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SENATE BILL 6327

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State of Washington                      65th Legislature                      2018 Regular Session

By Senators Keiser, Conway, and Miloscia

Read first time 01/12/18. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to plumbing; amending RCW 18.106.010, 18.106.020,  
2 18.106.030,      18.106.040,      18.106.050,      18.106.070,      18.106.075,  
3 18.106.100,      18.106.150,      18.106.180,      18.106.200,      18.106.220,  
4 18.106.250, 18.106.270, and 18.106.320; adding new sections to  
5 chapter 18.106 RCW; and prescribing penalties.

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

7            **Sec. 1.** RCW 18.106.010 and 2013 c 23 s 14 are each amended to  
8 read as follows:

9            The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11            (1) "Administrator" means a person designated by a plumbing  
12 contractor to manage a plumbing business and plumbers in accordance  
13 with rules adopted under this chapter.

14            (2) "Advisory board" means the state advisory board of plumbers.

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

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

1 (4) "Director" means the director of department of labor and  
2 industries.

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

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

8 (7) "Master plumber" means either a master journey level plumber  
9 or master specialty plumber.

10 (8) "Master journey level plumber" means a person who has been  
11 issued a master journey level plumber certificate of competency by  
12 the department and who may be designated by a plumbing contractor to  
13 supervise plumbing work and plumbers in accordance with rules adopted  
14 under this chapter.

15 (9) "Master specialty plumber" means a person who has been issued  
16 a specialty plumber certificate of competency by the department and  
17 who may be designated by a plumbing contractor to supervise plumbing  
18 work and plumbers in accordance with rules adopted under this  
19 chapter.

20 (10) "Medical gas piping" means oxygen, nitrous oxide, high  
21 pressure nitrogen, medical compressed air, and other medical gas or  
22 equipment, including but not limited to medical vacuum systems.

23 ((+8)) (11) "Medical gas piping installer" means a master  
24 journey level plumber or journey level plumber who has been issued a  
25 medical gas piping installer endorsement.

26 ((+9)) (12) "Plumbing" means that craft involved in installing,  
27 altering, repairing, and renovating potable water systems, liquid  
28 waste systems, and medical gas piping systems within a building as  
29 defined by the plumbing code as adopted and amended by the state  
30 building code council. "Plumbing" includes the installing, altering,  
31 repairing, and renovating of piping, fixtures, pumps, or plumbing  
32 appurtenances that are used for a rainwater catchment or reclaimed  
33 water system. Installation in a water system of water softening or  
34 water treatment equipment is not within the meaning of plumbing as  
35 used in this chapter.

36 ((+10)) (13) "Plumbing contractor" means any person, corporate  
37 or otherwise, who engages in, or offers or advertises to engage in,  
38 any plumbing work covered by the provisions of this chapter by way of  
39 trade or business, or any person, corporate or otherwise, who employs

1 anyone, or offers or advertises to employ anyone, to engage in any  
2 work covered by the provisions of this chapter.

3 (14) "Specialty plumber" means anyone who has been issued a  
4 specialty certificate of competency limited to:

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

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

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

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

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

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

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

36 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.106  
37 RCW to read as follows:

38 (1) Except as provided in this chapter, it is unlawful for:

1 (a) Any person to engage in business as a plumbing contractor  
2 within this state without having been issued a valid registration as  
3 a contractor under chapter 18.27 RCW;

4 (b) Any person, on or after July 1, 2019, to engage in business  
5 as a plumbing contractor within this state without having been issued  
6 a valid registration as a plumbing contractor from the department;  
7 and

8 (c) Any person, on and after July 1, 2019, to employ a person to  
9 perform or offer to perform plumbing work who has not been issued a  
10 valid master plumber's certificate, journey level plumber's  
11 certificate, specialty plumber's certificate, temporary plumber's  
12 certificate, or trainee certificate issued by the department under  
13 this chapter.

14 (2) The department shall prescribe an application form to be used  
15 to apply for a plumbing contractor registration under this chapter,  
16 and shall ensure that the person applying for a plumbing contractor  
17 registration is also a registered general or specialty contractor  
18 under chapter 18.27 RCW before it issues that person a plumbing  
19 contractor registration.

20 (3) To obtain a general or specialty plumbing contractor  
21 registration the applicant must employ a full-time supervisory  
22 individual who currently possesses a valid master journey level  
23 plumber's certificate of competency, master specialty plumber's  
24 certificate of competency in the specialty for which application has  
25 been made, or administrator's certificate as a general plumbing  
26 contractor administrator or as a specialty plumbing contractor  
27 administrator in the specialty for which application has been made.  
28 No individual may serve as the master plumber or administrator for  
29 any work exceeding the scope of his or her certificate, license,  
30 endorsement, or registration.

31 (4) On or before July 1, 2019, the department shall establish a  
32 single registration and licensing document for use by persons who may  
33 be issued two or more certificates, licenses, endorsements, or  
34 registrations provided for in this chapter and chapter 18.27 or 19.28  
35 RCW. The single registration and licensing document must list all of  
36 the person's certificates, licenses, endorsements, or registrations.

37 (5) Regardless of when the plumbing contractor registration is  
38 issued, it becomes suspended, revoked, expired, or renewed at the  
39 same time as the registration issued under chapter 18.27 RCW.

1 (6) No bond or security in addition to that required of  
2 contractors under chapter 18.27 RCW is required of a plumbing  
3 contractor under this chapter.

4 (7) This section does not apply to:

5 (a) A person who is contracting for plumbing work on his or her  
6 own residence, unless the plumbing work is on a building that is for  
7 rent, sale, or lease; or

8 (b) A person who is specifically exempted under RCW 18.27.090  
9 from contractor registration requirements.

10 (8) The department may deny an application for an administrator's  
11 certificate for up to two years if the applicant's previous  
12 administrator's certificate has been revoked and all appeals  
13 concerning the revocation have been exhausted. The certificate may be  
14 renewed for a three-year period without examination by appropriate  
15 application unless the certificate has been revoked, suspended, or  
16 not renewed within ninety days after the expiration date. If the  
17 certificate is not renewed before the expiration date, the individual  
18 must pay twice the usual fee. A person may take the administrator's  
19 examination as many times as necessary to pass, without limit.

20 (9) A designated master plumber or administrator shall:

21 (a) Be a member of the firm or a supervisory employee and  
22 available during working hours to carry out the duties of an  
23 administrator under this section;

24 (b) Ensure that all plumbing work complies with the certification  
25 laws and rules of the state;

26 (c) Ensure that all plumbing work is performed by properly  
27 licensed and certified plumbing individuals;

28 (d) Notify the department in writing within fifteen days if the  
29 master plumber or administrator terminates his or her relationship  
30 with the plumbing contractor.

31 (10) The director shall establish a fee to implement this  
32 section.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.106  
34 RCW to read as follows:

35 (1) A certificate, license, endorsement, or registration issued  
36 under this chapter may be suspended, revoked, or subject to civil  
37 penalty by the department upon determination that any one or more of  
38 the following exist:

1 (a) A false statement as to a material matter in the application  
2 for a certificate, license, endorsement, or registration;

3 (b) Fraud, misrepresentation, or bribery in securing a  
4 certificate, license, endorsement, or registration;

5 (c) A violation of any provision of this chapter; or

6 (d) If the plumbing contractor does not employ an individual  
7 designated as the plumbing administrator or, master journey level  
8 plumber or master specialty plumber and possesses the appropriate  
9 certifications issued by the department.

10 (2) If a master plumber or administrator separates from  
11 employment, terminates his or her relationship or designation, or  
12 dies, the plumbing contractor must notify the department within  
13 fifteen days in writing of the change of status and must within  
14 ninety days designate a new individual who has successfully completed  
15 the master plumber or administrator examination.

16 (3) If the department has suspended or revoked a certificate,  
17 license, endorsement, or registration because of fraud or error and a  
18 hearing is requested, the suspension or revocation must be stayed  
19 until the hearing is concluded and a decision is issued.

20 (4) The department must remove a suspension or reinstate a  
21 revoked certificate, license, endorsement, or registration if the  
22 licensee pays all assessed civil penalties and is able to demonstrate  
23 to the department that the licensee has met all the qualifications  
24 established by this chapter.

25 **Sec. 4.** RCW 18.106.020 and 2013 c 23 s 15 are each amended to  
26 read as follows:

27 (1) No person may engage in or offer to engage in the trade of  
28 plumbing without having a master plumber certificate, journey level  
29 certificate, specialty certificate, administrator certificate,  
30 temporary permit, or trainee certificate and photo identification in  
31 his or her possession. The department (~~may~~) shall establish by rule  
32 a requirement that the person also wear and visibly display his or  
33 her certificate or permit. A trainee must be supervised by a person  
34 who has a master certificate, journey level certificate, specialty  
35 certificate, or temporary permit, as specified in RCW 18.106.070. No  
36 contractor may employ a person to engage in or offer to engage in the  
37 trade of plumbing unless the (~~person employed has a~~) contractor is  
38 a registered plumbing contractor and the person performing the public  
39 work has a master certificate, journey level certificate, specialty

1 certificate, temporary permit, or trainee certificate. ((This section  
2 does not apply to a contractor who is contracting for work on his or  
3 her own residence. Until July 1, 2007, the department shall issue a  
4 written warning to any specialty plumber defined by RCW  
5 18.106.010(10)(c) not having a valid plumber certification. The  
6 warning will state that the individual must apply for a plumber  
7 training certificate or be qualified for and apply for plumber  
8 certification under the requirements in RCW 18.106.040 within thirty  
9 calendar days of the warning. Only one warning will be issued to any  
10 individual. If the individual fails to comply with this section, the  
11 department shall issue a penalty or penalties as authorized by this  
12 chapter.))

13 (2) Without exception, no person may engage in or offer to engage  
14 in medical gas piping installation without having a certificate of  
15 competency as a master journey level or journey level plumber and a  
16 medical gas piping installer endorsement and photo identification in  
17 his or her possession. The department may establish by rule a  
18 requirement that the person also wear and visibly display his or her  
19 endorsement. A trainee may engage in medical gas piping installation  
20 if he or she has a training certificate and is supervised by a person  
21 with a medical gas piping installer endorsement. No plumbing  
22 contractor may employ a person to engage in or offer to engage in  
23 medical gas piping installation unless the person employed has a  
24 certificate of competency as a master journey level or journey level  
25 plumber and a medical gas piping installer endorsement.

26 (3) No contractor may advertise, offer to do work, submit a bid,  
27 or perform any work under this chapter without being registered as a  
28 plumbing contractor under this chapter and chapter 18.27 RCW.

29 (4) Violation of this ((section)) chapter is an infraction. Each  
30 day in which a person engages in the trade of plumbing in violation  
31 of this ((section)) chapter or employs a person in violation of this  
32 ((section)) chapter is a separate infraction. Each worksite at which  
33 a person engages in the trade of plumbing in violation of this  
34 ((section)) chapter or at which a person is employed in violation of  
35 this ((section)) chapter is a separate infraction.

36 (5) Notices of infractions for violations of this ((section))  
37 chapter may be issued to:

38 (a) The person engaging in or offering to engage in the trade of  
39 plumbing in violation of this ((section)) chapter;

1 (b) The contractor in violation of this (~~section~~) chapter;  
2 (~~and~~)

3 (c) The contractor's (~~employee who authorized~~) administrator or  
4 master plumber who is responsible for the work assignment of the  
5 person employed in violation of this (~~section~~) chapter;

6 (d) The plumbing contractor or person performing plumbing work on  
7 a building for rent, sale, or lease; and

8 (e) The plumbing contractor or person installing, altering,  
9 repairing, and renovating medical gas piping systems.

10 **Sec. 5.** RCW 18.106.030 and 2013 c 23 s 16 are each amended to  
11 read as follows:

12 Any person desiring to be issued a certificate of competency as  
13 provided in this chapter shall deliver evidence in a form prescribed  
14 by the department affirming that said person has had sufficient  
15 experience in as well as demonstrated general competency in the trade  
16 of plumbing or specialty plumbing so as to qualify him or her to make  
17 an application for a certificate of competency as a master journey  
18 level plumber (~~(or)~~), journey level plumber, master specialty  
19 plumber, specialty plumber, or administrator. Completion of a course  
20 of study in the plumbing trade in the armed services of the United  
21 States or at a school accredited by the workforce training and  
22 education coordinating board shall constitute sufficient evidence of  
23 experience and competency to enable such person to make application  
24 for a certificate of competency.

25 Any person desiring to be issued a medical gas piping installer  
26 endorsement shall deliver evidence in a form prescribed by the  
27 department affirming that the person has met the requirements  
28 established by the department for a medical gas piping installer  
29 endorsement.

30 In addition to supplying the evidence as prescribed in this  
31 section, each applicant for a certificate of competency shall submit  
32 an application for such certificate on such form and in such manner  
33 as shall be prescribed by the director of the department.

34 **Sec. 6.** RCW 18.106.040 and 2013 c 23 s 17 are each amended to  
35 read as follows:

36 (1) Upon receipt of the application and evidence set forth in RCW  
37 18.106.030, the director shall review the same and make a  
38 determination as to whether the applicant is eligible to take an



1 examination for the certificate of competency. To be eligible to take  
2 the examination:

3 (a) Each applicant for a master journey level plumber's  
4 certificate of competency shall furnish written evidence that he or  
5 she has worked as a journey level plumber in the state of Washington  
6 for two years.

7 (b) Each applicant for a master specialty plumber's certificate  
8 of competency shall furnish written evidence that he or she has  
9 worked as a specialty plumber in the state of Washington for two  
10 years.

11 (c) Each applicant for a plumbing administrator's certificate of  
12 competency shall provide the department with written evidence that  
13 they have owned or supervised or managed a plumbing business for more  
14 than two years within the last four years.

15 (d) All applicants for a master plumber or the plumbing  
16 administrator's certificate of competency shall submit an application  
17 listing their plumbing qualifications and experience to the  
18 department. Applicants who pay the fee and apply for the master  
19 plumber or administrator certificate of competency prior to July 1,  
20 2019, shall be issued a certificate of competency without examination  
21 provided they provide the department with documentation that the  
22 applicant has two years' work experience within the last four years  
23 supervising certified plumbers or supervising or managing a plumbing  
24 company in the state of Washington, provided that the work was  
25 performed within the scope of their certification.

26 (e) Each applicant for a journey level plumber's certificate of  
27 competency shall furnish written evidence that he or she has  
28 completed a course of study in the plumbing trade in the armed  
29 services of the United States or at a school (~~licensed~~) accredited  
30 by the workforce training and education coordinating board, or has  
31 had four or more years of experience under the direct supervision of  
32 a (~~licensed~~) certified journey level plumber.

33 ~~((b))~~ (f) Each applicant for a specialty plumber's certificate  
34 of competency under RCW 18.106.010(~~(10))~~ (14)(a) shall furnish  
35 written evidence that he or she has completed a course of study in  
36 the plumbing trade in the armed services of the United States or at a  
37 school licensed by the workforce training and education coordinating  
38 board under chapter 28C.10 RCW, or that he or she has had at least  
39 three years practical experience in the specialty.

1       (~~(e)~~) (g) Each applicant for a specialty plumber's certificate  
2 of competency under RCW 18.106.010(~~(10)~~) (14) (b) or (c) shall  
3 furnish written evidence that he or she is eligible to take the  
4 examination. These eligibility requirements for the specialty  
5 plumbers defined by RCW 18.106.010(~~(10)~~) (14)(c) shall be one year  
6 of practical experience working on pumping systems not exceeding one  
7 hundred gallons per minute, and two years of practical experience  
8 working on pumping systems exceeding one hundred gallons per minute,  
9 or equivalent as determined by rule by the department in consultation  
10 with the advisory board, and that experience may be obtained at the  
11 same time the individual is meeting the experience required by RCW  
12 19.28.191. The eligibility requirements for other specialty plumbers  
13 shall be established by rule by the director pursuant to subsection  
14 (2)(b) of this section.

15       (2)(a) The director shall establish reasonable rules for the  
16 examinations to be given applicants for certificates of competency.  
17 In establishing the rules, the director shall consult with the state  
18 advisory board of plumbers as established in RCW 18.106.110.

19       (b) The director shall establish reasonable criteria by rule for  
20 determining an applicant's eligibility to take an examination for the  
21 certificate of competency for specialty plumbers under subsection  
22 (1)(c) of this section. In establishing the criteria, the director  
23 shall consult with the state advisory board of plumbers as  
24 established in RCW 18.106.110. These rules must take effect by  
25 December 31, 2006.

26       (3) Upon determination that the applicant is eligible to take the  
27 examination, the director shall so notify the applicant, indicating  
28 the time and place for taking the same.

29       (4) No other requirement for eligibility may be imposed.

30       **Sec. 7.** RCW 18.106.050 and 2013 c 23 s 18 are each amended to  
31 read as follows:

32       (1) The department, with the advice of the advisory board, shall  
33 prepare a written examination to be administered to applicants for  
34 certificates of competency for administrator, master plumber, journey  
35 level plumber, and specialty plumber. The examination shall be  
36 constructed to determine:

37       (a) Whether the applicant possesses varied general knowledge of  
38 the technical information and practical procedures that are

1 identified with the trade of administrator, master plumber, journey  
2 level plumber, or specialty plumber; and

3 (b) Whether the applicant is familiar with the applicable  
4 plumbing codes and the administrative rules of the department  
5 pertaining to plumbing and plumbers.

6 (2) The department, with the consent of the advisory board, may  
7 enter into a contract with a nationally recognized testing agency to  
8 develop, administer, and score any examinations required by this  
9 chapter. All applicants shall, before taking an examination, pay the  
10 required examination fee. The department shall set the examination  
11 fee by contract with a nationally recognized testing agency. The fee  
12 shall cover but not exceed the costs of preparing and administering  
13 the examination and the materials necessary to conduct the practical  
14 elements of the examination. The department shall approve training  
15 courses and set the fees for training courses for examinations  
16 provided by this chapter.

17 (3) An examination to determine the competency of an applicant  
18 for a domestic water pumping system specialty plumbing certificate as  
19 defined by RCW 18.106.010(~~((+10+))~~) (14)(c) must be established by the  
20 department in consultation with the advisory board by December 31,  
21 2006. The department may include an examination for appropriate  
22 electrical safety and technical requirements as required by RCW  
23 19.28.191 with the examination required by this section. The  
24 department, in consultation with the advisory board, may accept the  
25 certification by a professional or trade association or other  
26 acceptable entity as meeting the examination requirement of this  
27 section. Individuals who can provide evidence to the department prior  
28 to January 1, 2007, that they have been employed in the pump and  
29 irrigation business as defined by RCW 18.106.010(~~((+10+))~~) (14)(c) for  
30 not less than four thousand hours in the most recent four calendar  
31 years shall be issued the appropriate certificate by the department  
32 upon receiving such documentation and applicable fees. The department  
33 shall establish a single document for those who have received both  
34 the plumbing specialty certification defined by this subsection and  
35 have also met the certification requirements for a pump and  
36 irrigation or domestic pump specialty electrician, showing that the  
37 individual has received both certifications.

38 (4) The department shall certify the results of the examinations  
39 provided by this chapter, and shall notify the applicant in writing  
40 whether he or she has passed or failed. Any applicant who has failed

1 the examination may retake the examination, upon the terms and after  
2 a period of time that the director shall set by rule. The director  
3 may not limit the number of times that a person may take the  
4 examination.

5 **Sec. 8.** RCW 18.106.070 and 2013 c 23 s 19 are each amended to  
6 read as follows:

7 (1) The department shall issue a certificate of competency to all  
8 applicants who have passed the examination and have paid the fee for  
9 the certificate. The certificate may include a photograph of the  
10 holder. The certificate shall bear the date of issuance, and shall  
11 expire on the birthdate of the holder (~~((immediately following the  
12 date of issuance))~~). The certificate shall be (~~((renewable))~~) renewed  
13 every (~~((other year))~~) three years, upon application, on or before the  
14 birthdate of the holder (~~((, except for specialty plumbers defined by  
15 RCW 18.106.010(10)(c) who also have an electrical certification  
16 issued jointly as provided by RCW 18.106.050(3) in which case their  
17 certificate shall be renewable every three years on or before the  
18 birthdate of the holder))~~). The department shall renew a certificate  
19 of competency if the applicant: (a) Pays the renewal fee assessed by  
20 the department; and (b) during the past (~~((two))~~) three years has  
21 completed (~~((sixteen))~~) twenty-four hours of continuing education  
22 approved by the department with the advice of the advisory board,  
23 including four hours related to electrical safety. For holders of the  
24 specialty plumber certificate under RCW 18.106.010(~~((+10))~~) (14)(c),  
25 the continuing education may comprise both electrical and plumbing  
26 education with a minimum of twelve of the required twenty-four hours  
27 of continuing education in plumbing. If a person fails to renew the  
28 certificate by the renewal date, he or she must pay a doubled fee. If  
29 the person does not renew the certificate within ninety days of the  
30 renewal date, he or she must retake the examination and pay the  
31 examination fee.

32 The master plumber, journey level plumber (~~((and))~~), specialty  
33 plumber certificates of competency, the medical gas piping installer  
34 endorsement, and the temporary permit provided for in this chapter  
35 grant the holder the right to engage in the work of plumbing as a  
36 master plumber, journey level plumber, specialty plumber, or medical  
37 gas piping installer, in accordance with their provisions throughout  
38 the state and within any of its political subdivisions on any job or  
39 any employment without additional proof of competency or any other

1 license or permit or fee to engage in the work. This section does not  
2 preclude employees from adhering to a union security clause in any  
3 employment where such a requirement exists.

4 (2) The department shall renew an administrator certificate of  
5 competency if the applicant:

6 (a) Pays the renewal fee assessed by the department; and

7 (b) During the past three years has completed twenty-four hours  
8 of continuing education approved by the department with the advice of  
9 the advisory board including four hours related to electrical safety.

10 (3) A person who is indentured (~~(in)~~) to an apprenticeship  
11 program approved under chapter 49.04 RCW for the plumbing  
12 construction trade or who is learning the plumbing construction trade  
13 may work in the plumbing construction trade if supervised by a  
14 certified master plumber, journey level plumber, or a certified  
15 specialty plumber in that plumber's specialty. All apprentices and  
16 individuals learning the plumbing construction trade shall obtain a  
17 plumbing training certificate from the department. The certificate  
18 shall authorize the holder to learn the plumbing construction trade  
19 while under the direct supervision of a master plumber, journey level  
20 plumber, or a specialty plumber working in his or her specialty. The  
21 certificate may include a photograph of the holder. The holder of the  
22 plumbing training certificate shall renew the certificate  
23 (~~annually~~) every two years. At the time of renewal, the holder  
24 shall provide the department with an accurate list of the holder's  
25 employers in the plumbing construction industry for the previous  
26 (~~year~~) two years and the number of hours worked for each employer.  
27 (~~An annual~~) Failure to provide plumbing hours worked for each  
28 employer is a violation of this chapter and subject to an infraction  
29 under RCW 18.106.320. A fee shall be charged for the issuance or  
30 renewal of the certificate. The department shall set the fee by rule.  
31 The fee shall cover but not exceed the cost of administering and  
32 enforcing the trainee certification and supervision requirements of  
33 this chapter.

34 (~~(3)~~) (4) Any person who has been issued a plumbing training  
35 certificate under this chapter may work if that person is under  
36 supervision. Supervision shall consist of a person being on the same  
37 job site and under the control of either a master plumber, journey  
38 level plumber, or an appropriate specialty plumber who has an  
39 applicable certificate of competency issued under this chapter.  
40 Either a master plumber, journey level plumber, or an appropriate

1 specialty plumber shall be on the same job site as the noncertified  
2 individual for a minimum of seventy-five percent of each working day  
3 or each job site, or both, unless otherwise provided in this chapter.  
4 The ratio of noncertified individuals to certified master plumber,  
5 journey level, or specialty plumbers working on a job site shall be:  
6 (a) Not more than two noncertified plumbers working on any one job  
7 site for every certified specialty plumber ~~((or))~~, journey level  
8 plumber, or master plumber working as a specialty plumber; and (b)  
9 not more than one noncertified plumber working on any one job site  
10 for every certified master journey level plumber or journey level  
11 plumber working as a journey level plumber.

12 ~~((An individual who has a current training certificate and who~~  
13 ~~has successfully completed or is currently enrolled in an approved~~  
14 ~~apprenticeship program or in a technical school program in the~~  
15 ~~plumbing construction trade in a school approved by the workforce~~  
16 ~~training and education coordinating board, may work without direct~~  
17 ~~on-site supervision during the last six months of meeting the~~  
18 ~~practical experience requirements of this chapter.~~

19 ~~(4))~~ (5) An individual who has a current training certificate  
20 and who has successfully completed or is currently enrolled in a  
21 medical gas piping installer training course approved by the  
22 department may work on medical gas piping systems if the individual  
23 is under the direct supervision of a certified medical gas piping  
24 installer who holds a medical gas piping installer endorsement one  
25 hundred percent of a working day on a one-to-one ratio.

26 ~~((5))~~ (6) The training to become a certified plumber must  
27 include not less than sixteen hours of classroom training established  
28 by the director with the advice of the advisory board. The classroom  
29 training must include, but not be limited to, electrical wiring  
30 safety, grounding, bonding, and other related items plumbers need to  
31 know to work under RCW 19.28.091.

32 ~~((6))~~ (7) All persons who are certified plumbers before January  
33 1, 2003, are deemed to have received the classroom training required  
34 in subsection ~~((5))~~ (6) of this section.

35 **Sec. 9.** RCW 18.106.075 and 2013 c 23 s 20 are each amended to  
36 read as follows:

37 The department shall adopt requirements that qualify a master  
38 journey level or journey level plumber to be issued a medical gas  
39 piping installer endorsement.

1       **Sec. 10.** RCW 18.106.100 and 2013 c 23 s 23 are each amended to  
2 read as follows:

3       (1) The department may revoke or suspend a certificate of  
4 competency, license, endorsement, or registration for any of the  
5 following reasons:

6       (a) The certificate, license, endorsement, or registration was  
7 obtained through error or fraud;

8       (b) The certificate, license, endorsement, or registration holder  
9 is judged to be incompetent to carry on the trade of plumbing as  
10 ((a)) an administrator, master plumber, journey level plumber, or  
11 specialty plumber;

12       (c) The certificate, license, endorsement, or registration holder  
13 has violated any provision of this chapter or any rule adopted under  
14 this chapter.

15       (2) Before a certificate of competency, license, endorsement, or  
16 registration is revoked or suspended, the department shall send  
17 written notice using a method by which the mailing can be tracked or  
18 the delivery can be confirmed to the certificate holder's last known  
19 address. The notice must list the allegations against the certificate  
20 holder and give him or her the opportunity to request a hearing  
21 before the advisory board. At the hearing, the department and the  
22 certificate holder have opportunity to produce witnesses and give  
23 testimony. The hearing must be conducted in accordance with chapter  
24 34.05 RCW. The board shall render its decision based upon the  
25 testimony and evidence presented and shall notify the parties  
26 immediately upon reaching its decision. A majority of the board is  
27 necessary to render a decision.

28       (3) The department may deny renewal of a certificate of  
29 competency, license, endorsement, or registration issued under this  
30 chapter if the applicant owes outstanding penalties for a final  
31 judgment under this chapter. The department shall notify the  
32 applicant of the denial using a method by which the mailing can be  
33 tracked or the delivery can be confirmed to the address on the  
34 application. The applicant may appeal the denial within twenty days  
35 by filing a notice of appeal with the department accompanied by a  
36 certified check for two hundred dollars which shall be returned to  
37 the applicant if the decision of the department is not upheld by the  
38 hearings officer. The office of administrative hearings shall conduct  
39 the hearing under chapter 34.05 RCW. If the hearings officer sustains

1 the decision of the department, the two hundred dollars must be  
2 applied to the cost of the hearing.

3 **Sec. 11.** RCW 18.106.150 and 2013 c 23 s 25 are each amended to  
4 read as follows:

5 (1) Nothing in this chapter shall be construed to require that a  
6 person obtain a license or hire a certified plumber in order to do  
7 plumbing work at his or her residence or farm or place of business or  
8 on other property owned by him or her.

9 (2) A current certificate of competency or apprentice permit is  
10 not required for:

11 (a) Persons performing plumbing work on a farm; or

12 (b) Certified journey level electricians, certified residential  
13 specialty electricians, or electrical trainees working for an  
14 electrical contractor and performing exempt work under RCW  
15 18.27.090(18).

16 (3) Nothing in this chapter shall be intended to derogate from or  
17 dispense with the requirements of any valid plumbing code enacted by  
18 a political subdivision of the state, except that no code shall  
19 require the holder of a certificate of competency to demonstrate any  
20 additional proof of competency or obtain any other license or pay any  
21 fee in order to engage in the trade of plumbing.

22 (4) This chapter shall not apply to common carriers subject to  
23 Part I of the Interstate Commerce Act, nor to their officers and  
24 employees.

25 (5) Nothing in this chapter shall be construed to apply to any  
26 farm, business, industrial plant, or corporation doing plumbing work  
27 on premises it owns or operates.

28 (6) Nothing in this chapter shall be construed to restrict the  
29 right of any householder to assist or receive assistance from a  
30 friend, neighbor, relative, or other person when none of the  
31 individuals doing such plumbing hold themselves out as engaged in the  
32 trade or business of plumbing.

33 (7) This section does not apply to anyone performing plumbing  
34 work on a building for rent, sale, or lease, or for installing,  
35 altering, repairing, and renovating medical gas systems.

36 **Sec. 12.** RCW 18.106.180 and 2011 c 301 s 5 are each amended to  
37 read as follows:



1 (1) An authorized representative of the department may issue a  
2 notice of infraction as specified in RCW 18.106.020 if:

3 (a) A person who is doing plumbing work or who is offering to do  
4 plumbing work fails to produce evidence of:

5 (i) Having a certificate or permit issued by the department in  
6 accordance with this chapter, or being supervised by a person who has  
7 such a certificate or permit; and

8 (ii) Being registered as a contractor as required under chapter  
9 18.27 RCW (~~(or)~~) and registered as a plumbing contractor under this  
10 chapter, or being employed by a person who is registered as a  
11 contractor as required under chapter 18.27 RCW and registered as a  
12 plumbing contractor under this chapter;

13 (b) A person who employs anyone, or offers or advertises to  
14 employ anyone, to do plumbing work fails to produce evidence of being  
15 registered as a plumbing contractor as required under (~~chapter 18.27~~  
16 ~~RCW or~~) this chapter and registered as a contractor as required  
17 under chapter 18.27 RCW; or

18 (c) A plumbing contractor violates RCW 18.106.320.

19 (2) A notice of infraction issued under this section shall be  
20 personally served on the person named in the notice by an authorized  
21 representative of the department or sent using a method by which the  
22 mailing can be tracked or the delivery can be confirmed to the last  
23 known address provided to the department of the person named in the  
24 notice.

25 **Sec. 13.** RCW 18.106.200 and 1996 c 147 s 5 are each amended to  
26 read as follows:

27 A violation designated as an infraction under this chapter shall  
28 be heard and determined by an administrative law judge of the office  
29 of administrative hearings. If a party desires to contest the notice  
30 of infraction, the party shall file a notice of appeal with the  
31 department (~~(within twenty days of issuance of the infraction)~~)  
32 specifying the grounds of the appeal within twenty days of service of  
33 the infraction in a manner provided by this chapter. The appeal must  
34 be accompanied by a certified check for two hundred dollars, which  
35 shall be returned to the assessed party if the decision of the  
36 department is not sustained following the final decision in the  
37 appeal. If the final decision sustains the decision of the  
38 department, the department must apply the two hundred dollars to the  
39 payment of the expenses of the appeal, including costs charged by the

1 office of administrative hearings. The administrative law judge shall  
2 conduct hearings in these cases at locations in the county where the  
3 infraction is alleged to have occurred.

4 **Sec. 14.** RCW 18.106.220 and 1994 c 174 s 6 are each amended to  
5 read as follows:

6 (1) ~~((A person who receives a notice of infraction shall respond  
7 to the notice as provided in this section within fourteen days of the  
8 date the notice was served.~~

9 ~~(2))~~ If the person named in the notice of infraction does not  
10 wish to contest the notice of infraction, the person shall pay to the  
11 department, by check or money order, the amount of the penalty  
12 prescribed for the infraction. When a response which does not contest  
13 the determination is received by the department with the appropriate  
14 payment, the department shall make the appropriate entry in its  
15 records.

16 ~~((3))~~ (2) If the person named in the notice of infraction  
17 wishes to contest the notice of infraction, the person shall respond  
18 by filing an answer of protest with the department specifying the  
19 grounds of protest.

20 ~~((4))~~ (3) If any person issued a notice of infraction:

21 (a) Fails to respond to the notice of infraction as provided in  
22 subsection ~~((2))~~ (1) of this section; or

23 (b) Fails to appear at a hearing requested pursuant to subsection  
24 ~~((3))~~ (2) of this section;

25 the administrative law judge shall enter an appropriate order  
26 assessing the monetary penalty prescribed for the infraction and  
27 shall notify the department of the failure to respond to the notice  
28 of infraction or to appear at a requested hearing.

29 **Sec. 15.** RCW 18.106.250 and 2002 c 82 s 4 are each amended to  
30 read as follows:

31 (1) The administrative law judge shall conduct notice of  
32 infraction cases under this chapter pursuant to chapter 34.05 RCW.

33 (2) The burden of proof is on the department to establish the  
34 commission of the infraction by a preponderance of the evidence. The  
35 notice of infraction shall be dismissed if the defendant establishes  
36 that, at the time the notice was issued:

37 (a) The defendant who was issued a notice of infraction  
38 authorized by RCW 18.106.020(5)(a) had a certificate, license,

1 endorsement, or (~~permit~~) registration issued by the department in  
2 accordance with this chapter, was supervised by a person who has such  
3 a certificate, license, endorsement, or (~~permit~~) registration, or  
4 was exempt from this chapter under RCW 18.106.150; or

5 (b) For the defendant who was issued a notice of infraction  
6 authorized by RCW 18.106.020(5) (~~(b) or (c)~~) (a) through (e), the  
7 person employed or supervised by the defendant has a certificate,  
8 license, endorsement, or (~~permit~~) registration issued by the  
9 department in accordance with this chapter, was supervised by a  
10 person who had such a certificate, license, endorsement, or  
11 (~~permit~~) registration, was exempt from this chapter under RCW  
12 18.106.150, or was registered as a plumbing contractor under this  
13 chapter and registered as a contractor under chapter 18.27 RCW.

14 (3) After consideration of the evidence and argument, the  
15 administrative law judge shall determine whether the infraction was  
16 committed. If it has not been established that the infraction was  
17 committed, an order dismissing the notice shall be entered in the  
18 record of the proceedings. If it has been established that the  
19 infraction was committed, the administrative law judge shall issue  
20 findings of fact and conclusions of law in its decision and order  
21 determining whether the infraction was committed.

22 (4) An appeal from the administrative law judge's determination  
23 or order shall be to the superior court. The decision of the superior  
24 court is subject only to discretionary review pursuant to Rule 2.3 of  
25 the Rules of Appellate Procedure.

26 **Sec. 16.** RCW 18.106.270 and 1994 c 174 s 8 are each amended to  
27 read as follows:

28 (1) A person found to have committed an infraction under RCW  
29 18.106.020 shall be assessed a minimum monetary penalty of (~~two~~)  
30 one hundred (~~fifty~~) dollars for the first infraction(~~(, and not~~  
31 ~~more than one thousand dollars for a second or subsequent~~  
32 ~~infraction)). A contractor or the contractor's representative found  
33 to have committed an infraction under RCW 18.106.020 shall be  
34 assessed a minimum monetary penalty of five hundred dollars for the  
35 first infraction. The maximum penalty for an infraction under RCW  
36 18.106.020 must not exceed five thousand dollars for a second or  
37 subsequent infraction. The department shall set by rule a schedule of  
38 penalties for infractions imposed under this chapter.~~

1 (2) The administrative law judge may not waive, reduce, or  
2 suspend the monetary penalty imposed for the infraction (~~for good~~  
3 ~~cause shown~~)).

4 (3) The director may waive or reduce collection of payment for  
5 good cause.

6 (4) Any individual or plumbing contractor who acquires three  
7 infractions within a thirty-six month period may have his or her  
8 certificate, license, endorsement, or registration suspended for a  
9 period up to two years upon recommendation of the advisory board of  
10 plumbers. For purposes of this subsection, multiple violations  
11 created by a single inspection or audit are counted as one violation.

12 (5) Monetary penalties collected under this chapter shall be  
13 deposited in the plumbing certificate fund.

14 **Sec. 17.** RCW 18.106.320 and 2005 c 274 s 229 are each amended to  
15 read as follows:

16 (1) (~~Contractors shall accurately verify and attest to the~~  
17 ~~trainee hours worked by plumbing trainees on behalf of the contractor~~  
18 ~~and that all training hours were under the supervision of a certified~~  
19 ~~plumber and within the proper ratio, and shall provide the~~  
20 ~~supervising plumbers' names and certificate numbers. However,~~  
21 ~~contractors are not required to identify which hours a trainee works~~  
22 ~~with a specific certified plumber.)) (a) The plumbing contractor  
23 shall:~~

24 (i) Accurately report all plumbing hours worked by plumbing  
25 trainees and, effective June 30, 2019, report all plumbing trainee  
26 hours worked on a quarterly basis on a form prescribed by the  
27 department;

28 (ii) Attest that trainee hours were under the supervision of a  
29 certified plumber and within the proper ratio;

30 (iii) Provide the names and certification numbers of the  
31 supervising plumbers; and

32 (iv) Upon request provide the department with trainee hours  
33 worked by all trainees within their employment for the past two-year  
34 period.

35 (b) Plumbing contractors are not required to identify which hours  
36 a trainee works with a specific certified plumber. Plumbing hours  
37 reported on all payroll reports for audit purposes will be considered  
38 work performed by a certified plumber or trainee working within  
39 ratio. Plumbing work reported for noncertified plumbers or

1 supervision and ratio requirements is a violation of this chapter and  
2 an infraction may be issued.

3 (2) The department may audit the records of a plumbing contractor  
4 that has verified the hours of experience submitted by a plumbing  
5 trainee to the department under RCW 18.106.030 in the following  
6 circumstances: Excessive hours were reported; hours were reported  
7 outside the normal course of the plumbing contractor's business; or  
8 for other similar circumstances in which the department demonstrates  
9 a likelihood of excessive or improper hours being reported. The  
10 department shall limit the audit to records necessary to verify  
11 hours. Failure to have or maintain payroll and other records for each  
12 employee performing plumbing work for the company is a violation of  
13 this chapter and an infraction may be issued. The department may  
14 assess a penalty up to five thousand dollars for failure to maintain  
15 adequate records. Records used to document plumbing work must be  
16 maintained for a minimum of three years. The department shall adopt  
17 rules implementing audit procedures. Information obtained from a  
18 plumbing contractor under the provisions of this section is  
19 confidential and is not open to public inspection under chapter 42.56  
20 RCW.

21 (3) Violation of this section by a plumbing contractor or the  
22 individual serving as the contractor's administrator or master  
23 plumber is an infraction.

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