to  
6 read as follows:

7 (1) All wires and equipment, and installations thereof, that  
8 convey electric current and installations of equipment to be operated  
9 by electric current, in, on, or about buildings or structures, except  
10 for telephone, telegraph, radio, and television wires and equipment,  
11 and television antenna installations, signal strength amplifiers, and  
12 coaxial installations pertaining thereto shall be in strict  
13 conformity with this chapter, the statutes of the state of  
14 Washington, and the rules issued by the department, and shall be in  
15 conformity with approved methods of construction for safety to life  
16 and property. All wires and equipment that fall within section  
17 90.2(b)(5) of the National Electrical Code, 1981 edition, are exempt  
18 from the requirements of this chapter. The regulations and articles  
19 in the National Electrical Code, the national electrical safety code,  
20 and other installation and safety regulations approved by the  
21 national fire protection association, as modified or supplemented by

1 rules issued by the department in furtherance of safety to life and  
2 property under authority hereby granted, shall be prima facie  
3 evidence of the approved methods of construction. All materials,  
4 devices, appliances, and equipment used in such installations shall  
5 be of a type that conforms to applicable standards or be indicated as  
6 acceptable by the established standards of any electrical product  
7 testing laboratory which is accredited by the department. Industrial  
8 control panels, utilization equipment, and their components do not  
9 need to be listed, labeled, or otherwise indicated as acceptable by  
10 an accredited electrical product testing laboratory unless  
11 specifically required by the National Electrical Code, 1993 edition.

12 (2) Residential buildings or structures moved into or within a  
13 county, city, or town are not required to comply with all of the  
14 requirements of this chapter, if the original occupancy  
15 classification of the building or structure is not changed as a  
16 result of the move. This subsection shall not apply to residential  
17 buildings or structures that are substantially remodeled or  
18 rehabilitated.

19 (3) This chapter shall not limit the authority or power of any  
20 city or town to enact and enforce under authority given by law, any  
21 ordinance, rule, or regulation requiring an equal, higher, or better  
22 standard of construction and an equal, higher, or better standard of  
23 materials, devices, appliances, and equipment than that required by  
24 this chapter. A city or town shall require that its electrical  
25 inspectors meet the qualifications provided for state electrical  
26 inspectors in accordance with RCW 19.28.321. In a city or town having  
27 an equal, higher, or better standard the installations, materials,  
28 devices, appliances, and equipment shall be in accordance with the  
29 ordinance, rule, or regulation of the city or town.

30 (4) The officials of all incorporated cities and towns where  
31 electrical inspections are required by local ordinances may enforce  
32 the provisions of RCW 19.28.041(1), 19.28.161, 19.28.271(1), and  
33 19.28.420(1) and applicable licensing and certification rules within  
34 their respective jurisdictions. Nothing in this subsection diminishes  
35 the authority of the department to enforce the provisions of RCW  
36 19.28.041(1), 19.28.161, 19.28.271(1), and 19.28.420(1), and  
37 applicable licensing and certification rules within any city or town.

38 (5) Electrical equipment associated with spas, hot tubs, swimming  
39 pools, and hydromassage bathtubs shall not be offered for sale or  
40 exchange unless the electrical equipment is certified as being in

1 compliance with the applicable product safety standard by bearing the  
2 certification mark of an approved electrical products testing  
3 laboratory.

4 ~~((4))~~ (6) Nothing in this chapter may be construed as  
5 permitting the connection of any conductor of any electric circuit  
6 with a pipe that is connected with or designed to be connected with a  
7 waterworks piping system, without the consent of the person or  
8 persons legally responsible for the operation and maintenance of the  
9 waterworks piping system.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.28  
11 RCW to read as follows:

12 (1) In matters of enforcement of this chapter by officials of  
13 incorporated cities and towns where electrical inspections are  
14 required by local ordinances, any person, firm, partnership,  
15 corporation, or other entity found in violation of RCW 19.28.161 or  
16 19.28.271(1) must be assessed a penalty of not less than fifty  
17 dollars or more than five hundred dollars. Any person, firm,  
18 partnership, corporation, or other entity violating any of the  
19 provisions of RCW 19.28.041(1) must be assessed a penalty of not less  
20 than fifty dollars or more than ten thousand dollars. Any person,  
21 firm, partnership, corporation, or other entity violating any of the  
22 provisions of RCW 19.28.420(1) may be assessed a penalty of not less  
23 than one hundred dollars or more than ten thousand dollars per  
24 violation.

25 (2) RCW 19.28.131, 19.28.271 (2) and (3), and 19.28.490 do not  
26 apply in matters of enforcement of this chapter by officials of  
27 incorporated cities and towns where electrical inspections are  
28 required by local ordinances.

29 **Sec. 3.** RCW 19.28.311 and 2011 c 336 s 529 are each amended to  
30 read as follows:

31 There is hereby created an electrical board, consisting of  
32 fifteen members to be appointed by the governor with the advice of  
33 the director of labor and industries as herein provided. It shall be  
34 the purpose and function of the board to advise the director on all  
35 matters pertaining to the enforcement of this chapter including, but  
36 not limited to, standards of electrical and telecommunications  
37 installation, minimum inspection procedures, and the adoption of  
38 rules pertaining to the electrical inspection division: PROVIDED,

1 HOWEVER, That no rules shall be amended or repealed until the  
2 electrical board has first had an opportunity to consider any  
3 proposed amendments or repeals and had an opportunity to make  
4 recommendations to the director relative thereto. The members of the  
5 electrical board shall be selected and appointed as follows: One  
6 member shall be an employee or officer of a corporation or public  
7 agency generating or distributing electric power; one member must be  
8 an employee or officer of a facilities-based telecommunications  
9 service provider regulated by the Washington state utilities and  
10 transportation commission; three members shall be licensed electrical  
11 contractors: PROVIDED, That one of these members may be a  
12 representative of a trade association in the electrical industry; one  
13 member shall be a licensed telecommunications contractor; one member  
14 shall be an employee, or officer, or representative of a corporation  
15 or firm engaged in the business of manufacturing or distributing  
16 electrical and telecommunications materials, equipment, or devices;  
17 one member shall be a person with knowledge of the electrical  
18 industry, not related to the electrical industry, to represent the  
19 public; three members shall be certified electricians; one member  
20 shall be a telecommunications worker; one member shall be a licensed  
21 professional electrical engineer qualified to do business in the  
22 state of Washington and designated as a registered communications  
23 distribution designer; one member shall be an outside line worker;  
24 and one (~~nonvoting~~) member must be a building official from an  
25 incorporated city or town with an electrical inspection program  
26 established under RCW 19.28.141. The regular term of each member  
27 shall be four years: PROVIDED, HOWEVER, The original board shall be  
28 appointed on June 9, 1988, for the following terms: The first term of  
29 the member representing a corporation or public agency generating or  
30 distributing electric power shall serve four years; two members  
31 representing licensed electrical contractors shall serve three years;  
32 the member representing a manufacturer or distributor of electrical  
33 equipment or devices shall serve three years; the member representing  
34 the public and one member representing licensed electrical  
35 contractors shall serve two years; the three members selected as  
36 certified electricians shall serve for terms of one, two, and three  
37 years, respectively; the member selected as the licensed professional  
38 electrical engineer shall serve for one year. In appointing the  
39 original board, the governor shall give due consideration to the  
40 value of continuity in membership from predecessor boards.

1 Thereafter, the governor shall appoint or reappoint board members for  
2 terms of four years and to fill vacancies created by the completion  
3 of the terms of the original members. When new positions are created,  
4 the governor may appoint the initial members to the new positions to  
5 staggered terms of one to three years. The governor shall also fill  
6 vacancies caused by death, resignation, or otherwise for the  
7 unexpired term of such members by appointing their successors from  
8 the same business classification. The same procedure shall be  
9 followed in making such subsequent appointments as is provided for  
10 the original appointments. The board, at this first meeting shall  
11 elect one of its members to serve as chair. Any person acting as the  
12 chief electrical inspector shall serve as secretary of the board  
13 during his or her tenure as chief state inspector. Meetings of the  
14 board shall be held at least quarterly in accordance with a schedule  
15 established by the board. Each member of the board shall receive  
16 compensation in accordance with RCW 43.03.240 and shall be reimbursed  
17 for travel expenses in accordance with RCW 43.03.050 and 43.03.060  
18 which shall be paid out of the electrical license fund, upon vouchers  
19 approved by the director of labor and industries.

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