

adopted pursuant thereto; nor as affecting any proceeding instituted thereunder.

Passed the Senate February 1, 1980.

Passed the House February 18, 1980.

Approved by the Governor February 28, 1980.

Filed in Office of Secretary of State February 28, 1980.

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## CHAPTER 30

### [Engrossed Senate Bill No. 3253] ELECTRICIANS—LICENSING

AN ACT Relating to electricians; amending section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 1, chapter 79, Laws of 1977 ex. sess. and RCW 19.28.123; amending section 11, chapter 169, Laws of 1935 and RCW 19.28.200; amending section 14, chapter 169, Laws of 1935 and RCW 19.28.350; amending section 4, chapter 325, Laws of 1959 and RCW 19.28.370; amending section 35, chapter 170, Laws of 1965 ex. sess. and RCW 19.28.380; adding new sections to chapter 19.28 RCW; creating a new section; repealing section 1, chapter 206, Laws of 1973 1st ex. sess., section 1, chapter 70, Laws of 1975 1st ex. sess., section 1, chapter 39, Laws of 1975-'76 2nd ex. sess., section 1, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.010; repealing section 2, chapter 206, Laws of 1973 1st ex. sess., section 2, chapter 70, Laws of 1975 1st ex. sess., section 2, chapter 39, Laws of 1975-'76 2nd ex. sess., section 2, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.020; repealing section 3, chapter 206, Laws of 1973 1st ex. sess., section 3, chapter 39, Laws of 1975-'76 2nd ex. sess., section 3, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.030; repealing section 4, chapter 206, Laws of 1973 1st ex. sess., section 3, chapter 70, Laws of 1975 1st ex. sess., section 4, chapter 39, Laws of 1975-'76 2nd ex. sess., section 4, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.040; repealing section 5, chapter 206, Laws of 1973 1st ex. sess., section 5, chapter 39, Laws of 1975-'76 2nd ex. sess., section 5, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.050; repealing section 6, chapter 206, Laws of 1973 1st ex. sess., section 6, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.060; repealing section 7, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.070; repealing section 8, chapter 206, Laws of 1973 1st ex. sess., section 7, chapter 39, Laws of 1975-'76 2nd ex. sess., section 6, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.080; repealing section 9, chapter 206, Laws of 1973 1st ex. sess., section 8, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.090; repealing section 10, chapter 206, Laws of 1973 1st ex. sess., section 36, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.100; repealing section 12, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.120; repealing section 13, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.130; repealing section 14, chapter 206, Laws of 1973 1st ex. sess., section 7, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.140; and repealing section 15, chapter 206, Laws of 1973 1st ex. sess., section 8, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.150.

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

**NEW SECTION.** Section 1. As used in sections 1 through 13 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Board of electrical examiners" means the board of electrical examiners under RCW 19.28.123;
- (2) "Department" means the department of labor and industries;
- (3) "Director" means director of labor and industries;

(4) "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; and

(5) "Specialty electrician" means anyone who has been issued a specialty certificate of competency by the department to maintain or install specific kinds of electrical equipment or apparatus which the department shall define by rule.

NEW SECTION. Sec. 2. (1) No person shall engage in the 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.

(2) A person who is indentured in an approved apprentice program 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 if supervised by a certified journeyman electrician or a certified specialty electrician. 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 trade of an electrician while under the direct supervision of a journeyman electrician or a specialty electrician working in his specialty. The holder of the certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holders' employers in the electrical 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. Apprentices or individuals learning the electrical construction trade shall have their electrical training certificate in their possession at all times that they are performing electrical work. They shall show the certificate 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 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.

**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 met the qualifications required under section 4 of this act, as now or hereafter amended.

**NEW SECTION.** Sec. 4. Upon receipt of the application, the department 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 for a journeyman certificate the applicant must have worked under the supervision of a journeyman electrician certified under this chapter for a minimum of four years employed full time or have successfully completed an approved apprenticeship program 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 under the supervision of the 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. 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 additional work experience shall run prior to 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

electrical construction that was established during 1946, shall be eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed. The department 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 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.

**NEW SECTION.** Sec. 5. The department, in coordination with the board of electrical examiners, shall prepare an 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 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 the examination to persons eligible to take the same under section 4 of this 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 department, in cooperation with the board of electrical examiners, 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 act, and who have otherwise complied with sections 1 through 13 of this act 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 under 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 or specialty 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 July 16, 1973, 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 act and paying the fee required under section 5 of this act: PROVIDED, That no applicant under this section shall be required to furnish such evidence as required by section 3 of this 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 an electrician during the period of time between filing of an application for a certificate as provided in section 3 of this act and taking the examination provided for in section 5 of this act. 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 section 3 of this 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 or specialty electrician;

(c) The holder thereof has violated any of the provisions of sections 1 through 13 of this act 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 board of electrical examiners. 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 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. The board of electrical examiners shall carry out all the functions and duties enumerated in sections 1 through 13 of this act, as well as generally advise the department on all matters relative to sections 1 through 13 of this act.

NEW SECTION. Sec. 11. 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 sections 1 through 13 of this act: PROVIDED, That in the administration of sections 1 through 13 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. 12. Nothing in sections 1 through 13 of this act 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 sections 1 through 13 of this act 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 sections 1 through 13 of this act 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 sections 1 through 13 of this act 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 utility or its employees, in the installations and maintenance of electrical wiring, circuits, apparatus, and equipment by or for such utility, or comprising a part of its plants, lines or systems. The licensing provisions of sections 1 through 13 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 sections 1 through 13 of this act 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. 13. (1) It is unlawful for any person, firm, or corporation to employ an individual for purposes of sections 1 through 13 of this act who has not been issued a certificate of competency or a learning 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 certificate under sections 1 through 13 of this act. Any person, firm, or corporation found in violation of sections 1 through 13 of this act 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 sections 1 through 13 of this act shall not receive a safe wiring label and electrical service shall not be connected or maintained to operate the equipment or apparatus. Each day that a person, firm, or corporation violates the provisions of sections 1 through 13 of this act 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 sections 1 through 13 of this act or any rules promulgated under sections 1 through 13 of this act are violated.

**\*Sec. 14. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 1, chapter 79, Laws of 1977 ex. sess. and RCW 19.28.123 are each amended to read as follows:**

***There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor. It shall be the purpose and function of this board to establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of this board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. It shall be the further purpose and function of this board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full time or part time employment basis. Meetings of the board shall be held quarterly on the first Monday of February, May, August and November of each year. Each***

*member of the board shall be paid twenty-five dollars for each day or portion thereof that the board is in session and each member shall also receive travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.*

\*Sec. 14 was vetoed, see message at end of chapter.

Sec. 15. Section 11, chapter 169, Laws of 1935 and RCW 19.28.200 are each amended to read as follows:

No license under the provision of this chapter shall be required from any (~~(person, firm, corporation or municipal corporation)~~) utility because of work in connection with the installation and/or maintenance of lines or wires for transmission of electricity from the source of supply to the point of contact at the premises and/or property to be supplied, or for work in installing or maintaining or repairing on the premises of customers, service connections and meters, and other apparatus or appliances used in the measurement of the consumption of electricity by customers, or for work in connection with the lighting of streets, alleys, ways, or public areas or squares, or for the work of installing, maintaining or repairing wires, apparatus or appliances used in their business, or in making or distributing electricity, upon the property owned or operated and managed by them; or for the work of installing and repairing ignition or lighting systems for motor vehicles, or as exempted in RCW 19.28.010.

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

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

Sec. 17. Section 4, chapter 325, Laws of 1959 and RCW 19.28.370 are each amended to read as follows:

The provisions of (~~(chapter 19.28 RCW)~~) RCW 19.28.010 through 19.28.380 shall not apply to the work of installing, maintaining or repairing any and all electrical wires, apparatus, installations or equipment used or to be used by a telegraph company or a telephone company in the exercise of its functions and located outdoors or in a building or buildings used exclusively for that purpose.

Sec. 18. Section 35, chapter 170, Laws of 1965 ex. sess. and RCW 19.28.380 are each amended to read as follows:

The provisions of (~~(this chapter)~~) RCW 19.28.010 through 19.28.380 shall not apply within the rights of way of state highways, provided the Washington state (~~(highway commission)~~) department of transportation



maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by ~~((this chapter))~~ RCW 19.28.010 through 19.28.380.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 206, Laws of 1973 1st ex. sess., section 1, chapter 70, Laws of 1975 1st ex. sess., section 1, chapter 39, Laws of 1975-'76 2nd ex. sess., section 1, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.010;

(2) Section 2, chapter 206, Laws of 1973 1st ex. sess., section 2, chapter 70, Laws of 1975 1st ex. sess., section 2, chapter 39, Laws of 1975-'76 2nd ex. sess.; section 2, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.020;

(3) Section 3, chapter 206, Laws of 1973 1st ex. sess., section 3, chapter 39, Laws of 1975-'76 2nd ex. sess., section 3, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.030;

(4) Section 4, chapter 206, Laws of 1973 1st ex. sess., section 3, chapter 70, Laws of 1975 1st ex. sess., section 4, chapter 39, Laws of 1975-'76 2nd ex. sess., section 4, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.040;

(5) Section 5, chapter 206, Laws of 1973 1st ex. sess., section 5, chapter 39, Laws of 1975-'76 2nd ex. sess., section 5, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.050;

(6) Section 6, chapter 206, Laws of 1973 1st ex. sess., section 6, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.060;

(7) Section 7, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.070;

(8) Section 8, chapter 206, Laws of 1973 1st ex. sess., section 7, chapter 39, Laws of 1975-'76 2nd ex. sess., section 6, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.080;

(9) Section 9, chapter 206, Laws of 1973 1st ex. sess., section 8, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.090;

(10) Section 10, chapter 206, Laws of 1973 1st ex. sess., section 36, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.100;

(11) Section 12, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.120;

(12) Section 13, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.130;

(13) Section 14, chapter 206, Laws of 1973 1st ex. sess., section 7, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.140; and

(14) Section 15, chapter 206, Laws of 1973 1st ex. sess., section 8, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.150.

**NEW SECTION.** Sec. 20. Sections 1 through 13 of this act are each added to chapter 19.28 RCW.

Passed the Senate February 4, 1980.

Passed the House February 18, 1980.

Approved by the Governor February 28, 1980, with the exception of Section 14 which is vetoed.

Filed in Office of Secretary of State February 28, 1980.

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

"I am returning herewith, without my approval of one section, Senate Bill 3253 entitled:

"AN ACT Relating to electricians";

Section 14 of this bill was originally included in the bill as a vehicle for changing the composition of the Board of Electrical Examiners. In subsequent action the amendment was dropped, leaving RCW 19.28.123 unchanged.

If this section becomes law the Code Reviser will have to make a reference to a 1980 legislative action that really didn't accomplish anything. I have, therefore, vetoed this section to avoid confusion on the part of future users of the code.

With the exception of Section 14, which I have vetoed, Senate Bill 3253 is approved."

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## CHAPTER 31

[Engrossed Senate Bill No. 3320]

### WASHINGTON ADMINISTRATIVE PROCEDURE ACT—SUMMARY ORDERS

AN ACT Relating to contested cases; and amending section 9, chapter 234, Laws of 1959 as amended by section 9, chapter 237, Laws of 1967 and RCW 34.04.090.

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

Section 1. Section 9, chapter 234, Laws of 1959 as amended by section 9, chapter 237, Laws of 1967 and RCW 34.04.090 are each amended to read as follows:

(1) In any contested case all parties shall be afforded an opportunity for hearing after not less than twenty days' notice; but no hearing shall be required until the hearing is demanded unless other statutory provisions or agency rules provide otherwise. The notice shall include:

- (a) A statement of the time, place and nature of the proceeding;
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (c) A reference to the particular sections of the statutes and rules involved;

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon request a more definite and detailed statement shall be furnished.