

state auditor may anticipate the receipts and issue warrants amount not to exceed three thousand dollars (\$3,000.00).

Vetoed. SEC. 6. The state treasurer shall estimate the cost of auditing and supervising the collection and disbursements of the fund herein referred to; and such cost shall be deducted from the funds herein appropriated and shall be a first charge against the receipts thereof.

SEC. 7. This act is necessary for the immediate protection of the horticultural industry and shall take effect immediately.

Passed the House March 14, 1935.

Passed the Senate March 13, 1935.

Approved by the Governor with the exception of sections 1, 2, 5, 6 and 7 which are vetoed March 22, 1935.

CHAPTER 169.

[H. B. 413.]

ELECTRICAL WIRING.

AN ACT relating to, and prescribing the manner of installation of electrical wires and equipment, regulating sales thereof providing for the licensing and bonding of those engaged therein, prescribing the powers and duties of certain officials in connection therewith, providing penalties, and making an appropriation, and repealing sections 8307, 8308, 8309, 8310, 8311, and 8312 of Remington's Revised Statutes and Laws of 1919.

Be it enacted by the Legislature of the State of Washington:

Conformity
with act.

SECTION 1. From and after the taking effect of this act all wires and equipment, and installation thereof, to convey electric current and installations of apparatus to be operated by said current, in, on, or about buildings or structures, for telephone and telegraph wires and equipment, and except further

for signalling wires which signalling wires operate at 50 volts or less or utilize 50 watts or less, shall be in strict conformity with the provisions of this act, the statutes of the State of Washington, the rules and regulations issued by the department of labor and industries under the authority of the state statutes, and shall be in conformity with the most approved methods of construction for safety to life and property. The regulations as laid down in the national electrical code, as approved by the American standards association, and in the national electrical safety code, as approved by the American standards association, and other installation and safety regulations approved by the American standards association shall be prima facie evidence of such most approved methods; and all materials, devices, appliances and equipment used in such installation shall be of a type which shall conform to any applicable standards established by the national bureau of standards of the U. S. department of commerce, and/or to the standards of the Underwriters' Laboratories, Inc.; and/or other equivalently recognized authority: *Provided*, That this act shall not limit the authority or power of any city or town to enact and enforce under power and authority given by law, any ordinance, rule or regulation requiring a higher and better standard of construction and/or a higher or better standard of materials, devices, appliances and equipment than that required by this act, but in such city or town having such higher and/or better standard such installations and materials, devices, appliances and equipment shall be in accordance with the ordinance, rule, or regulation of such city or town: *Provided*, That nothing in this act shall be construed as requiring or permitting the connection of any conductor of any electric circuit with a pipe, which is connected with or designed to be connected with

National
electrical
code.

Shall not
limit city
ordinances.

Pipe
connections.

a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of such waterworks piping system.

All wiring in accordance with act.

SEC. 2. It shall be unlawful for any person, firm or corporation to install any electrical wiring, appliances, devices or equipment not in accordance with the standards prescribed by this act. In cases where the interpretation and application of the standards herein prescribed is in dispute, or in doubt, the electrical board of appeals hereinafter provided for shall, upon application of any interested person, firm or corporation, determine the method of installation and/or material, device, appliances or equipment to be used in the particular case submitted for its decision.

Enforcement of act. By whom.

SEC. 3. The director of labor and industries of the State of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this act in their respective jurisdictions.

Appointment of inspectors.

The director of labor and industries shall have power to appoint an electrical inspector, and such assistant inspectors as he shall deem necessary to assist him in the performance of his duties.

Qualifications of.

All electrical inspectors appointed by the director of labor and industries shall be electricians of not less than four years experience in installing and maintaining electrical equipment; or four years experience as electrical inspectors for a municipality, or two years electrical training in a college of electrical engineering of recognized standing, and two years continuous practical electrical experience in installation work or four years of electrical training in a college of electrical engineering of recognized standing.

Salary of.

Such state inspectors shall be paid such salary or per diem as the director of labor and industries

shall determine, together with their necessary traveling expenses. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this act shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries. The director of labor and industries shall have power to designate and appoint for temporary duty any electrical inspector of any municipality who possesses the qualifications required by this act for inspectors, as a deputy state electrical inspector. Inspectors, when so deputized, shall whenever possible make such inspections as the director of labor and industries may request outside the incorporated limits of their respective cities or towns. Whenever any such municipal electrical inspector is so engaged in any such work under this act, at the request of the director of labor and industries, the municipality employing such inspector shall be paid from the electrical license fund one dollar (\$1.00) per hour for each hour that such inspector is so engaged, together with the necessary expenses of such inspector. Any inspection made by such municipal electrical inspector shall be subject to such further and additional inspection as the director of labor and industries may determine. The state shall not be responsible for the salaries and/or expenses of any electrical inspectors while engaged in inspecting any electrical wiring or equipment within the incorporate limits of any city or town unless such inspections shall be specifically authorized and/or directed by the director of labor and industries.

Deputies.

Salary of.

Subject to additional inspection.

SEC. 4. From and after the first day of January, 1936, it shall be unlawful for any person, firm or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus or appli-

License to install wiring.

ances to be operated by such current, without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of licenses in accordance with the provisions of this act. All such licenses shall expire on the 31st day of December following the date of their issue, and the fee for such license shall be fifty dollars (\$50.00). Application for such license shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted. Such a license shall grant to the holder thereof the right to engage in, conduct, or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus and/or appliances to be operated by such current, in any and all places in the State of Washington. The application for such license shall be accompanied by a bond in the penal sum of one thousand dollars (\$1,000.00) with the State of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the fund to be known and designated as the "electrical license fund," and transmit the application

Fee.

Application
for.

Bond
required.

"Electrical
license fund."

accompanied by his duplicate receipt for the fee to the department of licenses, which department shall thereupon issue the license herein provided for. Upon approval of said bond by the attorney general, he shall transmit the same to the secretary of state, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, upon the payment of the fee required by law. Said bond shall be conditioned that in any installation of wires and/or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this act and in case such installation is in an incorporated city or town having an ordinance, building code, or regulations prescribing a higher and/or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installation as may be in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor and material furnished or used upon such work and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this act, or any ordinance, building code or regulation applicable thereto.

Conditions
of bond.

SEC. 5. Any person, firm or corporation sustaining any damage or injury by reason of the breach of the conditions of said bond by the principal therein may bring an action against the surety named therein, with or without joining in said action the principal named in said bond; said action may be brought in the superior court of any county in which the principal on said bond resides or transacts business, or in the county in which the work was performed as a result of which the breach is alleged.

Liability of
surety.

to have occurred; said action shall be maintained and prosecuted as other civil actions. No action on said bond, or failure to bring action thereon shall waive the right of any person, firm or corporation to sue the principal named in said bond for any damage or injury sustained by reason of the failure of the principal in said bond to comply with the provisions of this act: *Provided*, That the total liability of the surety on any such bond shall not exceed the sum of one thousand dollars (\$1000); and any such action shall be brought within one year from the completion of the work in the performance of which the breach is alleged to have occurred.

Liability shall not exceed \$1,000.

License necessary to maintain action.

SEC. 6. No person, firm or corporation engaging in, conducting or carrying on the business of installing wires or equipment to convey electric current, or installing apparatus to be operated by said current, shall be entitled to commence or maintain any suit or action in any court of this state pertaining to any such work or business, without alleging and proving that such person, firm or corporation held, at the time of commencing and performing such work, an unexpired, unrevoked and unsuspending license issued under the provisions of this act; and no city or town requiring by ordinance or regulation a permit before any such electrical work is installed, shall issue such permit to any person, firm or corporation not holding such license.

City permits.

May revoke license.

SEC. 7. The department of labor and industries shall have power in case of gross and continued violation of the provisions of this act, to revoke, or suspend for such period as he may determine, any license issued under this act. Any such revocation or suspension shall be subject to review by an appeal to the electrical board of appeals hereinafter provided. Such appeal shall be taken within five days after notice of such revocation or suspension

Subject to appeal.

is given by mailing to the address of such licentiate as shown on the application for license, and shall be effected by filing a written notice of appeal with the department of labor and industries, accompanied by a certified check for fifty dollars (\$50), which shall be returned to the licentiate in event the decision of the department of labor and industries is not sustained by said board, otherwise to be applied by the department of labor and industries in the payment of the per diem and expenses of the members of such board incurred in such matter; and any balance remaining after payment of such per diem and expenses shall be paid into the electrical license fund.

Fee for appeal.

SEC. 8. The director of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect all wiring, appliances, devices and equipment to which this act applies. Whenever the installation of any such wiring, device, appliance or equipment is not in accordance with the requirements of this act, or is in such a condition as to be dangerous to life or property, the person, firm or corporation owning, using or operating the same shall be notified by the director of labor and industries and shall within fifteen (15) days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger therefrom to life or property and to make the same conform to the provisions of this act. The director of labor and industries through such inspector, assistant inspector or any deputy inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to such conductors or apparatus as is found to be in a dangerous or unsafe condition and not in accordance with the provisions of this act. Upon making such disconnection he shall attach thereto a notice stating that such conductors

May inspect all work to which act applies.

Must make repairs or changes.

May disconnect unsafe apparatus.

have been found dangerous to life or property or not in accordance with the requirements of this act; and it shall be unlawful for any person to reconnect such defective conductors or apparatus without the approval of the director of labor and industries, and until the same have been placed in a safe and secure condition, and in such condition as to comply with the requirements of this act. The director of labor and industries, through the electrical inspector, assistant inspector, or any deputy inspector, shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of his official duties or for the purpose of making any inspection or test of the installation of electrical wiring, electrical devices, equipment or material contained thereon or therein. No electrical wiring or equipment subject to the requirements of this act shall be concealed until an inspection is applied for under this act and an inspection made and the work therein approved by the inspector making such inspection. *Provided, however,* That if duly authorized inspectors are not available for such inspection, an affidavit may be furnished by the contractor or other person doing the work, indicating that there has been compliance with the provisions of this act. Electrical utilities furnishing service to electrical installations shall refuse to connect installations and/or equipment to their lines unless such an affidavit or a certificate of inspection by the director of labor and industries has been issued.

May inspect at any reasonable time.

May make affidavit.

Certificate or affidavit necessary before connection.

Report of Inspector.

SEC. 9. If any inspection made under the provisions of this act requires any correction or change in the work inspected, a report thereon shall be made in writing by the inspector, in which report the corrections or changes required shall be plainly stated. A copy of such report shall be furnished to the person, firm, or corporation doing the installation work

and a copy thereof filed in the office of the director of labor and industries.

SEC. 10. On or before the first day of January, 1936, the director of labor and industries shall obtain an authentic copy of the rules and requirements of the national electrical code as approved by the American Standards Association, and an authentic copy of any applicable rules, regulations and standards of the National Bureau of Standards of the U. S. department of commerce, and the rules, regulations and standards of the Underwriters' Laboratories, Inc., prescribing rules, regulations and standards for electrical materials, devices, appliances and equipment, and shall annually thereafter on or before the first day of January obtain a new set of such rules, regulations and standards including therein any modifications and changes that have been made during the previous year in such rules, regulations and standards. All such rules, regulations and standards shall be kept on file in the office of the director of labor and industries; compliance with such rules, regulations and standards shall be prima facie evidence of compliance with the provisions of this act. The director of labor and industries upon request, shall deliver to all person, firms, or corporations licensed under the provisions of this act, a certified copy of such rules, regulations and standards. Any printed copy of such rules, regulations and standards certified by the director of labor and industries as being a full, true and correct copy of such rules, regulations and standards on file in his office shall be accepted in any court of the State of Washington as conclusive evidence of such approved methods, regulations and standards.

Department must obtain, annually, rules of:

File of such rules.

Shall furnish copies.

SEC. 11. No license under the provision of this act shall be required from any person, firm, corporation or municipal corporation because of

When no license required.

work in connection with the installation and/or maintenance of lines or wires for transmission of electricity from the source of supply to the point of contact at the premises and/or property to be supplied, or for work in installing or maintaining or repairing on the premises of customers, service connections and meters, and other apparatus or appliances used in the measurement of the consumption of electricity by customers, or for work in connection with the lighting of streets, alleys, ways, or public areas or squares, or for the work of installing, maintaining or repairing wires, apparatus or appliances used in their business, or in making or distributing electricity, upon the property owned or operated and managed by them; or for the work of installing and repairing ignition or lighting systems for motor vehicles, or as exempted in section 1.

Electrical board of appeals; appointment and qualifications.

SEC. 12. In case any decision under this act is required by an electrical board of appeals, the director of labor and industries shall designate and appoint such board, which shall consist of five qualified electricians of not less than four years experience, one of the members thereof shall be an employee or officer of a corporation generating and selling electrical power; one member thereof shall be a person, a member of a firm, or an officer of a corporation engaged in installing electrical wiring appliances or equipment as a contractor; one member thereof shall be a journeyman wireman; one member thereof shall be an electrical engineer regularly employed as such by some person, firm or corporation; and these four members shall elect the fifth member. No two members of said board shall be appointed from the same firm or officer or employee of the same person, firm, or corporation; and no member of said board shall be either a person or a member of any firm, or an officer of any corpora-

tion, or an employee of any person, firm or corporation interested in the matter which said board, when appointed, may be called upon to consider or decide. In case of inability of any member appointed to act in any matter the director of labor and industries shall appoint some other person qualified under this act in the place of such person. A majority of the members of such board shall constitute a quorum to transact any business or decide any matter submitted to such board; and decisions and rulings of the board shall be made by majority vote of the entire board. The decision of the board in all matters submitted to it shall be final, conclusive, and binding on all parties. Each member of the board shall be paid while in session a per diem of five dollars and shall receive in addition thereto necessary traveling expenses, which per diem and expenses shall be paid out of the deposit required in case of an appeal, or if such deposit be returned to the appellant as herein provided, or be insufficient for that purpose, such per diem and expenses shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Quorum.

Salary and expenses.

SEC. 13. Any person, firm or corporation desiring a ruling or decision of the board of appeals on any question of interpretation of the rules, regulations and standards, or proper application of the rules, regulations and standards prescribed by this act shall, in writing, notify the director of labor and industries of such desire and shall accompany the notice with a certified check payable to the director of labor and industries in the sum of fifty dollars; such notice shall specify the ruling or interpretation desired and the contention of such person, firm or corporation as to the proper interpretation or application on the question on which a ruling or decision is desired; and in event the board of appeals shall determine that the contention of the applicant

Applications for rulings or decisions by board.

Fee.

for a decision or ruling was proper the certified check shall be returned to such applicant; otherwise the same shall be used so far as necessary in paying the expenses and per diem of the members of the board of appeals in connection with such matter; and any portion of said fifty dollars (\$50) not used in paying the per diem and expenses of said board in said case shall, by the director of labor and industries, be paid into the electrical license fund.

Misdemeanor.

SEC. 14. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not less than fifty dollars (\$50), or not less than five days imprisonment or both such fine and imprisonment. Each day that any such violation shall continue shall be deemed a separate offense.

Repeals
§§ 8307, 8308,
8309, 8310,
8311, 8312,
Rem. Rev.
Stat.

SEC. 15. Sections 8307, 8308, 8309, 8310, 8311, and 8312 of Remington's Revised Statutes and Laws of 1919 are hereby repealed.

Act shall
not lessen
liability.

SEC. 16. Nothing contained in this act will be construed to relieve from or lessen the responsibility or liability of any person for injury or damage to person or property caused by or resulting from any defect of any nature in any electrical work performed by said person or in any electrical equipment owned, controlled, installed, operated or used by him; nor shall the State of Washington, or any officer, agent, or employee thereof incur or be held as assuming any liability by reason or in consequence of any permission, certificate of inspection, inspection or approval authorized herein, or issued or given as herein provided, or by reason of consequence of any things done or acts performed pursuant to any provision of this act.

State not
liable.

Partial
invalidity.

SEC. 17. If any section or part of this act shall be held and adjudged to be void or unconstitutional

such adjudication shall not affect any other section or part of this act not adjudged to be void or unconstitutional.

SEC. 18. All sums received from licenses, or other sources, herein shall be paid to the state treasurer as ex-officio custodian thereof and by him, as such custodian, placed in a special fund designated as the "Electrical License Fund," and by him paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries. The said treasurer as ex-officio custodian of said fund shall keep an accurate record of payments into, or receipts of, said fund, and of all disbursements therefrom. Said fund shall be charged with its pro rata share of the cost of administering said fund to be determined by the director of labor and industries and the director of efficiency of this state.

"Electrical
License
Fund."

Passed the House March 5, 1935.

Passed the Senate March 14, 1935.

Approved by the Governor March 21, 1935.