

70.136.020(1). Violation of an order issued under this section constitutes a misdemeanor.

NEW SECTION. Sec. 2. There is added to chapter 47.01 RCW a new section to read as follows:

The department of transportation shall adopt regulations to establish procedures for giving notice to transporters of placarded radioactive or hazardous cargo of times when transportation of such cargo is prohibited.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 206

[Engrossed Substitute Senate Bill No. 3055]

ELECTRICAL CONSTRUCTION TRADE—JOURNEYMAN ELECTRICIAN— SPECIALTY ELECTRICIAN—REGULATIONS

AN ACT Relating to the electrical construction trade; amending section 1, chapter 169, Laws of 1935 as last amended by section 1, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.010; amending section 10, chapter 169, Laws of 1935 as amended by section 2, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.060; amending section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.120; amending section 4, chapter 188, Laws of 1974 ex. sess. as last amended by section 3, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.125; amending section 8, chapter 169, Laws of 1935 as last amended by section 2, chapter 129, Laws of 1971 ex. sess. and RCW 19.28.210; amending section 9, chapter 169, Laws of 1935 and RCW 19.28.250; amending section 2, chapter 169, Laws of 1935 and RCW 19.28.260; amending section 13, chapter 169, Laws of 1935 and RCW 19.28.300; amending section 7, chapter 169, Laws of 1935 and RCW 19.28.310; amending section 14, chapter 169, Laws of 1935 as amended by section 16, chapter 30, Laws of 1980 and RCW 19.28.350; amending section 2, chapter 30, Laws of 1980 and RCW 19.28.510; amending section 4, chapter 30, Laws of 1980 and RCW 19.28.530; amending section 5, chapter 30, Laws of 1980 and RCW 19.28.540; amending section 6, chapter 30, Laws of 1980 and RCW 19.28.550; amending section 8, chapter 30, Laws of 1980 and RCW 19.28.570; amending section 9, chapter 30, Laws of 1980 and RCW 19.28.580; amending section 10, chapter 30, Laws of 1980 and RCW 19.28.590; amending section 11, chapter 30, Laws of 1980 and RCW 19.28.600; amending section 12, chapter 30, Laws of 1980 and RCW 19.28.610; amending section 13, chapter 30, Laws of 1980 and RCW 19.28.620; adding new sections to chapter 19.28 RCW; repealing section 12, chapter 169, Laws of 1935, section 63, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.270; and repealing section 1, chapter 30, Laws of 1980 and RCW 19.28.500.

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

NEW SECTION. Sec. 1. There is added to chapter 19.28 RCW a new section to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "Advisory board" means the electrical advisory board under RCW 19.28.065.

(3) "Board of electrical examiners" means the board of electrical examiners under RCW 19.28.123.

(4) "Chapter" means chapter 19.28 RCW.

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

(6) "Director" means the director of the department or the director's designee.

(7) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power.

(8) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

(9) "Equipment" means any equipment or apparatus that directly uses, conducts, or is operated by electricity but does not mean plug-in household appliances.

(10) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

(11) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

Sec. 2. Section 1, chapter 169, Laws of 1935 as last amended by section 1, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.010 are each amended to read as follows:

~~((From and after the taking effect of this chapter))~~ (1) All wires and equipment, and installations thereof, that convey electric current and installations of ~~((apparatus))~~ equipment to be operated by ~~((said))~~ electric current, in, on, or about buildings~~((;))~~ or structures, except for telephone ~~((and))~~, telegraph, radio, and television wires and equipment, and television antenna installations, signal strength amplifiers, and coaxial installations pertaining thereto shall be in strict conformity with ~~((the provisions of))~~ this chapter, the statutes of the state of Washington, and 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 approved methods of construction for safety to life and property. All wires and equipment that fall within section 90.2(b)(5) of the National Electrical Code, 1981 edition, are exempt from the requirements of this chapter. The regulations and articles ~~((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, as ~~((duty))~~ modified or supplemented by rules ~~((and regulations))~~ issued by the department ~~((of labor and industries))~~ in furtherance of safety to life and property under authority hereby granted, shall be prima facie evidence of ~~((such))~~ the approved methods ~~((; and))~~ of construction. All materials, devices, appliances, and equipment used in such installations shall be of a type ~~((which shall))~~ that conforms to applicable standards or be indicated as acceptable by the established standards of the Underwriters' Laboratories, Inc. ~~((;))~~ or other equivalently national recognized authorities ~~((; PROVIDED, That))~~.

(2) This chapter 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 ~~((s))~~ requiring an equal, ~~((a))~~ higher, or better standard of construction and an equal, higher, or better standard of materials, devices, appliances, and equipment than that required by this chapter ~~((; but in such))~~. In a city or town having ~~((such))~~ an equal, higher, or better standard ~~((such))~~ the installations ~~((and))~~, materials, devices, appliances, and equipment shall be in accordance with the ordinance, rule, or regulation of ~~((such))~~ the city or town ~~((; PROVIDED, That))~~.

(3) Nothing in this chapter ~~((shall))~~ may be construed as ~~((requiring or))~~ permitting the connection of any conductor of any electric circuit with a pipe ~~((; which))~~ that is connected with or designed to be connected with a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of ~~((such))~~ the waterworks piping system.

NEW SECTION. Sec. 3. There is added to chapter 19.28 RCW a new section to read as follows:

Disputes arising under RCW 19.28.010(2) regarding whether the city or town's electrical rules, regulations, or ordinances are equal to the rules adopted by the department shall be resolved by arbitration. The department shall appoint two members of the advisory board to serve on the arbitration panel, and the city or town shall appoint two persons to serve on the arbitration panel. These four persons shall choose a fifth person to serve. If the four persons cannot agree on a fifth person, the presiding judge of the superior court of the county in which the city or town is located shall choose a fifth person. A decision of the arbitration panel may be appealed to the superior court of the county in which the city or town is located within thirty days after the date the panel issues its final decision.

Sec. 4. Section 10, chapter 169, Laws of 1935 as amended by section 2, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.060 are each amended to read as follows:

~~((On or before the first day of January, 1936;))~~ Prior to January 1st of each year, the director ~~((of labor and industries))~~ shall obtain an authentic copy of the national electrical code as approved by the American Standards

Association, and an authentic copy of any applicable regulations and standards of the Underwriters' Laboratories, Inc., or other nationally recognized testing laboratory 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))~~ the rules, regulations, and standards. The ~~((director of labor and industries))~~ department, after consulting with the ~~((electrical))~~ advisory board and receiving the board's recommendations ~~((pursuant to RCW 19.28.065))~~, shall adopt ~~((and promulgate))~~ reasonable rules ~~((and regulations))~~ in furtherance of safety to life and property. All ~~((such aforementioned))~~ rules ~~((regulations and standards))~~ shall be kept on file ~~((in the office of the director of labor and industries;))~~ by the department. Compliance with ~~((such))~~ the rules ~~((regulations and standards))~~ shall be prima facie evidence of compliance with ~~((the provisions of))~~ this chapter. The ~~((director of labor and industries))~~ department upon request ~~((;))~~ shall deliver to all persons, firms, ~~((or))~~ partnerships, corporations, or other entities licensed under ~~((the provisions of))~~ this chapter ~~((;))~~ a ~~((certified))~~ copy of ~~((such))~~ the 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).~~

Sec. 5. Section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.120 are each amended to read as follows:

(1) It ~~((shall be))~~ is unlawful for any person, firm, ~~((or))~~ partnership, corporation, or other entity to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing ~~((apparatus))~~ or maintaining equipment to be operated by ~~((such))~~ electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license ~~((so to do))~~, issued by the ~~((director of labor and industries))~~ department in accordance with ~~((the provisions of))~~ this chapter. All ~~((such))~~ electrical contractor licenses ~~((shall))~~ expire on the thirty-first day of December following the day of their issue. Application for ~~((such))~~ an electrical contractor license shall be made in writing to the department ~~((of labor and industries))~~, accompanied by the required fee ~~((and))~~. The application shall state the name and address of the applicant ~~((and))~~; in case of firms or partnerships, the names of the individuals composing the firm ~~((and))~~ or partnership; in case of corporations, the names of the managing officials thereof ~~((and shall state))~~; the location of the place of business of the applicant and the name under which ~~((such))~~ the business is

conducted(;;); and (~~shall state the type of license sought;~~) whether a general or specialty electrical contractor license(;;) is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and nonresidential maintenance. A general electrical contractor license shall grant to the holder (~~thereof~~) the right to engage in, conduct, or carry on(;;) the business of installing or maintaining wires or equipment to carry electric current, and installing (~~apparatus~~) or maintaining equipment, or (~~install~~) installing or maintaining material to fasten(;;) or insulate such wires or equipment(;;) to be operated by (~~such~~) electric current, in (~~any and all places in~~) the state of Washington. A specialty electrical contractor license shall grant to the holder (~~thereof~~) a limited right to engage in, conduct, or carry on(;;) the business of installing or maintaining wires or equipment to carry electrical current, and installing (~~apparatus;~~) or maintaining equipment; or (~~to install~~) installing or maintaining material to fasten(;;) or insulate such wires or equipment(;;) to be operated by (~~such~~) electric current in the state of Washington as expressly allowed by (~~such~~) the license.

(2) The application for (~~such~~) a contractor license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee (~~therein~~) in the bond, with good and sufficient surety, to be approved by the (~~attorney general~~) department. (~~Said~~) The 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~~) suspends the license issued to the principal until (~~such time as~~) a new bond (~~of like tenor and effect shall have~~) has been filed and approved as (~~herein~~) provided in this section. Upon approval of (~~said~~) a bond (~~by the attorney general~~), the (~~director of labor and industries~~) department shall on the next business day (~~thereafter~~) deposit the fee accompanying (~~said~~) the application in the (~~fund to be known and designated as the "~~)electrical license fund(~~"~~). ~~Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who) and shall file (~~said~~) the bond in the office(, and).~~ The department shall upon (~~application~~) request furnish to any person, firm (~~or~~), partnership, corporation, or other entity a certified copy (~~thereof, under seal;~~) of the bond upon the payment of a fee (~~of two dollars~~) that the department shall set by rule. (~~Said~~) The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and (~~apparatus~~) equipment to be operated by (~~such~~) electrical current, the principal (~~therein~~) will comply with the provisions of this chapter and (~~in case such installation is in an incorporated city or town having an~~) with any electrical ordinance, building code, or regulation(~~s prescribing equal, a higher 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 installations as may be~~) of a city or town adopted pursuant to RCW 19.28.010(2) that is in effect at the time of entering into a contract ((for such installation)). ((Said)) The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon ((such)) the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm ((or)), partnership, corporation, or other entity due to a failure of the principal to make ((such)) the installation or maintenance in accordance with ((the provisions of)) this chapter((;)) or any applicable ordinance, building code, or regulation ((applicable thereto)) of a city or town adopted pursuant to RCW 19.28.010(2). In lieu of the surety bond required by this section the license applicant may file with the ((director)) department a cash deposit or other negotiable security acceptable to the ((director: PROVIDED, HOWEVER;)) department. If the license applicant has filed a cash deposit, the ((director)) department shall deposit ((such)) the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from ((such)) the account.

~~((The board of electrical examiners shall certify to the director of labor and industries all persons who are entitled to either a general or specialty electrical contractors' qualifying certificate.))~~

(3) The ((director of labor and industries)) department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, ((or)) partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, ((shall be)) are exclusive, and no political subdivision of the state of Washington ((shall)) may require or issue any licenses or bonds ((nor)) or charge any fee for the same or a similar purpose((: PROVIDED, That)). No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under ((the provisions of)) this chapter ((shall)) may be required to pay an annual fee for more than one such license or ((shall be required)) to post more than one three thousand dollar bond ((or an)), equivalent cash deposit, or other negotiable security.

~~((2) From and after the effective date of this 1975 amendatory act))~~
(4) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses an ((electrical qualifying)) administrator's certificate as a general electrical contractor administrator or as ((to the)) a specialty electrical contractor ((license)) administrator in the specialty for which application has been made.

Administrator certificate specialties include but are not limited to: Residential, domestic, appliance, pump and irrigation, limited energy system, signs, and nonresidential maintenance. To obtain ~~((such a))~~ an administrator's certificate an individual ~~((shall))~~ must pass an examination as set forth in RCW 19.28.123 ~~((or, alternately,))~~ unless the applicant was a ~~((duly))~~ licensed electrical contractor at any time during 1974. ~~((As to those))~~ Applicants who were ~~((duly licensed as))~~ electrical contractors licensed by the state of Washington at any time during 1974 ~~((such applicants shall be))~~ are entitled to receive a general electrical contractor ~~((qualifying))~~ administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board of electrical examiners shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 6. Section 4, chapter 188, Laws of 1974 ex. sess. as last amended by section 3, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.125 are each amended to read as follows:

(1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required administrator's examination. This person shall be designated as administrator under the license. No person may qualify as administrator for more than one contractor. If the relationship of the administrator with the ~~((applicant firm or corporation))~~ electrical contractor is terminated, the contractor's license is void within ninety days unless another administrator is qualified by the board of electrical examiners. However, if the administrator dies, the contractor's license is void within one hundred eighty days unless another administrator is qualified by the board of electrical examiners. A ~~((certification))~~ certificate issued under this ~~((chapter))~~ section is valid for the calendar year of issuance, unless revoked or suspended, and further is nontransferable. The ~~((certification))~~ certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ~~((thirty))~~ ninety days ~~((: PROVIDED, That))~~ after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. An individual holding ~~((any certification(s)))~~ more than one administrator's certificate under ~~((the provisions of))~~ this chapter shall not be required to pay annual fees for more than one certificate. A person may take the administrator's test as many times as necessary without limit.

(2) The administrator shall:

(a) Be available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;

(c) Ensure that the proper electrical safety procedures are used;

(d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;

(e) See that corrective notices issued by an inspecting authority are complied with; and

(f) Notify the department in writing within ten days if the administrator terminates the relationship with the electrical contractor.

(3) The department shall not by rule change the administrator's duties under subsection (2) of this section.

Sec. 7. Section 8, chapter 169, Laws of 1935 as last amended by section 2, chapter 129, Laws of 1971 1st sess. and RCW 19.28.210 are each amended to read as follows:

The director ~~((of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect, and shall inspect,))~~ shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies. Nothing contained in this chapter ~~((shall))~~ may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter ~~((19.28 RCW))~~ except those pertaining to cities and towns pursuant to RCW 19.28.010(2). Upon request, electrical inspections will be made by the ~~((electrical inspection))~~ department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect ~~((thereto, providing))~~ electrical power to the installation if the necessary electrical ~~((safe wiring label))~~ work permit is displayed. Whenever the installation of any ~~((such))~~ wiring, device, appliance, or equipment is not in accordance with ~~((the requirements of))~~ this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, ~~((or))~~ partnership, corporation, or other entity owning, using, or operating ~~((the same))~~ it shall be notified by the ~~((director of labor and industries))~~ department and shall within fifteen 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))~~ it conform to ~~((the provisions of))~~ this chapter. The director ~~((of labor and industries)),~~ through ~~((such inspector, assistant inspector or any deputy))~~ the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to ~~((such))~~ conductors or ~~((apparatus as is))~~ equipment that are found to be in a dangerous or unsafe condition and not in accordance with ~~((the provisions of))~~ this chapter. Upon making ~~((such))~~ a disconnection ~~((he))~~ the inspector shall attach ~~((thereto))~~ a notice stating that ~~((such))~~ the conductors have been found dangerous to life or property ~~((or))~~ and are not in accordance with ~~((the requirements of))~~ this chapter ~~((; and it shall be)).~~ It is unlawful for any person to reconnect such defective conductors or ~~((apparatus))~~ equipment without the approval of the ~~((director of labor and~~

industries)) department, and until the ((same)) conductors and equipment have been placed in a safe and secure condition, and in ((such)) a condition ((as to comply)) that complies with ((the requirements of)) this chapter. The director ((of labor and industries)), through the electrical inspector, ((assistant inspector, or any deputy inspector, shall have)) has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained ((thereon or therein)) in or on the buildings or premises. No electrical wiring or equipment subject to ((the requirements of)) this chapter ((shall)) may be concealed until ((an inspection is applied for under this chapter and an inspection made and the work therein)) it has been approved by the inspector making ((such)) the inspection. ((It shall be the responsibility of those)) Persons, firms, partnerships, corporations, or other entities making electrical installations ((to)) shall obtain inspection and approval from an authorized representative of the ((director of labor and industries)) department as required by this chapter((, prior to)) before requesting the electric utility to connect to ((said)) the installations. Electric utilities may connect ((such said)) to the installations if approval is clearly indicated by certification of the ((safe wiring label)) electrical work permit required to be affixed to each installation or by equivalent means, except that((;) increased or relocated services may be reconnected immediately((;) at the discretion of the utility((;) before approval((, provided a safe wiring label)) if an electrical work permit is displayed. The ((labels)) permits shall be furnished upon payment of the fee to the department ((of labor and industries)). The director, subject to the recommendations and approval of the ((state electrical)) advisory board, shall set by rule a schedule of license and ((safe wiring label)) electrical work permit fees ((which)) that will cover the costs ((incurred by the department of labor and industries in the)) of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure((s) act, chapter 34.04 RCW((,- PROVIDED, That)). No fee ((shall)) may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

Sec. 8. Section 9, chapter 169, Laws of 1935 and RCW 19.28.250 are each amended to read as follows:

If any inspection made under ((the provisions of)) this chapter requires any correction or change in the work inspected, a written report ((thereon)) of the inspection shall be made ((in writing)) by the inspector, in which report the corrections or changes required shall be plainly stated. A copy of ((such)) the report shall be furnished to the person, firm, ((or)) partnership, corporation, or other entity doing the installation work, and a copy ((thereof)) shall be filed ((in the office of the director of labor and industries)) with the department.

Sec. 9. Section 2, chapter 169, Laws of 1935 and RCW 19.28.260 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, firm ~~((or)), partnership,~~ corporation, or other entity to install or maintain any electrical wiring, appliances, devices, or equipment not in accordance with ~~((the standards prescribed by))~~ this chapter. In cases where the interpretation and application of the installation or maintenance standards ~~((herein))~~ prescribed in this chapter is in dispute~~((;))~~ or in doubt, the ~~((electrical))~~ advisory board ~~((of appeals hereinafter provided for))~~ shall, upon application of any interested person, firm ~~((or)), partnership,~~ corporation, or other entity, determine the methods of installation ~~((and/or))~~ or maintenance or the materials, devices, appliances, or equipment to be used in the particular case submitted for its decision.

Sec. 10. Section 13, chapter 169, Laws of 1935 and RCW 19.28.300 are each amended to read as follows:

Any person, firm ~~((or)), partnership,~~ corporation, or other entity desiring a ~~((ruling or))~~ decision of the advisory 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 chapter))~~ pursuant to RCW 19.28.260 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))~~ department in the sum of ~~((fifty))~~ two hundred dollars~~((; such))~~. The notice shall specify the ruling or interpretation desired and the contention of ~~((such))~~ the person, firm ~~((or)), partnership,~~ corporation, or other entity as to the proper interpretation or application or the question on which a ~~((ruling or))~~ decision is desired~~((; and in event))~~. If the advisory board ~~((of appeals shall))~~ determines that the contention of the applicant for a decision ~~((or ruling))~~ was proper, the ~~((certified check))~~ two hundred dollars shall be returned to ~~((such))~~ the applicant; otherwise ~~((the same))~~ it shall be used ~~((so far as necessary))~~ in paying the expenses and per diem of the members of the advisory board ~~((of appeals))~~ in connection with ~~((such))~~ the matter~~((; and))~~. Any portion of ~~((said fifty))~~ the two hundred dollars not used in paying the per diem and expenses of ~~((said))~~ the board in ~~((said))~~ the case shall~~((; by the director of labor and industries,))~~ be paid into the electrical license fund.

Sec. 11. Section 7, chapter 169, Laws of 1935 and RCW 19.28.310 are each amended to read as follows:

The department ~~(([director] of labor and industries shall have))~~ has the power, in case of ~~((gross and))~~ continued ~~((violation of))~~ noncompliance with the provisions of this chapter, to revoke~~((;))~~ or suspend for such a period as ~~((he may))~~ it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The

department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective fifteen days after the holder receives the notice. Any ((such)) revocation or suspension ((shall be)) is subject to review by an appeal to the ((electrical)) board of ((appeals hereinafter provided. Such)) electrical examiners. The filing of an appeal stays the effect of a revocation or suspension until the board of electrical examiners makes its decision. The appeal shall be ((taken)) filed within ((five)) fifteen days after notice of ((such)) the revocation or suspension is given by ((mailing)) certified mail sent to the address of ((such licensee)) the holder of the license or certificate as shown on the application for the license or certificate, 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)) two hundred dollars, which shall be returned to the ((licensee in event)) holder of the license or certificate if the decision of the department ((of labor and industries)) is not sustained by ((said)) the board((- otherwise to)). If the board sustains the decision of the department, the two hundred dollars shall be applied by the department ((of labor and industries in)) to the payment of the per diem and expenses of the members of ((such)) the board incurred in ((such)) the matter(;;), and any balance remaining after payment of ((such)) per diem and expenses shall be paid into the electrical license fund.

Sec. 12. Section 14, chapter 169, Laws of 1935 as amended by section 16, chapter 30, Laws of 1980 and RCW 19.28.350 are each amended to read as follows:

Any person, firm ((or)), partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through 19.28.380 ((shall be deemed)) is guilty of a misdemeanor, and shall be ((punishable)) punished by a fine of not less than fifty dollars, or not less than five days imprisonment, or both ((such)) the fine and imprisonment. Each day that any ((such)) violation ((shall)) continues shall be deemed a separate offense.

Sec. 13. Section 2, chapter 30, Laws of 1980 and RCW 19.28.510 are each amended to read as follows:

(1) No person ((shall)) may engage in the electrical construction trade ((of maintaining or installing electrical equipment or apparatus for light, heat, or power)) without having a current journeyman electrician certificate of competency or a current specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and nonresidential maintenance.

(2) A person who is indentured in an ((approved)) apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade(;;) may ((maintain or install electrical equipment or apparatus for light, heat, or power))

work in the electrical construction trade if supervised by a certified journeyman electrician or a certified specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain ~~((and be issued))~~ an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade ~~((of an electrician))~~ while under the direct supervision of a journeyman electrician or a specialty electrician working in his or her specialty. The holder of the electrical training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the ~~((holders'))~~ holder's employers in the electrical construction industry for the previous year and the number of hours worked for each employer. An annual fee ~~((of five dollars))~~ shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices ~~((or))~~ and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show ~~((the))~~ their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman electrician or an appropriate specialty electrician who has an applicable certificate of competency issued under this chapter. Either a journeyman electrician or an appropriate specialty electrician shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty electricians working on a job site shall be:

(a) From September 1, 1979, through December 31, 1982, not more than three noncertified electricians working on any one job site for every certified journeyman or specialty electrician;

(b) Effective January 1, 1983, not more than two noncertified individuals working on any one job site for every specialty electrician or journeyman electrician working as a specialty electrician;

(c) Effective January 1, 1983, not more than than one noncertified individual working on any one job site for every certified journeyman electrician.

The ratio requirements do not apply to a trade school program in the electrical construction trade established during 1946.

An individual ~~((with))~~ who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the electrical construction trade in a school approved by the commission for vocational education, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Sec. 14. Section 4, chapter 30, Laws of 1980 and RCW 19.28.530 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review ~~((the same))~~ the application and ~~((make a determination as to))~~ determine whether the applicant is eligible to take an examination for the journeyman or specialty certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked ~~((under the supervision of a journeyman electrician certified under this chapter))~~ in the electrical construction trade for a minimum of four years employed full time, of which two years shall be in industrial or commercial electrical installation under the supervision of a journeyman electrician certified under this chapter and not more than a total of two years in all specialties under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter or have successfully completed an ~~((approved))~~ apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked in that specialty of the electrical construction trade, under the supervision of ((the)) a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter, for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Before January 1, 1984, applicants for nonresidential maintenance specialty licenses are eligible to become nonresidential maintenance specialists upon certification to the department that they have the equivalent of two years full-time experience in that specialty field. Persons applying before January 1, 1984, for a journeyman certificate are eligible to take the examination to become journeymen until July 1, 1984, upon certification to the department that they have the equivalent of five years full-time experience in nonresidential maintenance, of which two years shall be in industrial electrical installation. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the commission for vocational education may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician~~((:PROVIDED, That))~~. The applicant shall obtain the additional two years of work experience ((shall run)) required in industrial or commercial electrical installation prior to the beginning, or after the

completion, of the technical school program. Any applicant who has received training in the electrical construction trade(~~(, as defined by this chapter,)~~) in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946(~~(, shall be)~~) is eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules (~~(and regulations)~~) for the examinations to be given applicants for certificates of competency. In establishing (~~(said)~~) the rules, (~~(regulations, and criteria,)~~) the department shall consult with the board of electrical examiners. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the (~~(same)~~) examination.

Sec. 15. Section 5, chapter 30, Laws of 1980 and RCW 19.28.540 are each amended to read as follows:

The department, in coordination with the board of electrical examiners, shall prepare an examination to be administered to applicants for journeyman and specialty 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)~~) are identified with the status of journeyman electrician or specialty electrician; and

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

The department shall (~~(administer)~~), at least four times annually, administer the examination to persons eligible to take (~~(the same)~~) it under RCW 19.28.530. A person may take the journeyman or specialty test as many times as necessary without limit. All applicants shall, before taking (~~(such)~~) the examination, pay to the department (~~(a fifteen dollar)~~) an examination fee(~~(- PROVIDED, That any applicant taking said examination shall pay only such additional)~~). The department shall set the fee by rule. The fee (as is necessary to) shall cover but not exceed the costs of preparing and administering (such additional) the examination.

The department shall certify the results of (~~(said)~~) the examination(~~(;)~~) upon such terms and after such a period of time as the department, in cooperation with the board of electrical examiners, (~~(shall)~~) deems necessary and proper.

Sec. 16. Section 6, chapter 30, Laws of 1980 and RCW 19.28.550 are each amended to read as follows:

The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 19.28.540, and who

have ~~((otherwise))~~ complied with RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620 and the rules ~~((and regulations promulgated thereto))~~ adopted under this chapter. 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))~~ renewed annually, upon application, on or before the first of July. ~~((An annual renewal))~~ A fee ~~((of fifteen dollars))~~ shall be assessed for each certificate~~((: PROVIDED, HOWEVER, That any person, firm or corporation, licensed and bonded under RCW 19.28.120 shall not be assessed and shall not be required to pay the annual renewal fee for certification of competency))~~ and for each annual renewal. The certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. The department shall set the fees by rule for issuance and renewal of a certificate of competency. The fees shall cover but not exceed the costs of issuing the certificates and of administering and enforcing the electrician certification requirements of this chapter.

The certificates of competency ~~((or))~~ and temporary permits provided for in this chapter ~~((shall))~~ grant the holder the right to ~~((engage in the))~~ work ~~((of electrical installation))~~ in the electrical construction trade as a journeyman electrician or specialty electrician in accordance with ~~((its))~~ their provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license ~~((or))~~,₂ permit, or fee to engage in such work.

Sec. 17. Section 8, chapter 30, Laws of 1980 and RCW 19.28.570 are each amended to read as follows:

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))~~ construction trade as an electrician during the period of time between filing of an application for a certificate as provided in RCW 19.28.520 and taking the examination provided for in RCW 19.28.540. 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 chapter. No temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency, except that any person who has failed the examination for competency under this section shall be entitled to continue to work under a temporary permit for ninety days if the person is enrolled in a journeyman electrician refresher course and shows evidence to the department that he or

she has not missed any classes. The person, after completing the journeyman electrician refresher course, shall be eligible to retake the examination for competency at the next scheduled time.

(2) Any applicant under this section who has not furnished the department with such evidence required under RCW 19.28.520.

(3) To any apprentice electrician.

Sec. 18. Section 9, chapter 30, Laws of 1980 and RCW 19.28.580 are each amended to read as follows:

(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))~~ work in the electrical construction trade as a journeyman electrician or specialty electrician;

(c) The holder thereof has violated any of the provisions of RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620 or any rule ~~((or regulation promulgated thereto))~~ adopted under this chapter.

(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))~~ the holder's last known address. ~~((Said))~~ The notice shall enumerate the allegations against ((such)) the holder, and shall give ((him)) the holder the opportunity to request a hearing before the board of electrical examiners. At ((such)) the hearing, the department and the holder ((shall have opportunity to)) may produce witnesses and give testimony. The hearing shall be conducted in accordance with 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.

Sec. 19. Section 10, chapter 30, Laws of 1980 and RCW 19.28.590 are each amended to read as follows:

The board of electrical examiners shall carry out all the functions and duties enumerated in RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620, as well as generally advise the department on all matters relative to RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620.

Sec. 20. Section 11, chapter 30, Laws of 1980 and RCW 19.28.600 are each amended to read as follows:

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))~~ RCW ~~((19.28.500))~~ 19.28.510 through 19.28.620 ~~((:PROVIDED, That))~~. In the administration of RCW ((19.28.500)) 19.28.510 through 19.28.620 the ((director)) department shall not enter any controversy arising over

work assignments with respect to the trades involved in the construction industry.

Sec. 21. Section 12, chapter 30, Laws of 1980 and RCW 19.28.610 are each amended to read as follows:

Nothing in RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him: PROVIDED, HOWEVER, That nothing in RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a (~~(political subdivision of the state)~~) city or town pursuant to RCW 19.28.010(2), 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 electrical construction trade (of electrical installation): AND PROVIDED FURTHER, That RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 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 RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 shall be deemed to apply to the installation or maintenance of communications or electronic circuits, wires and apparatus, or radio or television stations; nor to any electrical utility or its employees, in the installations and maintenance of electrical wiring, circuits, (~~(apparatus)~~) and equipment by or for (~~(such)~~) the utility, or comprising a part of its plants, lines or systems. The licensing provisions of RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 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 RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 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)~~) the electrical installation hold themselves out as engaged in the trade or business of electrical installations. Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter.

Sec. 22. Section 13, chapter 30, Laws of 1980 and RCW 19.28.620 are each amended to read as follows:

(1) It is unlawful for any person, firm, (~~(or)~~) partnership, corporation, or other entity to employ an individual for purposes of RCW (~~(19.28.500)~~) 19.28.510 through 19.28.620 who has not been issued a certificate of competency or a (~~(learning)~~) training certificate. It is unlawful for any individual to maintain or install any electrical equipment (~~(or apparatus)~~) for light, heat, or power without having in his or her possession a certificate of

competency or a (~~learning~~) training certificate under RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620. Any person, firm, (~~(or)~~) partnership, corporation, or other entity found in violation of RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 shall be punished by a fine of not less than fifty dollars. Any equipment (~~(or apparatus)~~) maintained or installed by any person who does not possess a certificate of competency under RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 shall not receive (~~(a safe wiring label)~~) an electrical work permit and electrical service shall not be connected or maintained to operate the equipment (~~(or apparatus)~~). Each day that a person, firm, (~~(or)~~) partnership, corporation, or other entity violates the provisions of RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 is a separate violation.

(2) A civil penalty shall be collected in a civil action brought by the attorney general or the prosecuting attorney of the county wherein the alleged violation arose at the request of the department if any of the provisions of RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 or any rules promulgated under RCW (~~(+19.28.500)~~) 19.28.510 through 19.28.620 are violated.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 169, Laws of 1935, section 63, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.270; and

(2) Section 1, chapter 30, Laws of 1980 and RCW 19.28.500.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 22, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 207

[Substitute Senate Bill No. 3087]

SHARED WORK COMPENSATION PLAN—UNEMPLOYMENT INSURANCE

AN ACT Relating to unemployment insurance; adding a new chapter to Title 50 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. In order to provide an economic climate conducive to the retention of skilled workers in industries adversely affected by general economic downturns and to supplement depressed buying power of employees affected by such downturns, the legislature finds that the public