

CHAPTER 206
[Reengrossed Senate Bill No. 2183]
ELECTRICIANS--REGULATION
AND LICENSING

AN ACT Relating to business and professions; adding a new chapter to Title 18 RCW; prescribing penalties; and creating a new section.

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

NEW SECTION. Section 1. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Advisory board" means the state advisory board of electricians;

(2) "Apprentice electrician" means any person engaged in learning the trade of electrical and who, under the supervision of a journeyman electrician, performs the actual work necessary to assemble, construct, install, repair, or modify electrical installations;

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

(4) "Director" means director of department of labor and industries;

(5) "Journeyman electrician" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter for the installation of electrical equipment for light, heat, or power.

NEW SECTION. Sec. 2. (1) No person shall engage in the business or trade as a journeyman electrician without having a current certificate of competency issued by the department in accordance with the provisions of this chapter.

(2) No person shall engage in the business or trade as an electrical apprentice without having a current apprentice permit issued by the department in accordance with the provisions of this chapter.

(3) The business or trade of electrician, as herein used, shall encompass all acts involving installation or maintenance of the distribution of electricity, except as is hereinafter specifically excluded.

NEW SECTION. Sec. 3. Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the electrical trade so as to qualify him to make an application for a certificate of competency as a journeyman electrician: PROVIDED, That successful completion of a course of

study in the electrical trade as defined by this 1973 act in the armed services of the United States or at a school accredited by the coordinating council on occupational education shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency: PROVIDED FURTHER, That completion of such a course of study shall be substitutable for the practical experience required by section 4 of this 1973 act only according to the duration of the course.

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

NEW SECTION. Sec. 4. Upon receipt of the application and evidence set forth in section 3 of this act, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination the applicant must have worked as an apprentice electrician, as defined in section 1 of this 1973 act, for four years, or have satisfactorily attended for up to a maximum of two years and successfully completed an accredited vocational or technical school program related to the electrical trade or shall furnish written evidence that he has had at least four years practical experience in the wiring for the installation of electrical equipment of light, heat, and power. No other requirement for eligibility may be imposed. The director shall establish reasonable rules and regulations for the examinations to be given applicants for certificates of competency. In establishing said rules, regulations, and criteria, the director shall consult with the state advisory board of electricians as established in section 10 of this 1973 act. Upon determination that the applicant is eligible to take the examination, the director shall so notify him, indicating the time and place for taking the same.

NEW SECTION. Sec. 5. The department, in coordination with the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency. The examination shall be so constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that is identified with the status of journeyman electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the administrative rules and regulations of the department pertaining to electrical installations and electricians.

The department shall administer at least twice annually the examination to persons eligible to take the same under the provisions

of section 4 of this 1973 act. All applicants shall, before taking such examination, pay to the department a fifteen dollar fee: PROVIDED, That any applicant taking said examination shall pay only such additional fee as is necessary to cover the costs of administering such additional examination.

The department shall certify the results of said examination, upon such terms and after such period of time as the director, in cooperation with the advisory board, shall deem necessary and proper.

NEW SECTION. Sec. 6. The department shall issue a certificate of competency to all applicants who have passed the examination provided in section 5 of this 1973 act, and who have otherwise complied with the provisions of this chapter and the rules and regulations promulgated thereto. The certificate shall bear the date of issuance, and shall expire on the first of July immediately following the date of issuance. The certificate shall be renewable annually, upon application, on or before the first of July. An annual renewal fee of fifteen dollars shall be assessed for each certificate: PROVIDED, HOWEVER, That any person, firm or corporation, licensed and bonded pursuant to the provisions of RCW 19.28.120 shall not be assessed and shall not be required to pay the annual renewal fee for certification of competency.

The certificates of competency or permits provided for in this chapter shall grant the holder the right to engage in the work of electrical installation as a journeyman electrician in accordance with its provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license or permit or fee to engage in such work.

NEW SECTION. Sec. 7. No examination shall be required of any applicant for a certificate of competency who, on the effective date of this 1973 act, was engaged in a bona fide business or trade as a journeyman electrician in the state of Washington. Applicants qualifying under this section shall be issued a certificate by the department upon making an application as provided in section 3 of this 1973 act and paying the fee required under section 5 of this 1973 act: PROVIDED, That no applicant under this section shall be required to furnish such evidence as required by section 3 of this 1973 act.

NEW SECTION. Sec. 8. The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever an electrician coming into the state of Washington from another state requests the department for a temporary permit to engage in the business and trade of electrical installation as a journeyman during the period of time between filing of an application for a certificate as provided in section 3 of this 1973 act and taking the examination provided for in section 5 of this 1973 act:

PROVIDED, That the department is authorized to enter into reciprocal agreements with other states' providing for the acceptance of such states' journeyman certificate of competency or its equivalent when such states requirements are equal to the standards set by this act: AND PROVIDED FURTHER, That no temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency;

(2) Any applicant under this section who has not furnished the department with such evidence required under section 3 of this 1973 act;

(3) To any apprentice electrician.

NEW SECTION. Sec. 9. (1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to carry on the business and trade of electrical installations as a journeyman electrician;

(c) The holder thereof has violated any of the provisions of this chapter or any rule or regulation promulgated thereto.

(2) Before any certificate of competency shall be revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to said holder's last known address. Said notice shall enumerate the allegations against such holder, and shall give him the opportunity to request a hearing before the advisory board. At such hearing, the department and the holder shall have opportunity to produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

NEW SECTION. Sec. 10. (1) There is created a state advisory board of electricians, to be composed of three members appointed by the governor. One member shall be a journeyman electrician, one member shall be a person conducting an electrical installation business, and one member from the general public who is familiar with the business and trade of electrical installations.

(2) The initial terms of the members of the advisory board shall be one, two, and three years respectively as set forth in subsection (1) of this section. Upon the expiration of said terms, the governor shall appoint a new member to serve for a period of three years. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant. This shall not be construed

to mean the governor cannot reappoint a member.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to this chapter.

(4) Each member of the advisory board shall receive compensation and expenses in accordance with the provisions of RCW 43.03.050 and 43.03.060 for each day in which such member is actually engaged in attendance upon the meetings of the advisory board.

NEW SECTION. Sec. 11. (1) Every apprentice shall register with the department.

(2) The department shall issue to such apprentice, upon such form and under such terms as the director and the advisory board shall by agreement deem proper, an apprentice permit to work in the business and trade of electrical installations as an apprentice: PROVIDED, That such work shall be done under the supervision of a journeyman electrician.

NEW SECTION. Sec. 12. All moneys received from certificates, permits, or other sources, shall be paid to the state general fund.

NEW SECTION. Sec. 13. The director may promulgate rules, make specific decisions, orders, and rulings, including therein demands and findings, and take other necessary action for the implementation and enforcement of his duties under this chapter: PROVIDED, That in the administration of this act the director shall not enter any controversy arising over work assignments with respect to the trades involved in the construction industry.

NEW SECTION. Sec. 14. Nothing in this chapter shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his residence or farm or place of business or on other property owned by him: PROVIDED, HOWEVER, That nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of electrical installation: AND PROVIDED FURTHER, That this chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: AND PROVIDED FURTHER, That nothing in this chapter shall be deemed to apply to the installation or maintenance of communications or electronic circuits, wires and apparatus, radio or television stations; nor to any electrical public utility or its employees, in the installations and maintenance of electrical wiring, circuits, apparatus, and equipment by or for such public utility, or comprising a part of its plants, lines or systems. The licensing provisions of this act shall not apply to persons

making electrical installations on their own property or to regularly employed employees working on the premises of their employer: AND PROVIDED FURTHER, That nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing such electrical installation hold themselves out as engaged in the trade or business of electrical installations.

NEW SECTION. Sec. 15. Violation of this chapter or of the department rules and regulations provided for in this chapter by a person, firm, or corporation, shall be punishable by a fine of not more than fifty dollars. Each day of such violation constitutes a separate offense.

NEW SECTION. Sec. 16. Sections 1 through 15 of this 1973 act are added as a new chapter to Title 18 RCW.

NEW SECTION. Sec. 17. This bill shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law. It is the intention of the legislature that if the governor shall veto this section or any item thereof, none of the provisions of this bill shall take effect.

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Passed the Senate April 13, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 26, 1973, with the exception of Section 17 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

Note: Governor's explanation of partial veto is follows:

"I am returning herewith, without my approval as to one item, Senate Bill No. 2183 entitled:

Veto
Message

"AN ACT Relating to business and professions."

This act will provide a system of certification of electricians and their apprentices at the state level, administered by the department of labor and industries. Section 17 of this act provides that it will not take effect until funds have been appropriated to implement its provisions. However, section 17 further provides that should the Governor veto section 17, or any item in section 17, then none of the provisions of the bill will take effect.

The language in section 17, prohibiting the act from taking effect if section 17 is vetoed, is patently unconstitutional and irrelevant. If given weight, such a

provision would have the effect of prohibiting the use of the veto power wherever such language appeared. The veto power of the Governor is based in, and authorized by, the State Constitution. To suggest that this language, adopted by a majority vote, could prohibit the exercise of a constitutionally granted power is to suggest that the legislature can amend the Constitution by a majority vote, rather than two-thirds vote, and without referring such amendment to the people. Inasmuch as section 17 is so clearly unconstitutional, and as such is superfluous and constitutes only extra verbiage, I have determined to veto it.

With the exception of section 17, which I have vetoed for the reasons set out above, the remainder of Senate Bill No. 2183 is approved."

CHAPTER 207
[Engrossed Substitute Senate Bill No. 2226]
RESIDENTIAL LANDLORD-TENANT
ACT OF 1973

AN ACT Relating to the lease and rental of property; creating a new chapter in Title 59 RCW; and creating new sections.

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

NEW SECTION. Section 1. Sections 1 through 42 and 46 of this 1973 amendatory act shall be known and may be cited as the "Residential Landlord-Tenant Act of 1973", and shall constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 2. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

NEW SECTION. Sec. 3. As used in this chapter:

(1) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single family residences and units of multiplexes, apartment buildings, and mobile homes.

(2) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the landlord.