NEW SECTION. Sec. 1. (1)(a) A joint legislative task force on heating, ventilating, air conditioning, and refrigeration is established, with members as provided in this subsection.
   (i) The chair and ranking minority member of the senate labor, commerce, research and development committee;
   (ii) The chair and ranking minority member of the house commerce and labor committee;
   (iii) Four members representing the heating, ventilating, air conditioning, and refrigeration industry, selected from nominations submitted by statewide business organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives. At least one industry representative shall be from a county that has a contiguous border with another state; and
   (iv) Four members representing labor, selected from nominations submitted by statewide labor organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives. At least one labor representative shall be from a county that has a contiguous border with another state.
   (b) In addition, the department of labor and industries shall cooperate with the joint legislative task force and maintain a liaison representative, who shall be a nonvoting member. The department shall cooperate with the joint legislative task force and provide information as the joint legislative task force may reasonably request.
   (c) The joint legislative task force shall choose its chair from among its membership.
   (2) The joint legislative task force shall review the following:
(a) Requirements for registering, certifying, and licensing heating, ventilating, air conditioning, and refrigeration mechanics;
(b) Methods of registering or licensing contractors who qualify for two or more registrations or licenses;
(c) Levels of mechanic certification and types of mechanic specialties;
(d) On-the-job experience requirements for levels of mechanic certification;
(e) Methods by which apprentices and other persons learning to perform heating, ventilating, air conditioning, and refrigeration work obtain trainee certificates;
(f) Exemptions to registration, certification, and licensing requirements;
(g) Implementation of chapter 18.-- RCW (the new chapter created in section 40 of this act); and
(h) Such other factors the joint legislative task force deems necessary.

(3) Legislative members of the joint legislative task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The expenses of the joint legislative task force shall be paid jointly by the senate and the house of representatives.

(5) The joint legislative task force shall report its findings and recommendations to the legislature by January 1, 2009.

(6) This section expires July 1, 2009.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person who has submitted the appropriate form or forms to be considered for an HVAC/R mechanic certificate, a temporary HVAC/R mechanic certificate, a trainee certificate, or an HVAC/R operator certificate, as required by the department.

(2) "Board" means the HVAC/R board established in section 28 of this act.
(3) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or a combination thereof, under pressure or vacuum by the application of heat, electricity, or nuclear energy. "Boiler" also includes fired units for heating or vaporizing liquids other than water where these systems are complete within themselves.

(4) "BTUH" means British thermal units per hour.

(5) "Certified HVAC/R mechanic" means a person who has been issued a valid HVAC/R mechanic certificate under section 17 of this act.

(6) "Certified specialty mechanic" means a person who has been issued one or more valid specialty mechanic certificates under section 17 of this act.

(7) "CFM" means cubic feet per minute.

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

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

(10) "Gas company" has the same meaning as in RCW 80.04.010.

(11) "Gas company service piping" means gas piping that is owned by or under the control of a gas company and used for transmission or distribution of fuel to the point of contact at the premises or property supplied or to be supplied, including service connections, meters, or other apparatus or appliance used in the measurement of the consumption of fuel by the customer. For the purposes of this subsection, "point of contact" means the outlet of the meter or the connection to the customer's gas piping, whichever is farther downstream.

(12) "Gas piping" means pipes, valves, or fittings used to convey fuel gas installed on a premise or in a building. "Gas piping" does not include gas company service piping or any gas piping used directly in the generation of electricity by an electric utility or a commercial-scale nonutility generator of electricity.

(13) "Gas piping work" means to install, replace, or service gas piping and venting related to gas piping. Solely for accruing hours of HVAC/R work, "gas piping" also means to design, fabricate, and construct gas piping and venting related to gas piping.

(14) "Hearth products" means any fuel gas or oil-fueled appliance that has a visual presence in a living space of a residence or any
outdoor fuel gas barbecue or fireplace that is listed to the appropriate underwriters laboratories, American national standards institute, or ASTM international product safety standard.

(15) "Hours of HVAC/R work" means any combination of accrued hours of HVAC/R work performed while:
   (a) Employed by an HVAC/R contractor or a person exempt from the requirements of chapter 18.27 RCW, chapter 19.28 RCW, or this chapter;
   (b) Employed by a registered or licensed general or specialty contractor, or the equivalent, in another state or country; or
   (c) Serving in the United States armed forces.
(16) "HVAC" means heating, ventilating, and air conditioning.
(17)(a) "HVAC equipment and systems" means equipment necessary for any system that heats, cools, conditions, ventilates, filters, humidifies, or dehumidifies environmental air for residential, industrial, or commercial use, including all related ventilation and ducting systems.
   (b) "HVAC equipment and systems" does not include: (i) Solid fuel burning devices, such as wood stoves and coal stoves; (ii) gas company service piping; (iii) gas piping other than that necessary to deliver fuel; or (iv) boilers.
(18) "HVAC work" means to install, replace, service, test, or adjust and balance HVAC equipment and systems. Solely for accruing hours of HVAC/R work, "HVAC work" also means to design, fabricate, and construct HVAC equipment and systems.
(19) "HVAC/R" means heating, ventilating, air conditioning, and refrigeration.
(20) "HVAC/R contractor" means any person who:
   (a) Advertises for, offers to perform, submits a bid for, or performs any HVAC/R work covered by the provisions of this chapter;
   (b) Employs anyone, or offers or advertises to employ anyone, to perform any HVAC/R work that is subject to the provisions of this chapter; or
   (c) Is registered under section 3(1)(b) of this act.
(21) "HVAC/R equipment and systems" means HVAC equipment and systems, refrigeration systems, and gas piping.
(22) "HVAC/R mechanic certificate" means any of the certificates identified under section 8 of this act.
(23) "HVAC/R operator certificate" means the certificate identified under section 11 of this act.

(24) "HVAC/R work" means all HVAC work, refrigeration work, and gas piping work not otherwise exempted by this chapter.

(25) "Person" or "company," used interchangeably throughout this chapter, means any individual, corporation, partnership, limited partnership, organization, or any other entity whatsoever, whether public or private.

(26) "Property management company" means a company that is operating in compliance with state real estate licensing rules and is under contract with a property owner to manage the buildings.

(27) "Refrigeration system" means a combination of interconnected refrigerant-containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat and includes systems in which a secondary coolant, cooled or heated by the refrigeration system, is circulated to the air or other substance to be cooled or heated.

(28) "Refrigeration work" means to design, fabricate, construct, install, replace, or service refrigeration systems. Solely for accruing hours of HVAC/R work, "refrigeration work" also means to design, fabricate, and construct refrigeration systems.

(29) "Service" means to repair, modify, or perform other work required for the normal continued performance of HVAC/R equipment and systems.

(30) "Specialty certificate" means any of the certificates identified under section 7 of this act.

(31) "Technical college" means a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW.

(32) "Temporary certificate" means any of the certificates issued under section 9 of this act.

(33) "Trainee" means a person who has been issued a trainee certificate by the department under section 10 of this act.

(34) "Trainee certificate" means any certificate issued under section 10 of this act.

(35) "Valid" means not expired, revoked, or suspended.
NEW SECTION. Sec. 3. CONTRACTOR REGISTRATION--CONCURRENT REGISTRATION--REQUIREMENTS. (1) Except as provided in this chapter, it is unlawful for:

(a) Any person to engage in business as an HVAC/R contractor, within the state, without having been issued a valid registration as a contractor under chapter 18.27 RCW;

(b) Any person, on or after July 1, 2009, to engage in business as an HVAC/R contractor, within the state, without having been issued a valid registration as an HVAC/R contractor from the department; and

(c) Any person, on and after July 1, 2010, to employ a person to perform or offer to perform HVAC/R work who has not been issued a valid HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate, or HVAC/R operator certificate issued by the department under this chapter.

(2) The department shall prescribe an application form to be used to apply for an HVAC/R contractor registration under this chapter, and shall ensure that the person applying for an HVAC/R contractor registration is also a registered general or specialty contractor under chapter 18.27 RCW before it issues that person an HVAC/R contractor registration.

(3) For a person who may be issued two or more registrations or licenses provided for in chapter 18.27 RCW, chapter 19.28 RCW, or this chapter, the department shall establish on or before July 1, 2011, a single registration/licensing document. The document shall list all of the person's registrations and licenses.

(4) Regardless of when the HVAC/R contractor registration is issued, it shall become suspended, revoked, expired, or renewed at the same time as the registration issued under chapter 18.27 RCW.

(5) No bond or security in addition to that required of contractors under chapter 18.27 RCW shall be required of an HVAC/R contractor under this chapter.

(6) This section does not apply to:

(a) A person who is contracting for HVAC/R work on his or her own residence;

(b) A person whose employees perform only HVAC/R work exempted under section 5 of this act; or

(c) A person who is specifically exempted under RCW 18.27.090 from contractor registration requirements.
NEW SECTION. Sec. 4. CERTIFICATE REQUIRED--LOCAL PREEMPTION. (1) Except as provided in this chapter, it is unlawful for any person, on and after July 1, 2010, to perform or offer to perform HVAC/R work without having been issued a valid HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, or trainee certificate under this chapter.

(2) Except as provided in section 5(1)(o) of this act, no political subdivision of the state shall require a person possessing a valid HVAC/R certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate issued by the department under this chapter, or any person who is exempted under this chapter to demonstrate any additional proof of competency in, obtain any license for, or pay any fee to perform HVAC/R work in that political subdivision.

NEW SECTION. Sec. 5. EXEMPTIONS FROM CERTIFICATION. (1) The provisions of section 4(1) of this act do not apply to a person:

(a) Cleaning or replacing air filters, lubricating bearings, replacing fan belts, cleaning evaporators or condensers, cleaning cooling towers, or equipment logging on any HVAC/R equipment or systems;

(b) Performing HVAC/R work on HVAC/R equipment or systems that:
   (i) Contain six pounds or less of any refrigerant and is actuated by a motor or engine having a standard rating of one-quarter horsepower or less; or (ii) are an absorption system that has a rating of one-quarter ton or less refrigeration effect;

(c) Setting oil tanks and related piping to a furnace;

(d) Setting propane tanks and related piping outside a building;

(e) Performing gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH while holding a valid journeyman plumber certificate issued under chapter 18.106 RCW or a valid specialty plumber certificate issued under chapter 18.106 RCW for performing services in RCW 18.106.010(10)(a);

(f) Performing HVAC/R work at his or her residence, farm, place of business, or on other property owned by him or her, unless the HVAC/R work is performed in the construction of a new building intended for rent, sale, or lease;
(g) Performing HVAC/R work on his or her own property or to
regularly employed persons working on the premises of their employer,
unless the HVAC/R work is performed in the construction of a new
building intended for rent, sale, or lease. However, in a city with a
population of five hundred thousand or more, it is unlawful for any
person to perform or offer to perform the scope of work described in
section 11(3) of this act without having been issued a valid HVAC/R
operator certificate under this chapter;

(h) Performing HVAC/R work for or on behalf of a gas company when
such work is (i) incidental to the business of delivering fuel gas to
the premises or (ii) performed pursuant to any tariff on file with the
state utilities and transportation commission;

(i) Licensed under chapter 18.08 or 18.43 RCW who is designing
HVAC/R equipment or systems, but who is not otherwise performing HVAC/R
work;

(j) Making a like-in-kind replacement of a household appliance;

(k) Installing wood or pellet stoves, including directly related
venting such as a chimney or flue;

(l) Performing minor flexible ducting repairs in a single-family
residential structure;

(m) Performing cleaning, repair, or replacement of fuel oil filters
and nozzles of an oil heat burner assembly;

(n) Making like-in-kind replacement of an oil heat furnace in a
single-family residential structure and the associated fittings
necessary to connect the replacement oil heat furnace to existing
ductwork in a single-family residential structure; or

(o) Installing, replacing, and servicing hearth products. As used
in this subsection, "installing and replacing" means removing and
setting the hearth product pursuant to manufacturer instructions and
specifications, connecting a hearth product with or disconnecting the
hearth product from an approved flexible gas supply line not to exceed
thirty-six inches in length, and installing or uninstalling venting
that is directly related to the hearth product and that has been
provided in the same packaging of the hearth product by the
manufacturer.

(2) Nothing in this section precludes any person who is exempted
under this section from obtaining an HVAC/R mechanic certificate,
specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate, or HVAC/R operator certificate if they otherwise meet the requirements of this chapter.

NEW SECTION. Sec. 6. TEMPORARY EXEMPTION FROM CERTIFICATION. (1) Except for persons performing refrigeration work in a city with a population of five hundred thousand or more, the provisions of section 4(1) of this act do not apply to a person performing refrigeration work on a refrigeration system:
   (a) Using only class A1 refrigerants;
   (b) Used primarily for the refrigeration of food products; and
   (c) Physically located in an establishment whose North American industry classification system code is within "445."
(2) Nothing in this section precludes any person exempted under this section from obtaining any of the certificates provided for in this chapter if he or she otherwise meets the requirements of this chapter.
(3) This section expires June 30, 2013.

NEW SECTION. Sec. 7. SPECIALTY CERTIFICATES--SCOPE OF WORK. The department may issue the following specialty certificates to an applicant who has successfully met the requirements under this chapter for a specialty certificate, and the scope of work that may be performed by a person under each of the specialty certificates is as follows:
(1) Gas piping specialty mechanic I/II. A person issued a gas piping specialty mechanic I/II certificate may perform gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH.
(2) Refrigeration specialty mechanic I. A person issued a refrigeration specialty mechanic I certificate may perform refrigeration work on a refrigeration system that contains less than thirty pounds of class A1 refrigerants.
(3) HVAC specialty mechanic I. A person issued an HVAC specialty mechanic I certificate may perform HVAC work on HVAC equipment and systems of seven and one-half tons or less or HVAC equipment and systems of three thousand three hundred seventy-five CFM or less.
(4) Refrigeration specialty mechanic II. A person issued a refrigeration specialty mechanic II certificate may perform refrigeration work on a refrigeration system that contains less than seventy pounds of class A1 refrigerants.

(5) HVAC specialty mechanic II. A person issued an HVAC specialty mechanic II certificate may perform:
   (a) HVAC work authorized to be performed by an HVAC specialty mechanic I; and
   (b) HVAC work on HVAC equipment and systems of twenty tons or less or HVAC equipment and systems of nine thousand CFM or less.

(6) Gas piping specialty mechanic III. A person issued a gas piping specialty mechanic III certificate may perform all gas piping work on any fuel burning appliance.

(7) Refrigeration specialty mechanic III. A person issued a refrigeration specialty mechanic III certificate may perform refrigeration work on any refrigeration system using any refrigerant.

(8) HVAC specialty mechanic III. A person issued an HVAC specialty mechanic III certificate may perform all HVAC work on HVAC equipment and systems.

NEW SECTION. Sec. 8. HVAC/R MECHANIC CERTIFICATES--SCOPE OF WORK.
The department may issue the following HVAC/R mechanic certificates to an applicant who has successfully met the requirements under this chapter for an HVAC/R certificate, and the scope of work that may be performed by a person under each of the HVAC/R mechanic certificates is as follows:

(1) HVAC/R mechanic I. A person issued an HVAC/R mechanic I certificate may perform:
   (a) Gas piping work authorized to be performed by a gas piping specialty mechanic I/II;
   (b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic I; and
   (c) HVAC work authorized to be performed by an HVAC specialty mechanic I.

(2) HVAC/R mechanic II. A person issued an HVAC/R mechanic II certificate may perform:
   (a) Gas piping work authorized to be performed by a gas piping specialty mechanic I/II;
(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic II; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic II.

(3) HVAC/R mechanic III. A person issued an HVAC/R mechanic III certificate may perform:

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic III;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic III; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic III.

NEW SECTION.  Sec. 9.  TEMPORARY HVAC/R CERTIFICATE--APPLICATION--EXAMINATION REQUIRED.  (1) On and after July 1, 2010, a person who has performed HVAC/R work in other states or countries may, in a form and manner prescribed by the department, apply for a temporary HVAC/R mechanic certificate to perform HVAC/R work in this state. The application shall contain evidence of the person's hours of HVAC/R work in the other states or countries that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department may:

(a) If the applicant has accrued less than two thousand hours of HVAC/R work, not issue a temporary HVAC/R mechanic certificate;

(b) If the applicant has accrued two thousand hours or more, but less than four thousand hours of HVAC/R work, issue a temporary HVAC/R mechanic I certificate;

(c) If the applicant has accrued four thousand hours or more, but less than eight thousand hours of HVAC/R work, issue a temporary HVAC/R mechanic II certificate; or

(d) If the applicant has accrued eight thousand hours or more of HVAC/R work, issue a temporary HVAC/R mechanic III certificate.

(3) The temporary HVAC/R mechanic certificate issued under this section shall clearly indicate on the document that it is temporary in nature and contain the period for which it is valid.

(4) A person issued a temporary HVAC/R mechanic certificate shall have that certificate in his or her possession when performing any
HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(5) A person issued a temporary HVAC/R mechanic certificate under this section may only perform the scope of work authorized under section 8 of this act for the equivalent HVAC/R mechanic certificate and may not supervise any person with a trainee certificate issued under this chapter.

(6) A temporary HVAC/R mechanic certificate issued under this section shall be valid for ninety days from the date the department issues a certificate or until the date the department furnishes to the applicant the results of their examination for the equivalent HVAC/R mechanic certificate, whichever is later. The applicant must take the examination provided under this chapter for the equivalent HVAC/R mechanic certificate within the ninety-day period granted under this subsection.

NEW SECTION. Sec. 10. TRAINEE CERTIFICATE. (1) A person may, in a form and manner prescribed by the department, apply for a trainee certificate to perform HVAC/R work in the state.

(2) Upon receipt of the application, the department shall issue a trainee certificate to the applicant.

(3) The HVAC/R work performed under a trainee certificate issued pursuant to this section must be:
   (a) Within the scope of work authorized under that certificate;
   (b) On the same job site and under the direction of an appropriately certified HVAC/R mechanic or an appropriately certified specialty mechanic; and
   (c) Under the applicable supervision ratios required in section 18 of this act.

(4) A trainee shall have his or her certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(5) A trainee certificate shall be valid for a maximum of two years from the date of issuance. The certificate shall include the expiration date.

(6) The department may only renew a training certificate when the trainee provides the department with:
(a) An accurate list of the persons who employed the trainee in HVAC/R work for the previous two-year period and the number of hours of HVAC/R work performed under each employer; and

(b) Evidence that the trainee has met the continuing education requirements in section 20 of this act.

(7) If a person applies for a trainee certificate under this section and electrical trainee status under chapter 19.28 RCW, the department shall create, on or before July 1, 2011, a single document for that person that represents this concurrent trainee status.

(8) A trainee who has not successfully passed any portion of the examinations provided for in section 14 of this act is prohibited from performing HVAC/R work in excess of two thousand hours beyond the amount of hours required to become eligible under the requirements of section 15(2)(c) of this act to take the examination for an HVAC/R mechanic III certificate.

NEW SECTION. Sec. 11. HVAC/R OPERATOR CERTIFICATION. (1) An HVAC/R operating engineer may, in a form and manner prescribed by the department, apply for an HVAC/R operator certificate. For the purposes of this subsection, "HVAC/R operating engineer" means a full-time employee who spends a substantial portion of time in the maintenance and operation of HVAC/R equipment and systems in a building, or portion thereof, used for occupant comfort, manufacturing, processing, or storage of materials or products including, but not limited to, chemicals, food, candy, and ice cream factories, ice-making plants, meat packing plants, refineries, perishable food warehouses, hotels, hospitals, restaurants, and similar occupancies and equipped with a refrigeration system and whose duty it is to operate, maintain, and keep safe and in serviceable condition all of the employer's HVAC/R equipment and systems.

(2) The department may issue an HVAC/R operator certificate to an applicant who has successfully passed the examination provided for in subsection (8) of this section.

(3) The scope of work that may be performed by a person under an HVAC/R operator certificate is as follows:

(a) Cleaning or replacing air filters, lubricating bearings, replacing fan belts, cleaning evaporators or condensers, cleaning
cooling towers, or equipment logging on any HVAC/R equipment or systems; or

(b) Performing minor HVAC/R equipment and systems repair and HVAC/R work on sealed HVAC/R equipment and systems.

(4) A person who performs HVAC/R work on HVAC/R equipment or systems that: (a) Contain six pounds or less of any refrigerant and is actuated by a motor or engine having a standard rating of one-quarter horsepower or less; or (b) are an absorption system that has a rating of one-quarter ton or less refrigeration effect, is not required to obtain a certificate under this section.

(5) Any person issued a valid refrigeration operating engineer license by the city of Seattle shall be issued an HVAC/R operator certificate without meeting any additional requirements.

(6) A person issued a valid HVAC/R operator certificate under this section shall have his or her certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(7) An HVAC/R operator certificate issued under this section shall be valid for a maximum of three years and shall expire on the holder's birthdate. The certificate shall include the expiration date.

(8) The department shall develop an examination that an applicant must pass before they can be issued an HVAC/R operator certificate under this section. The exam shall be comparable to the current refrigeration operating engineer license test used by the city of Seattle.

(9) The hours accrued as an HVAC/R operating engineer under this section may accrue towards the hours required to be eligible to take an examination for an HVAC/R mechanic certificate under section 15 of this act only if the HVAC/R operating engineer is supervised by an appropriately certified HVAC/R mechanic or appropriately supervised specialty mechanic and was issued a trainee certificate under section 10 of this act.

NEW SECTION. Sec. 12. HVAC/R MECHANIC CERTIFICATION WITHOUT EXAMINATION. (1) From July 1, 2009, until June 30, 2010, a person who has performed HVAC/R work may, in a form and manner prescribed by the department, apply for an HVAC/R mechanic certificate without
examination. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department shall:

(a) If the applicant has, since January 1, 1988, accrued less than two thousand hours of HVAC/R work, not issue any HVAC/R mechanic certificate;

(b) If the applicant has, since January 1, 1988, accrued two thousand hours or more, but less than four thousand hours of HVAC/R work, issue an HVAC/R mechanic I certificate;

(c) If the applicant has, since January 1, 1988, accrued four thousand hours or more, but less than eight thousand hours of HVAC/R work, issue an HVAC/R mechanic II certificate; or

(d) If the applicant has, since January 1, 1988:

(i) Accrued eight thousand hours or more of HVAC/R work;

(ii) Completed an appropriately related apprenticeship program approved under chapter 49.04 RCW; or

(iii) Completed an appropriately related apprenticeship program in another state or country equivalent to that provided in chapter 49.04 RCW, issue an HVAC/R mechanic III certificate.

(3) Once the appropriate level of HVAC/R mechanic certificate is issued to a person under this section, that person shall become subject to the other provisions of this chapter for any additional certifications.

(4) This section expires July 1, 2010.

NEW SECTION. Sec. 13. SPECIALTY CERTIFICATION WITHOUT EXAMINATION. (1) From July 1, 2009, until June 30, 2010, a person who has performed HVAC/R work may, in a form and manner prescribed by the department, apply for specialty certificates without examination. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department shall:

(a) If the applicant holds a valid journey refrigeration mechanic license issued by the city of Seattle, issue a refrigeration specialty
mechanic III certificate and an HVAC specialty mechanic III certificate;

(b) If the applicant has, since January 1, 1988, accrued one thousand hours of gas piping work, issue a gas piping specialty mechanic I/II certificate;

(c) If the applicant was licensed in any local jurisdiction to perform gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH or less, issue a gas piping specialty mechanic I/II certificate; and

(d) If the applicant was licensed in any local jurisdiction to perform all gas piping work on any fuel burning appliance, issue a gas piping specialty mechanic III certificate.

(3) The specialty certificates provided for in subsection (2) of this section shall be in addition to any HVAC/R mechanic certificate issued by the department under section 12 of this act.

(4) Once the appropriate level of specialty certificate is issued to a person under this section, that person shall become subject to the other provisions of this chapter for any additional certifications.

(5) This section expires July 1, 2010.

NEW SECTION. Sec. 14. EXAMINATION. (1) The department, with advice from the board, shall prepare three separate examinations for the assessment of each level of HVAC/R mechanic certification created in section 8 of this act. Within each examination, there shall be a distinct portion that assesses the competency of the applicant in the appropriate level of gas piping work, refrigeration work, and HVAC work. The department shall adopt rules necessary to implement this section.

(2) The examinations provided for under this section shall be constructed to determine:

(a) Whether the applicant possesses general knowledge of the technical information and practical procedures that are identified within the relevant scope of work; and

(b) Whether the applicant is familiar with the applicable laws and administrative rules of the department pertaining to the relevant scope of work.

(3) The department, with advice from the board, may enter into a contract with a professional testing agency to develop, administer, and
score the examinations provided for in this section. The department
may set the examination fee by contract with the professional testing
agency. However, the examination fee the department charges must
cover, but not exceed, the costs of preparing and administering the
examination.

(4) The department must administer, at least four times annually,
each examination provided under this section to applicants who are
eligible for examination under this chapter.

(5) The department must certify the results of each examination
administered under this section upon the terms and after such a period
of time as the department, with the advice of the board, deems
necessary and proper.

(6) A person may be given the appropriate level of examination they
are eligible to take as many times as necessary without limit.
However, each time an examination is given, the applicant must first
pay the required examination fee.

(7) The department, with the advice of the board, may adopt
policies and procedures to make examinations available in alternative
languages or formats to accommodate all applicants who are eligible for
examination under this chapter.

NEW SECTION. Sec. 15. APPLICATION FOR EXAMINATION--ELIGIBILITY.

(1) A person with a valid temporary HVAC/R mechanic certificate or
trainee certificate may, in a form and manner prescribed by the
department, apply for any of the examinations provided for in section
14 of this act. The application shall contain evidence of the person's
hours of HVAC/R work or other required information that is verifiable
by the department.

(2) Upon receipt of an application for examination under this
section, the department shall review the application and determine
whether the applicant is eligible to take an examination for an HVAC/R
mechanic certificate using the following criteria:

(a) HVAC/R mechanic I certificate. To be eligible to take the
examination for an HVAC/R mechanic I certificate, the applicant must
have:

(i) Performed a minimum of one thousand hours of HVAC/R work and
the entire amount of those hours must be supervised;
(ii) Performed two thousand hours of HVAC/R work and seventy-five percent of those hours must be supervised; or

(iii) Successfully completed an appropriately related apprenticeship program approved under chapter 49.04 RCW that meets the requirements of this level of certification.

(b) HVAC/R mechanic II certificate. To be eligible to take the examination for an HVAC/R mechanic II certificate, the applicant must have:

(i) Performed a minimum of four thousand hours of HVAC/R work and seventy-five percent of those hours must be supervised; or

(ii) Successfully completed an appropriately related apprenticeship program approved under chapter 49.04 RCW that meets the requirements of this level of certification.

(c) HVAC/R mechanic III certificate. To be eligible to take the examination for an HVAC/R mechanic III certificate, the applicant must have:

(i) Performed under appropriate supervision levels the amount of HVAC/R work required for an HVAC/R mechanic II certificate under (b)(i) of this subsection plus an additional two thousand hours and the entire amount of the additional hours required under this subsection must be supervised;

(ii) Performed HVAC/R work for a minimum of eight thousand hours and seventy-five percent of those hours must be supervised; or

(iii) Successfully completed an appropriately related apprenticeship program under chapter 49.04 RCW that meets the requirements of this level of certification.

(3) For the purposes of this section, "supervised" means:

(a) A person has performed HVAC/R work on the same job site and under the direction of an appropriately certified HVAC/R mechanic or an appropriately certified specialty mechanic; and

(b) The appropriate supervision ratios required in section 18 of this act were followed.

(4) If any of an applicant's certificates issued prior to the current application have been revoked, the department may deny the current application for up to two years.

(5) Upon determining that the applicant is eligible to take an examination under this section, the department shall so notify the applicant, indicating the time and place for taking the examination.
(6) Work hours being accrued by an applicant as hours of HVAC/R work under this chapter or towards electrical certification under chapter 19.28 RCW may be credited for both the hours of HVAC/R work required under this chapter and the hours of work required under chapter 19.28 RCW.

(7) If an applicant is eligible for an examination under this section and an examination under chapter 19.28 RCW, the department may administer all such examinations at the same examination session. However, upon request of the applicant, the department may administer each examination at the time required in statute or rule for each examination.

NEW SECTION. Sec. 16. ALTERNATIVES TO WORK EXPERIENCE. (1) A person who has applied for an examination under section 15 of this act and who has successfully completed a board-approved program in HVAC/R work at a technical college, may substitute technical college program hours for hours of HVAC/R work as follows:

<table>
<thead>
<tr>
<th>Type of Certificate</th>
<th>Substitution for Hours of HVAC/R Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) HVAC/R Mechanic I</td>
<td>Up to 1,000 hours of technical college program may be substituted for up to 1,000 hours of HVAC/R work.</td>
</tr>
<tr>
<td>(b) HVAC/R Mechanic II</td>
<td>Up to 2,000 hours of technical college program may be substituted for up to 2,000 hours of required HVAC/R work.</td>
</tr>
<tr>
<td>(c) HVAC/R Mechanic III</td>
<td>Up to 4,000 hours of technical college program may be substituted for up to 4,000 hours of HVAC/R work.</td>
</tr>
</tbody>
</table>

(2) A person who has applied for an examination under section 15 of this act and who has received training in HVAC/R work in the United States armed forces may substitute those training hours for hours of HVAC/R work subject to approval of the department.

(3) The department shall determine whether program hours accrued under subsection (1) of this section or the training hours accrued under subsection (2) of this section are in HVAC/R work and are appropriate as a substitute for hours of HVAC/R work.
NEW SECTION. Sec. 17. ISSUANCE OF CERTIFICATES--RENEWAL. (1) If an applicant passes all portions of the examination administered to him or her under this chapter, that person:

(a) Is entitled to be issued the appropriate level of HVAC/R mechanic certificate; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(2) If an applicant fails to pass one or more portions of an examination administered to him or her under this chapter, that person:

(a) Is still entitled to be issued the appropriate specialty certificate for each portion of the examination that was passed; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(3)(a) If an applicant demonstrates that he or she has passed required modules of a national certification program and, as a result, has been issued an equivalent level of certification by the national propane gas association, that person is entitled to be issued a gas piping specialty mechanic I/II certificate.

(b) A person certified as a gas piping specialty mechanic I/II under (a) of this subsection is subject to the requirements of this chapter to obtain any additional certificates.

(c) Nothing in this subsection (3) shall be construed to prohibit a person from obtaining any of the other certificates provided for in this chapter if they otherwise meet the requirements of this chapter.

(4) An HVAC/R mechanic certificate or specialty certificates shall be valid for a maximum of three years and shall expire on the holder's birthdate. All certificates shall include the expiration date.

(5) A person issued an HVAC/R mechanic certificate or specialty certificate may only perform the scope of work authorized under sections 7 and 8 of this act for the certificate.

(6) A person issued an HVAC/R mechanic certificate or specialty certificate shall have the certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(7) The department shall renew an HVAC/R mechanic certificate or specialty certificate if the person issued the certificate:

(a) Applies for renewal of his or her certificate not more than ninety days after the certificate expires; and
(b) Has complied with the continuing education requirement in section 20 of this act.

(8) The department may not renew a certificate that has been revoked or suspended.

(9) The department may deny renewal of a certificate if the person seeking renewal owes outstanding penalties for a final judgment under this chapter.

(10) The department shall, on or before July 1, 2011, create a single document and establish a single expiration date for a person who holds two or more certificates or specialty certificates under chapter 18.106 RCW, chapter 19.28 RCW, and this chapter. The document shall list all of the person's certificates and specialty certificates.

NEW SECTION. Sec. 18. SUPERVISION RATIOS--SUPERVISION. (1) The ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on the same job site must not be greater than:

(a) For trainees not in a technical college program, two trainees to each appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic; or

(b) For trainees in a technical college program, four trainees to each appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic.

(2) When the ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on a job site is one appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic to one or two trainees, the appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic must be on the same job site as the trainees for a minimum of seventy-five percent of each working day.

(3) When the ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on a job site is one appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic to three or four trainees, the appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic must:

(a) Directly supervise and instruct the trainees and may not directly make or engage in HVAC/R work; and
(b) Be on the same job site as the trainees for one hundred percent of each working day.

(4) Hours of HVAC/R work that are performed when the supervision ratios are not in compliance with this section do not qualify as supervised hours when accruing hours of HVAC/R work under this chapter.

(5) Notwithstanding any other provision of this chapter, a person:

(a) Who has successfully completed, or is currently enrolled in, an approved appropriately related apprenticeship program or an HVAC/R program at a technical college may perform, unsupervised, the remaining six months of the experience requirements of this chapter;

(b) Determined to be eligible for examination under section 15(2)(a)(i) of this act and who passes all portions of that examination, may perform, unsupervised, the remaining one thousand hours of HVAC/R work required under this chapter for an HVAC/R mechanic I certificate. However, all HVAC/R work performed by this person must be within the scope of work for an HVAC/R mechanic I certificate and this person may not supervise other trainees until they have completed the full two thousand hours of HVAC/R work required by this chapter;

(c) Determined to be eligible for examination under section 15(2)(c)(i) of this act and who passes all portions of that examination, may perform, unsupervised, the remaining two thousand hours of HVAC/R work required under this chapter for an HVAC/R mechanic III certificate. However, all HVAC/R work performed by this person must be within the scope of work for an HVAC/R mechanic III certificate and this person may not supervise other trainees until they have completed the full eight thousand hours of HVAC/R work required by this chapter.

NEW SECTION. Sec. 19. CONTRACTOR REPORTING--AUDIT OF RECORDS.

(1) Every person who employs a trainee performing HVAC/R work shall report to the department:

(a) The names and certificate numbers of any trainee who performed HVAC/R work for them and the hours of HVAC/R work performed by each trainee; and

(b) The names and certificate numbers of the appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics who supervised the trainees identified in (a) of this subsection.
(2) Every person who reported hours of HVAC/R work performed by trainees under subsection (1) of this section shall attest that all of the reported hours of HVAC/R work performed by trainees was in compliance with the supervision ratio requirements in section 18 of this act.

(3) The department may audit the records of a person who reported hours of HVAC/R work performed by trainees under subsection (1) of this section in the following circumstances: (a) Excessive hours were reported; (b) hours were reported outside the normal course of the HVAC/R contractor's business; (c) the type of hours reported do not reasonably match the type of permits purchased; or (d) for other similar circumstances in which the department demonstrates a likelihood of excessive hours being reported. The department shall limit the audit to records necessary to verify hours.

(4) Information obtained by the department from any person under this section is confidential and exempt from public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 20. CONTINUING EDUCATION. (1) A person issued an HVAC/R mechanic certificate or any specialty certificates under this chapter must, prior to the renewal date on their certificate, demonstrate satisfactory completion of twenty-four hours of continuing education.

(2) The department, with the advice of the board, shall determine the contents of the continuing education courses required in subsection (1) of this section and establish the requirements for satisfactory completion of such courses. If the department determines that a continuing education course offered in another state is comparable to courses offered in Washington, the department shall accept proof of satisfactory completion of the out-of-state course as meeting the continuing education requirement in this section.

(3) A trainee must, prior to the renewal date on their certificate, demonstrate satisfactory completion of sixty hours of related supplemental instruction or equivalent training courses, or courses taken as part of an appropriately related apprenticeship program approved under chapter 49.04 RCW.

(4) The department, with the advice of the board, shall determine the contents of the related supplemental instruction or equivalent
training courses, or courses taken as part of an appropriately related 
apprenticeship program approved under chapter 49.04 RCW required under 
subsection (3) of this section, and establish the requirements for 
satisfactory completion of such courses.

(5) All hours required under this section shall be accrued 
concurrently and shall not exceed sixty hours for any person in any 
certificate renewal period.

(6) Hours of approved continuing education required under this 
section and hours of approved continuing education required under 
chapter 19.28 RCW may be accrued concurrently. However, nothing in 
this subsection shall be construed to relieve any person from having to 
complete any continuing education mandated by the department by rule 
pursuant to this chapter or pursuant to chapter 19.28 RCW.

NEW SECTION. Sec. 21. RECIPROCITY. The department may enter into 
a reciprocity agreement with another state whose certification 
requirements are equal to the standards set under this chapter. The 
reciprocity agreement shall provide for the acceptance of Washington 
and the other state's certification program or its equivalent by 
Washington and the other state.

NEW SECTION. Sec. 22. SUSPENSION AND REVOCATION. (1) The 
department may revoke any certificate issued under this chapter if the 
department determines that the recipient: (a) Obtained the certificate 
through error or fraud; (b) is incompetent to perform HVAC/R work; or 
(c) committed a violation of this chapter or rules adopted under this 
chapter that presents imminent danger to the public.

(2) The department shall immediately suspend the certificates of 
any person who has been certified pursuant to RCW 74.20A.320 by the 
department of social and health services as a person who is not in 
compliance with a support order. If the person has continued to meet 
all other requirements for reinstatement during the suspension, 
reissuance of the certificate shall be automatic upon the department's 
receipt of a release issued by the department of social and health 
services stating that the person is in compliance with the order.

NEW SECTION. Sec. 23. CIVIL PENALTIES. Any person found in 
violation of this chapter shall be assessed a penalty not to exceed
five thousand dollars. The department shall set by rule a schedule of penalties for violating this chapter. Each day that a person violates this chapter is a separate violation. Any penalties collected by the department under this chapter shall be deposited into the plumbing and HVAC/R certificate fund.

NEW SECTION. Sec. 24. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. The proceedings for denying applications, suspending or revoking certificates, and imposing civil penalties or other remedies issued pursuant to this chapter and any appeal from those proceedings or review of those proceedings shall be governed by the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 25. FEES. (1) The department shall charge fees for the issuance, renewal, and reinstatement of all certificates and examinations required by this chapter. The department shall set the fee amounts by rule.

(2) The fees collected under this section shall cover the full costs of issuing the registrations and the certificates required by this chapter, devising and administering the examinations required by this chapter, and administering and enforcing this chapter and chapter 18.106 RCW.

NEW SECTION. Sec. 26. DEPOSITS. All moneys received by the department from certificates, examinations, or any other sources under this chapter shall be paid to the state treasurer as ex officio custodian thereof and placed in a special fund designated as the "plumbing and HVAC/R certificate fund." The treasurer shall pay out upon vouchers duly and regularly issued therefor and approved by the director. The treasurer shall keep an accurate record of payments into the fund, and of all disbursements from the fund. The fund shall be charged with its pro rata share of the cost of administering the fund.

NEW SECTION. Sec. 27. LIABILITY. (1) This chapter may not be construed to relieve from or lessen the responsibility or liability of any person for injury or damage to person or property caused by or resulting from any HVAC/R work performed by the person.
NEW SECTION. Sec. 28. HVAC/R BOARD. (1) An HVAC/R board is established.

(2) The board shall consist of thirteen members to be appointed by the governor with the advice of the director.

(a) Except as provided in this subsection, four members shall be certified HVAC/R mechanics, of which at least one, but not more than two, shall be a certified HVAC/R mechanic performing HVAC/R work east of the crest of the Cascade mountains, and of which at least one shall be a certified HVAC/R mechanic from a county that has a contiguous border with another state. Any members appointed before July 1, 2010, shall be persons who are eligible to be certified without examination under section 12 or 13 of this act or to take an examination for certification under section 15 of this act.

(b) Except as provided in this subsection, four members shall be HVAC/R contractors, of which at least one, but not more than two, shall be an HVAC/R contractor doing business east of the crest of the Cascade mountains, and of which at least one shall be an HVAC/R contractor from a county that has a contiguous border with another state. Any members appointed before July 1, 2009, shall be persons who are engaged in business as HVAC/R contractors and registered as contractors under chapter 18.27 RCW.

(c) One member shall be from the general public and be familiar with HVAC/R work.

(d) One member shall be a building operator representing the commercial property management industry.

(e) One member shall be from the stationary operating engineers.

(f) One member shall be from a technical college or an approved apprenticeship training program.

(g) One member shall be a building official familiar with enforcement of HVAC/R work.

(3) Except as provided in this subsection, the term of each member shall be three years. The term of each initial member shall expire as follows: (a) The terms of the first certified HVAC/R mechanic and the first HVAC/R contractor shall expire July 1, 2009; (b) the terms of the
second certified HVAC/R mechanic, the second HVAC/R contractor, and the
public member shall expire July 1, 2010; and (c) the terms of the third
certified HVAC/R mechanic and the third certified HVAC/R contractor
shall expire July 1, 2011. To ensure that the board may continue to
act, a member whose term expires shall continue to serve until his or
her replacement is appointed. In the case of any vacancy on the board
for any reason, the governor shall appoint a new member to serve out
the term of the person whose position has become vacant.

(4) The board shall, at its first meeting, elect one of its members
to serve as chair.

(5) The board shall meet at least quarterly in accordance with a
schedule established by the board.

(6) The board shall:
(a) Conduct proceedings for denying applications, suspending or
revoking certificates, and imposing civil penalties or other remedies.
Such proceedings shall be conducted in accordance with chapter 34.05
RCW;
(b) Review and make recommendations to adopt, amend, or repeal any
rules under this chapter. The director may not adopt, amend, or repeal
any rules until the board has conducted its review and made its
recommendations;
(c) Establish an alternative method or methods for persons to
attest for hours of HVAC/R work when applying for certificates under
this chapter, but only when all traditional methods allowing for
verification of hours of HVAC/R work have been exhausted;
(d) Approve expenditures from the plumbing and HVAC/R certificate
fund; and
(e) Advise the department on all other matters relative to this
chapter.

(7) The members of the board are entitled to be reimbursed for
travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 29. ADMINISTRATION. (1) The director may adopt
rules necessary for the administration of this chapter.
(2) The department shall administer this chapter in conjunction
with its administration of chapter 18.106 RCW.
(3) In the administration of this chapter, the department shall not
enter any controversy arising over work assignments with respect to the trades involved in the construction industry.

NEW SECTION. Sec. 30. EFFECT ON OTHER LAWS. With the exception of sections 3(3), 10(7), 15 (6) and (7), 17(10), and 20(6) of this act, nothing in this chapter shall be construed to:

(1) Modify, amend, or supersede chapter 18.106 or 19.28 RCW;
(2) Prohibit or restrict an individual who is certified under chapter 18.106 or 19.28 RCW from engaging in the trade in which he or she is certified; or
(3) Regulate or include plumbing work defined in chapter 18.106 RCW and its applicable rules or electrical work defined in chapter 19.28 RCW and its applicable rules.

NEW SECTION. Sec. 31. COMPLIANCE AGENTS. (1) The director shall appoint compliance agents to investigate alleged or apparent violations of this chapter. The director, or authorized compliance agent, upon presentation of appropriate credentials, may inspect and investigate job sites at which an HVAC/R contractor had bid or presently is working to determine whether the HVAC/R contractor is registered and their employees are certified and working in accordance with this chapter or the rules adopted under this chapter or whether there is a violation of this chapter. Upon request of the compliance agent, an HVAC/R contractor or an employee of the HVAC/R contractor shall provide information identifying the HVAC/R contractor and those employees working on-site.

(2) If the employee of an unregistered HVAC/R contractor is cited by a compliance agent, that employee is cited as the agent of the employer, and issuance of the infraction to the employee is notice to the unregistered HVAC/R contractor that the contractor is in violation of this chapter. An employee who is cited by a compliance agent shall not be liable for any of the alleged violations contained in the citation unless the employee is also the unregistered HVAC/R contractor or the employee is performing HVAC/R work that requires a certification under this chapter without proper proof of the certification.

NEW SECTION. Sec. 32. NOTICE OF INFRACTION. The department may issue a notice of infraction if the department reasonably believes that
a person has committed an infraction under this chapter. A notice of
infraction issued under this section shall be personally served on the
person named in the notice by the department's compliance agents or
service can be made by certified mail directed to the person named in
the notice of infraction at the last known address as provided to the
department.

NEW SECTION. Sec. 33. NOTICE OF INFRACTION FORM. The form of the
notice of infraction issued under this chapter shall include the
following:

(1) A statement that the notice represents a determination that the
infraction has been committed by the person named in the notice and
that the determination shall be final unless contested as provided in
this chapter;

(2) A statement that the infraction is a noncriminal offense for
which imprisonment shall not be imposed as a sanction;

(3) A statement of the violation that necessitated issuance of the
infraction;

(4) A statement of penalty involved if the infraction is
established;

(5) A statement of the options provided in this chapter for
responding to the notice and the procedures necessary to exercise these
options;

(6) A statement that at any hearing to contest the notice of
infraction the state has the burden of proving, by a preponderance of
the evidence, that the infraction was committed; and that the person
may subpoena witnesses, including the compliance agent of the
department who issued and served the notice of infraction;

(7) A statement that, at any hearing to contest the notice of
infraction against a person who is not properly registered or certified
as required under this chapter, the person given the infraction has the
burden of proving that the infraction did not occur;

(8) A statement that the person named on the notice of infraction
must respond to the notice in one of the ways provided in this chapter;

(9) A statement that the person's failure to timely select one of
the options for responding to the notice of infraction after receiving
a statement of the options provided in this chapter for responding to
the notice of infraction and the procedures necessary to exercise these options is guilty of a gross misdemeanor and may be punished by a fine or imprisonment in jail.

**NEW SECTION. Sec. 34. VIOLATIONS.** A violation designated as an infraction under this chapter shall be heard and determined by an administrative law judge of the office of administrative hearings. If a person desires to contest the notice of infraction, the person shall file a notice of appeal with the department specifying the grounds of the appeal within twenty days of service of the infraction in a manner provided by this chapter. The appeal must be accompanied by a certified check for two hundred dollars, which shall be returned to the assessed person if the decision of the department is not sustained following the final decision in the appeal. If the final decision sustains the decision of the department, the department must apply the two hundred dollars to the payment of the expenses of the appeal, including costs charged by the office of administrative hearings. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction occurred.

**NEW SECTION. Sec. 35. RESPONSE TO NOTICE OF INFRACTION.** (1) A person who is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction.

(2) If the person named in the notice of infraction does not elect to contest the notice of infraction, then the person shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response that does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records.

(3) If the person named in the notice of infraction elects to contest the notice of infraction, the person shall respond by filing with the department specifying the appeal to the department in the manner specified in this chapter.

(4) If any person issued a notice of infraction fails to respond within the prescribed response period, the person shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred.
(5) After final determination by an administrative law judge that an infraction has been committed, a person who fails to pay a monetary penalty within thirty days, that is not waived pursuant to this chapter, and who fails to file an appeal shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(6) A person who fails to pay a monetary penalty within thirty days after exhausting appellate remedies shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(7) If a person who is issued a notice of infraction is a person who has failed to register or be certified as required under this chapter, the person is subject to a monetary penalty per infraction as provided in the schedule of penalties established by the department, and each day the person works without becoming registered or certified is a separate infraction.

Sec. 36. RCW 18.106.125 and 1983 c 124 s 17 are each amended to read as follows:

The department shall charge fees for issuance, renewal, and reinstatement of all certificates and permits and for examinations required by this chapter. The department shall set the fees by rule.

The fees collected under this chapter and chapter 18.-- RCW (the new chapter created in section 40 of this act) shall cover the full cost of issuing the certificates and permits, devising and administering the examinations, and administering and enforcing this chapter and chapter 18.-- RCW (the new chapter created in section 40 of this act). The costs shall include travel, per diem, and administrative support costs.

Sec. 37. RCW 18.106.130 and 1973 1st ex.s. c 175 s 13 are each amended to read as follows:

All moneys received from certificates, permits, or other sources(τ) shall be paid to the state treasurer as ex officio custodian thereof and (by him) placed in a special fund designated as the (M)plumbing and HVAC/R certificate fund(M). (He) The treasurer shall pay out upon vouchers duly and regularly issued therefor and approved by the director. The treasurer shall keep an accurate record of payments into (said) the fund(τ) and of all
disbursement (therefrom) from the fund. (Said) The fund shall be
charged with its pro rata share of the cost of administering (said) the fund.

Sec. 38. RCW 43.84.092 and 2007 c 514 s 3 and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's
average daily balance for the period: The capitol building
construction account, the Cedar River channel construction and
operation account, the Central Washington University capital projects
account, the charitable, educational, penal and reformatory
institutions account, the Columbia river basin water supply development
account, the common school construction fund, the county criminal
justice assistance account, the county sales and use tax equalization
account, the data processing building construction account, the
defered compensation administrative account, the deferred compensation
principal account, the department of retirement systems expense
account, the developmental disabilities community trust account, the
drinking water assistance account, the drinking water assistance
administrative account, the drinking water assistance repayment
account, the Eastern Washington University capital projects account,
the education construction fund, the education legacy trust account,
the election account, the emergency reserve fund, the energy freedom
account, The Evergreen State College capital projects account, the
federal forest revolving account, the freight congestion relief
account, the freight mobility investment account, the freight mobility
multimodal account, the health services account, the public health
services account, the health system capacity account, the personal
health services account, the state higher education construction
account, the higher education construction account, the highway
infrastructure account, the high-occupancy toll lanes operations
account, the plumbing and HVAC/R certificate fund, the industrial
insurance premium refund account, the judges' retirement account, the
judicial retirement administrative account, the judicial retirement
principal account, the local leasehold excise tax account, the local
real estate excise tax account, the local sales and use tax account,
the medical aid account, the mobile home park relocation fund, the
multimodal transportation account, the municipal criminal justice
assistance account, the municipal sales and use tax equalization
account, the natural resources deposit account, the oyster reserve land
account, the pension funding stabilization account, the perpetual
surveillance and maintenance account, the public employees' retirement
system plan 1 account, the public employees' retirement system combined
plan 2 and plan 3 account, the public facilities construction loan
revolving account beginning July 1, 2004, the public health
supplemental account, the public works assistance account, the Puyallup
tribal settlement account, the real estate appraiser commission
account, the regional mobility grant program account, the resource
management cost account, the rural Washington loan fund, the site
closure account, the small city pavement and sidewalk account, the
special wildlife account, the state employees' insurance account, the
state employees' insurance reserve account, the state investment board
expense account, the state investment board commingled trust fund
accounts, the supplemental pension account, the Tacoma Narrows toll
bridge account, the teachers' retirement system plan 1 account, the
teachers' retirement system combined plan 2 and plan 3 account, the
tobacco prevention and control account, the tobacco settlement account,
the transportation infrastructure account, the transportation
partnership account, the traumatic brain injury account, the tuition
recovery trust fund, the University of Washington bond retirement fund,
the University of Washington building account, the volunteer
firefighters' and reserve officers' relief and pension principal fund,
the volunteer firefighters' and reserve officers' administrative fund,
the Washington fruit express account, the Washington judicial
retirement system account, the Washington law enforcement officers' and
firefighters' system plan 1 retirement account, the Washington law
enforcement officers' and firefighters' system plan 2 retirement
account, the Washington public safety employees' plan 2 retirement
account, the Washington school employees' retirement system combined
plan 2 and 3 account, the Washington state health insurance pool
account, the Washington state patrol retirement account, the Washington
State University building account, the Washington State University bond
retirement fund, the water pollution control revolving fund, and the
Western Washington University capital projects account. Earnings
derived from investing balances of the agricultural permanent fund, the
normal school permanent fund, the permanent common school fund, the
scientific permanent fund, and the state university permanent fund
shall be allocated to their respective beneficiary accounts. All
earnings to be distributed under this subsection (4)(a) shall first be
reduced by the allocation to the state treasurer's service fund
pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent
of their proportionate share of earnings based upon each account's or
fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 39. RCW 43.84.092 and 2007 c 514 s 3, 2007 c 513 s 1, and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the
cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight
mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high-occupancy toll lanes operations account, the plumbing and HVAC/R certificate fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control
account, the tobacco settlement account, the transportation account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 40. CODIFICATION. Sections 2 through 35 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 41. CAPTIONS. Captions used in this act are not any part of the law.
NEW SECTION.  Sec. 42.  SEVERABILITY.  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.

NEW SECTION.  Sec. 43.  EFFECTIVE DATE.  Except for section 39 of this act, this act takes effect July 1, 2008.

NEW SECTION.  Sec. 44.  Section 38 of this act expires July 1, 2009.

NEW SECTION.  Sec. 45.  Section 39 of this act takes effect July 1, 2009.

NEW SECTION.  Sec. 46.  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

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