

NEW SECTION. Sec. 4. 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 March 9, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 123

[Substitute Senate Bill No. 3052]

ELEVATORS—PERMITS—INSPECTIONS—HEARINGS

AN ACT Relating to elevators, lifting devices, and moving walks; amending section 1, chapter 26, Laws of 1963 as last amended by section 9, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.010; amending section 2, chapter 26, Laws of 1963 and RCW 70.87.020; amending section 3, chapter 26, Laws of 1963 as last amended by section 10, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.030; amending section 4, chapter 26, Laws of 1963 and RCW 70.87.040; amending section 5, chapter 26, Laws of 1963 as amended by section 2, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.050; amending section 6, chapter 26, Laws of 1963 and RCW 70.87.060; amending section 7, chapter 26, Laws of 1963 and RCW 70.87.070; amending section 8, chapter 26, Laws of 1963 and RCW 70.87.080; amending section 9, chapter 26, Laws of 1963 and RCW 70.87.090; amending section 10, chapter 26, Laws of 1963 and RCW 70.87.100; amending section 11, chapter 26, Laws of 1963 and RCW 70.87.110; amending section 12, chapter 26, Laws of 1963 as amended by section 2, chapter 22, Laws of 1970 ex. sess. and RCW 70.87.120; amending section 14, chapter 26, Laws of 1963 and RCW 70.87.140; amending section 17, chapter 26, Laws of 1963 and RCW 70.87.170; amending section 18, chapter 26, Laws of 1963 and RCW 70.87.180; amending section 19, chapter 26, Laws of 1963 and RCW 70.87.190; amending section 20, chapter 26, Laws of 1963 as amended by section 4, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.200; amending section 22, chapter 26, Laws of 1963 and RCW 70.87.900; adding new sections to chapter 70.87 RCW; repealing section 15, chapter 26, Laws of 1963 and RCW 70.87.150; repealing section 16, chapter 26, Laws of 1963 and RCW 70.87.160; and prescribing penalties.

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

Sec. 1. Section 1, chapter 26, Laws of 1963 as last amended by section 9, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.010 are each amended to read as follows:

For the purposes of this chapter, except where a different interpretation is required by the context:

(1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee, or otherwise;

(2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator (~~and~~), or moving walk, all as defined (~~herein~~) in this section;

(3) "Existing installations" means all conveyances for which plans were completed and accepted by the owner, or for which the plans and specifications (~~for which~~) have been filed with and approved by the department (~~of labor and industries~~) before (~~the effective date of this chapter~~) June

13, 1963, and work on the erection of which was begun not more than twelve months thereafter;

(4) "Elevator" means a hoisting or lowering machine equipped with a car or platform (~~((which))~~) that moves in guides (~~((in a substantially vertical direction))~~) and (~~((which))~~) serves two or more floors or landings of a building or structure;

(a) "Passenger elevator" means an elevator (i) on which passengers are permitted to ride and (ii) that may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;

(b) "Freight elevator" means an elevator (i) used primarily for carrying freight and (ii) on which only the operator, the persons necessary for loading and unloading, and (~~((such))~~) other employees (~~((as may be))~~) approved by the department (~~((of labor and industries))~~) are permitted to ride;

(c) "Sidewalk elevator" means a freight elevator (~~((which))~~) that: (i) Operates between a sidewalk or other area (~~((exterior to))~~) outside the building(~~(s))~~ and floor levels inside the building below (~~((such))~~) the outside area, (~~((which))~~) (ii) has no landing opening into the building at its upper limit of travel, and (~~((which))~~) (iii) is not used to carry automobiles;

(5) "Escalator" means a power-driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car (~~((which))~~) (a) that moves in guides in a substantially vertical direction, (b) the floor area of which does not exceed nine square feet, (~~((whose total))~~) (c) the inside height(~~((, whether or not provided with fixed or removable shelves;))~~) of which does not exceed four feet, (d) the capacity of which does not exceed five hundred pounds, and (e) that is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator: (a) Located in either a stationary or horizontally moving hoistway (~~((and))~~); (b) used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power-driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator; and (~~((where))~~) (c) in which no persons are normally stationed on any level except the receiving level;

(8) "Moving walk" means a (~~((type of))~~) passenger carrying device (a) on which passengers stand or walk and (~~((whose))~~) (b) on which the passenger carrying surface remains parallel to its direction of motion;

(9) "Belt manlift" means a (~~((device consisting of a))~~) power driven endless belt provided with steps or platforms and a hand hold (~~((attached to it))~~) for the transportation of personnel from floor to floor;

(10) (~~(("Division"))~~) "Department" means the (~~((division of industrial safety and health of the))~~) department of labor and industries;

(11) (~~"Supervisor" means the supervisor, of the division of industrial safety and health of the department of labor and industries~~) "Director" means the director of the department or his or her representative;

(12) "Inspector" means ((any safety or)) an elevator inspector of the ((division including assistant and deputy inspectors, or the mechanical or)) department or an elevator inspector((s)) of ((the)) a municipality having in effect an elevator ordinance ((as hereinafter set forth)) pursuant to RCW 70.87.200;

(13) "Permit" means a permit issued by the ((supervisor)) department to construct, install, or operate a conveyance((-);

(14) "Person" means this state, a political subdivision, any public or private corporation, any firm, or any other entity as well as an individual;

(15) "One-man capacity manlift" means a single passenger, hand-powered counterweighted device, or electric-powered device, ((which)) that travels vertically in guides and serves two or more landings.

Sec. 2. Section 2, chapter 26, Laws of 1963 and RCW 70.87.020 are each amended to read as follows:

The purpose of this chapter is to provide for the safe mechanical and electrical operation, erection, installation, alteration, inspection, and repair of conveyances, and all such operation, erection, installation, alteration, inspection, and repair subject to the provisions of this chapter shall be reasonably safe to persons and property and in conformity with the provisions of this chapter and the applicable statutes of the state of Washington, and all orders, rules, and regulations of the department (~~(of labor and industries issued by authority thereof)~~). In any suit for damages allegedly caused by a failure or malfunction of the conveyance, conformity ((in this respect)) with the ((applicable)) rules ((and regulations set forth in the American Standard Safety Code for Elevators, Dumbwaiters and Escalators shall be)) of the department is prima facie evidence that ((such)) the operation, erection, installation, alteration, inspection, and repair of the conveyance is reasonably safe to persons and property.

Sec. 3. Section 3, chapter 26, Laws of 1963 as last amended by section 10, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.030 are each amended to read as follows:

The (~~(director of the))~~ department (~~(of labor and industries))~~ shall administer this chapter through the (~~(supervisor of the))~~ division of building and construction safety inspection services(~~(-PROVIDED, That,))~~). However, except for the new construction thereof, all hand-powered elevators, belt manlifts, and one-man capacity manlifts installed in or on grain elevators ((shall be)) are the responsibility of the division of industrial safety and health of the department ((of labor and industries)). The ((supervisor)) department shall ((promulgate and)) adopt ((such)) rules ((and regulations)) governing the mechanical and electrical operation, erection, installation, alterations, inspection, acceptance tests, and repair of conveyances ((as may

be)) that are necessary and appropriate and shall also ~~((promulgate and))~~ adopt minimum standards governing existing installations ~~((: PROVIDED; That)).~~ In the execution of this rule-making power and ~~((prior to the promulgation and))~~ before the adoption of rules ~~((and regulations by the supervisor, he)),~~ the department shall consider ~~((generally))~~ the rules ~~((and regulations))~~ for the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances, including the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, and any amendatory or supplemental provisions thereto ~~((; and he shall be guided by the provisions thereof where pertinent and consistent with the purposes of this chapter)).~~ The ~~((director of the))~~ department ~~((of labor and industries))~~ by rule ~~((and regulation))~~ shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter ~~((shall))~~ limits the authority of the ~~((division))~~ department to prescribe or enforce general or special safety orders as provided by law.

Sec. 4. Section 4, chapter 26, Laws of 1963 and RCW 70.87.040 are each amended to read as follows:

All privately owned ~~((conveyances))~~ and ~~((all))~~ publicly owned conveyances are subject to the provisions of this chapter except as ~~((hereinafter))~~ specifically excluded by this chapter.

Sec. 5. Section 5, chapter 26, Laws of 1963 as amended by section 2, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.050 are each amended to read as follows:

The operation, erection, installation, alteration, inspection, and repair of any conveyance located in, or used in connection with, any building owned by the state, a county, or ~~((any))~~ a political subdivision ~~((not otherwise exempted by this chapter, even though)),~~ other than those located within and owned by a city having an elevator code, shall be under the jurisdiction of the ~~((Washington state))~~ department ~~((of labor and industries)).~~

Sec. 6. Section 6, chapter 26, Laws of 1963 and RCW 70.87.060 are each amended to read as follows:

(1) The person ~~((or firm))~~ installing, relocating, or altering ~~((any))~~ a conveyance ~~((shall be))~~ is responsible for its operation and maintenance until the department has issued an operating permit ~~((therefor has been issued by the supervisor))~~ for the conveyance, except during the period when ~~((any))~~ a limited operating permit ~~((as defined))~~ in accordance with RCW 70.87.090(2) ~~((shall be))~~ is in effect, and ~~((shall))~~ is also ~~((be))~~ responsible for all tests of a new, relocated, ~~((and))~~ or altered ~~((equipment))~~ conveyance until the department has issued an operating permit ~~((thereof has been issued by the supervisor))~~ for the conveyance.

(2) The owner or his or her duly appointed agent shall be responsible for the safe operation and proper maintenance of the conveyance after the department has issued the operating permit (~~(has been issued by the supervisor)~~) and also during the period of effectiveness of any limited operating permit (~~(as defined)~~) in accordance with RCW 70.87.090(2). The owner shall be responsible for all periodic tests required by the (~~(supervisor)~~) department.

Sec. 7. Section 7, chapter 26, Laws of 1963 and RCW 70.87.070 are each amended to read as follows:

All new and existing conveyances shall have a serial number painted on or attached as directed by the (~~(supervisor)~~) department. This serial number shall be assigned by the (~~(supervisor)~~) department and shown on all required permits.

Sec. 8. Section 8, chapter 26, Laws of 1963 and RCW 70.87.080 are each amended to read as follows:

(1) An installation permit shall be obtained from the (~~(supervisor)~~) department before erecting, installing, relocating, or altering a conveyance.

(2) The installer of the conveyance shall submit an application for (~~(such)~~) the permit in duplicate, in (~~(such)~~) a form (~~(as)~~) that the (~~(supervisor)~~) department may prescribe.

(3) The permit issued by the (~~(supervisor)~~) department shall be kept posted conspicuously at the site of installation.

(4) No permit (~~(shall be)~~) is required for repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength, and design.

Sec. 9. Section 9, chapter 26, Laws of 1963 and RCW 70.87.090 are each amended to read as follows:

(1) An operating permit (~~(shall be)~~) is required for each conveyance operated in the state of Washington except during its erection by the person or firm responsible for its installation. A permit issued by the (~~(supervisor)~~) department shall (~~(remain in effect and)~~) be kept conspicuously posted near the conveyance (~~(or in the machine room thereof)~~).

(2) The (~~(supervisor)~~) department may permit the temporary use of (~~(any)~~) a conveyance during its installation or alteration, under the authority of a limited permit issued by the (~~(supervisor)~~) department for each class of service. Limited permits shall be issued for a period not to exceed thirty days and may be renewed at the discretion of the (~~(supervisor)~~) department. Where a limited permit is issued, a notice bearing the information that the equipment has not been finally approved shall be conspicuously posted.

~~((3) The supervisor may at any time and after giving notice and an opportunity to be heard in accordance with the provisions of chapter 34.04~~

~~RCW, in the interest of safety, revoke any current permit to operate a conveyance:))~~

NEW SECTION. Sec. 10. (1) The department may suspend or revoke a permit if:

(a) The permit was obtained through fraud or by error if, in the absence of error, the department would not have issued the permit;

(b) The conveyance for which the permit was issued has not been constructed, installed, maintained, or repaired in accordance with the requirements of this chapter; or

(c) The conveyance has become unsafe.

(2) The department shall notify in writing the owner or person installing the conveyance, of its action and the reason for the action. The department shall send the notice by certified mail to the last known address of the owner or person. The notice shall inform the owner or person that a hearing may be requested pursuant to RCW 70.87.170.

(3) If the department has suspended or revoked a permit because of fraud or error, and a hearing is requested, the suspension or revocation shall be stayed until the hearing is concluded and a decision is issued.

If the department has revoked or suspended a permit because the conveyance is unsafe or is not constructed, installed, maintained, or repaired in accordance with this chapter, the suspension or revocation is effective immediately and shall not be stayed by a request for a hearing.

(4) The department shall remove a suspension or reinstate a revoked permit if a conveyance is repaired or modified to bring it into compliance with this chapter.

Sec. 11. Section 10, chapter 26, Laws of 1963 and RCW 70.87.100 are each amended to read as follows:

(1) The person or firm installing, relocating, or altering a conveyance((s)) shall notify the ((supervisor)) department in writing, at least seven days before completion of the work, and shall subject the new, moved, or altered portions of the ((equipment)) conveyance to the acceptance tests.

(2) All new, altered, or relocated conveyances ((where)) for which a permit has been issued, shall be inspected for compliance with the requirements of this chapter by an ((inspector in the employ)) authorized representative of the ((division who)) department. The authorized representative shall also witness the test specified.

Sec. 12. Section 11, chapter 26, Laws of 1963 and RCW 70.87.110 are each amended to read as follows:

The requirements of this chapter are intended to apply to all conveyances ((installations)) except as modified or waived by the ((supervisor)) department. They are intended to be modified or waived whenever any requirements are shown to be impracticable, such as involving expense not

justified by the protection secured(~~(-PROVIDED, That))~~. However, the department shall not allow the modification or waiver unless equivalent or safer construction is secured in other ways. ((Such)) An exception((s-shall apply)) applies only to the installation covered by the application for waiver.

Sec. 13. Section 12, chapter 26, Laws of 1963 as amended by section 2, chapter 22, Laws of 1970 ex. sess. and RCW 70.87.120 are each amended to read as follows:

(1) The ~~((supervisor))~~ department shall appoint and employ inspectors, as may be necessary to carry out the provisions of this chapter, under the provisions of the rules ~~((and regulations))~~ adopted by the state personnel board in accordance with chapter 41.06 RCW.

(2) The ~~((supervisor))~~ department shall cause all conveyances to be inspected and tested at least once each year. Inspectors ~~((shall))~~ have the right during reasonable hours to enter into and upon any building or premises in the discharge of their official duties, for the purpose of making any inspection or testing any conveyance contained thereon or therein. Inspections and tests shall conform with the rules ~~((and regulations promulgated and))~~ adopted by the ~~((supervisor))~~ department. The department shall inspect all installations ((shall be inspected by the supervisor)) before it issues any initial permit for operation ((shall be issued)). Permits shall not be issued until the fees ((herein)) required by this chapter have been paid.

(3) If inspection shows a conveyance to be in an unsafe condition, the ~~((supervisor))~~ department shall issue an inspection report in writing requiring the repairs or alterations to be made to the conveyance ~~((which)) that are necessary to render it safe((, and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed))~~ and may also suspend or revoke a permit pursuant to section 10 of this 1983 act or order the operation of a conveyance discontinued pursuant to section 15 of this 1983 act.

(4) The department may investigate accidents and alleged or apparent violations of this chapter.

Sec. 14. Section 14, chapter 26, Laws of 1963 and RCW 70.87.140 are each amended to read as follows:

Whenever any conveyance is being operated without ~~((the))~~ a permit ((herein)) required by this chapter, the attorney general or the prosecuting attorney of the county may apply to the superior court of the county in which the conveyance is located for ~~((an))~~ a temporary restraining order or a temporary or permanent injunction restraining the operation ((thereof)) of the conveyance until ((such condition is corrected)) the department issues a permit for the conveyance. No bond ((shall)) may be required from the ((division)) department in such proceedings.

NEW SECTION. Sec. 15. (1) An authorized representative of the department may order the owner or person operating a conveyance to discontinue the operation of a conveyance, and may place a notice that states that the conveyance may not be operated on a conspicuous place in the conveyance, if the conveyance:

(a) Has not been constructed, installed, maintained, or repaired in accordance with the requirements of this chapter; or

(b) Has otherwise become unsafe.

The order is effective immediately, and shall not be stayed by a request for a hearing.

(2) The department shall prescribe a form for the order to discontinue operation. The order shall specify why the conveyance violates this chapter or is otherwise unsafe, and shall inform the owner or operator that he or she may request a hearing pursuant to RCW 70.87.170. A request for a hearing does not stay the effect of the order.

(3) The department shall rescind the order to discontinue operation if the conveyance is fixed or modified to bring it into compliance with this chapter.

(4) An owner or a person that knowingly operates or allows the operation of a conveyance in contravention of an order to discontinue operation, or removes a notice not to operate, is:

(a) Guilty of a misdemeanor; and

(b) Subject to a civil penalty under section 18 of this act.

Sec. 16. Section 17, chapter 26, Laws of 1963 and RCW 70.87.170 are each amended to read as follows:

(1) Any person aggrieved by ((any)) an order or action of the ((supervisor)) department denying, suspending, revoking, or refusing to renew a permit; assessing a penalty for a violation of this chapter; or ordering the operation of a conveyance to be discontinued, may ((have the same reviewed by the courts in accordance with the provisions of chapter 34.04 RCW)) request a hearing within fifteen days after notice the department's order or action is received. The date the hearing was requested shall be the date the request for hearing was postmarked. The party requesting the hearing must accompany the request with a certified or cashier's check for two hundred dollars payable to the department. The department shall refund the two hundred dollars if the party requesting the hearing prevails at the hearing; otherwise, the department shall retain the two hundred dollars.

If the department does not receive a timely request for hearing, the department's order or action is final and may not be appealed.

(2) If the aggrieved party requests a hearing, the department shall ask an administrative law judge to preside over the hearing. The hearing shall be conducted in accordance with chapter 34.04 RCW.

Sec. 17. Section 18, chapter 26, Laws of 1963 and RCW 70.87.180 are each amended to read as follows:

~~((1))~~ The construction, installation, relocation, alteration, or operation of a conveyance without a permit by any person owning or having the custody, management, or operation thereof ~~((without a permit))~~, except as provided in RCW 70.87.080 and 70.87.090, is a misdemeanor ~~((and shall be punishable by a fine not to exceed two hundred fifty dollars, or ninety days in the county jail))~~. Each day of violation ~~((shall be))~~ is a separate offense. No prosecution ~~((shall))~~ may be maintained where the issuance or renewal of a permit has been requested but upon which no action has been taken by the ~~((supervisor))~~ department.

~~((2) Every person who shall wilfully or continuously violate or fail to comply with any rule or regulation of the division promulgated under authority of this chapter, shall be punished by a penalty of not more than two hundred fifty dollars:))~~

NEW SECTION. Sec. 18. (1) The department may assess a penalty against a person violating a provision of this chapter. The penalty shall be not more than five hundred dollars. Each day that the violation continues is a separate violation and is subject to a separate penalty.

(2) The department may not assess a penalty until it adopts rules describing the method it will use to calculate penalties for various violations.

(3) The department shall notify the violator of its action, and the reasons for its action, in writing.* The department shall send the notice by certified mail to the violator's last known address. The notice shall inform the violator that a hearing may be requested under RCW 70.87.170. The hearing shall not stay the effect of the penalty.

NEW SECTION. Sec. 19. The department also has the following powers:

(1) The department may adopt any rules necessary or helpful for the department to implement and enforce this chapter.

(2) The director may issue subpoenas for the production of persons, papers, or information in all proceedings and investigations within the scope of this chapter. If a person refuses to obey a subpoena, the director, through the attorney general, may ask the superior court to order the person to obey the subpoena.

(3) The director may take the oral or written testimony of any person. The director has the power to administer oaths.

(4) The director may make specific decisions, cease and desist orders, other orders, and rulings, including demands and findings.

NEW SECTION. Sec. 20. On request of the department, the attorney general may:

(1) File suit to collect a penalty assessed by the department;

(2) Seek a civil injunction, show cause order, or contempt order against the person who repeatedly violates a provision of this chapter;

(3) Seek an ex parte inspection warrant if the person refuses to allow the department to inspect a conveyance;

(4) File suit asking the court to enforce a cease and desist order or a subpoena issued by the director under this chapter; and

(5) Take any other legal action appropriate and necessary for the enforcement of the provisions of this chapter.

All suits shall be brought in the district or superior court of the district or county in which the defendant resides or transacts business. In any suit or other legal action, the department may ask the court to award costs and attorney's fees. If the department prevails, the court shall award the appropriate costs and attorney's fees.

Sec. 21. Section 19, chapter 26, Laws of 1963 and RCW 70.87.190 are each amended to read as follows:

The owner or ~~((his))~~ the owner's duly authorized agent shall promptly notify the ~~((supervisor))~~ department of each ~~((and every))~~ accident to a person requiring the service of a physician or resulting in a disability exceeding one day, and shall afford the ~~((supervisor))~~ department every facility for investigating and inspecting ~~((such))~~ the accident. The ~~((supervisor))~~ department shall without delay, after being notified, make an inspection and shall ~~((have placed))~~ place on file a full and complete report of ~~((such))~~ the accident. ~~((Such))~~ The report shall give in detail all material facts and information available and the cause or causes, so far as they can be determined. The report shall be open to public inspection at all reasonable hours. When an accident involves the failure or destruction of any part of the construction or the operating mechanism of a conveyance, the use of ~~((such device))~~ the conveyance is forbidden until it has been made safe ~~((and until))~~; it has been reinspected and any repairs, changes, or alterations have been approved by the ~~((supervisor))~~ department; and a permit ~~((on such a form as he may prescribe))~~ has been issued by ~~((him))~~ the department. The removal of any part of the damaged construction or operating mechanism from the premises is forbidden until the department grants permission to do so ~~((has been granted by the supervisor))~~.

Sec. 22. Section 20, chapter 26, Laws of 1963 as amended by section 4, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.200 are each amended to read as follows:

(1) The provisions of this chapter ~~((shall))~~ do not apply where:

~~((+))~~ (a) A conveyance is permanently removed from service ~~((and/))~~ or made effectively inoperative; or ~~((to))~~

(b) Lifts, man hoists, or material hoists ~~((which))~~ are erected temporarily for use during ~~((or for the duration of))~~ construction work only and are of such a design that they must be operated by a workman stationed at the hoisting machine.

(2) Except as limited by RCW 70.87.050, municipalities having in effect an elevator code prior to ~~((the adoption of the original act of 1963))~~ June

13, 1963 may continue to assume jurisdiction over the operation, erection, installation, alteration, or repair of elevators, escalators, dumbwaiters, moving walks, manlifts, and parking elevators and may inspect, issue permits, collect fees, and prescribe minimum requirements for the construction, design, use, and maintenance of ~~((such))~~ conveyances ~~((providing such))~~ if the requirements are equal to ~~((or in conformity with))~~ the requirements of this chapter and to all rules ~~((and regulations))~~ pertaining to ~~((such))~~ conveyances ~~((as))~~ adopted and administered by the ~~((Washington state))~~ department ~~((of labor and industries))~~. Upon the failure of ~~((any))~~ a municipality having jurisdiction over conveyances to carry out the provisions of this chapter with regard to ~~((any conveyances or))~~ a conveyance, the ~~((Washington state))~~ department ~~((of labor and industries))~~ may assume jurisdiction over ~~((any such))~~ the conveyance(s). If a municipality ~~((upon electing))~~ elects not to maintain jurisdiction over certain conveyances located therein, it ~~((mutually))~~ enter into a written agreement with the ~~((Washington state))~~ department ~~((of labor and industries))~~ transferring exclusive jurisdiction of ~~((such))~~ the conveyances to ~~((said))~~ the department. The city may not reassume jurisdiction after it enters into such an agreement with the department.

NEW SECTION. Sec. 23. (1) Disputes arising under RCW 70.87.200(2) shall be resolved by arbitration. The request shall be sent by certified mail.

(2) The department shall appoint one arbitrator; the municipality shall appoint one arbitrator; and the arbitrators chosen by the department and the municipality shall appoint the third arbitrator. If the two arbitrators cannot agree on the third arbitrator, the presiding judge of the Thurston county superior court, or his or her designee, shall appoint the third arbitrator.

(3) The arbitration shall be held pursuant to the procedures in chapter 7.04 RCW, except that RCW 7.04.220 shall not apply. The decision of the arbitrators is final and binding on the parties. Neither party may appeal a decision to any court.

(4) A party may petition the Thurston county superior court to enforce a decision of the arbitrators.

Sec. 24. Section 22, chapter 26, Laws of 1963 and RCW 70.87.900 are each amended to read as follows:

If any provision of this ~~((act;))~~ chapter or its application to any person or circumstance is held invalid, the remainder of the ~~((act))~~ chapter, or the application of the provision to other persons or circumstances, is not affected.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 15, chapter 26, Laws of 1963 and RCW 70.87.150; and

(2) Section 16, chapter 26, Laws of 1963 and RCW 70.87.160.

NEW SECTION. Sec. 26. Sections 10, 15, 18, 19, 20, and 23 of this act are each added to chapter 70.87 RCW.

Passed the Senate March 2, 1983.

Passed the House April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 124

[Substitute Senate Bill No. 3054]

PLUMBERS—LICENSING—VIOLATIONS—PROCEDURES

AN ACT Relating to certification of plumbers; amending section 1, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.010; amending section 5, chapter 175, Laws of 1973 1st ex. sess. as amended by section 5, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.050; amending section 7, chapter 175, Laws of 1973 1st ex. sess. as amended by section 7, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.070; amending section 2, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.020; adding new sections to chapter 18.106 RCW; repealing section 6, chapter 175, Laws of 1973 1st ex. sess., section 6, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.060; repealing section 16, chapter 175, Laws of 1973 1st ex. sess., section 10, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.160; prescribing penalties; and providing an effective date.

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

Sec. 1. Section 1, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.010 are each amended to read as follows:

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 plumbers;

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

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

(4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;

(5) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to installation, maintenance, and repair of the plumbing of single family dwellings, duplexes, and apartment buildings which do not exceed three stories;

(6) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems and liquid waste systems within a building: PROVIDED, That installation in a water system of water softening or water treatment equipment shall not be within the meaning of plumbing as used in this chapter(;