
SENATE BILL 5845

State of Washington 64th Legislature 2015 Regular Session

By Senators Warnick, Angel, Braun, Ericksen, and Parlette

Read first time 02/05/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to replacement of like-in-kind household
2 appliances; amending RCW 18.27.090, 18.106.150, and 19.28.006; and
3 reenacting and amending RCW 19.28.091.

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

5 **Sec. 1.** RCW 18.27.090 and 2013 c 23 s 13 are each amended to
6 read as follows:

7 The registration provisions of this chapter do not apply to:

8 (1) An authorized representative of the United States government,
9 the state of Washington, or any incorporated city, town, county,
10 township, irrigation district, reclamation district, or other
11 municipal or political corporation or subdivision of this state;

12 (2) Officers of a court when they are acting within the scope of
13 their office;

14 (3) Public utilities operating under the regulations of the
15 utilities and transportation commission in construction, maintenance,
16 or development work incidental to their own business;

17 (4) Any construction, repair, or operation incidental to the
18 discovering or producing of petroleum or gas, or the drilling,
19 testing, abandoning, or other operation of any petroleum or gas well
20 or any surface or underground mine or mineral deposit when performed
21 by an owner or lessee;

1 (5) The sale of any finished products, materials, or articles of
2 merchandise that are not fabricated into and do not become a part of
3 a structure under the common law of fixtures;

4 (6) Any construction, alteration, improvement, or repair of
5 personal property performed by the registered or legal owner, or by a
6 mobile/manufactured home retail dealer or manufacturer licensed under
7 chapter 46.70 RCW who shall warranty service and repairs under
8 chapter 46.70 RCW;

9 (7) Any construction, alteration, improvement, or repair carried
10 on within the limits and boundaries of any site or reservation under
11 the legal jurisdiction of the federal government;

12 (8) Any person who only furnished materials, supplies, or
13 equipment without fabricating them into, or consuming them in the
14 performance of, the work of the contractor;

15 (9) Any work or operation on one undertaking or project by one or
16 more contracts, the aggregate contract price of which for labor and
17 materials and all other items is less than five hundred dollars, such
18 work or operations being considered as of a casual, minor, or
19 inconsequential nature. The exemption prescribed in this subsection
20 does not apply in any instance wherein the work or construction is
21 only a part of a larger or major operation, whether undertaken by the
22 same or a different contractor, or in which a division of the
23 operation is made into contracts of amounts less than five hundred
24 dollars for the purpose of evasion of this chapter or otherwise. The
25 exemption prescribed in this subsection does not apply to a person
26 who advertises or puts out any sign or card or other device which
27 might indicate to the public that he or she is a contractor, or that
28 he or she is qualified to engage in the business of contractor;

29 (10) Any construction or operation incidental to the construction
30 and repair of irrigation and drainage ditches of regularly
31 constituted irrigation districts or reclamation districts; or to
32 farming, dairying, agriculture, viticulture, horticulture, or stock
33 or poultry raising; or to clearing or other work upon land in rural
34 districts for fire prevention purposes; except when any of the above
35 work is performed by a registered contractor;

36 (11) An owner who contracts for a project with a registered
37 contractor, except that this exemption shall not deprive the owner of
38 the protections of this chapter against registered and unregistered
39 contractors. The exemption prescribed in this subsection does not
40 apply to a person who performs the activities of a contractor for the

1 purpose of leasing or selling improved property he or she has owned
2 for less than twelve months;

3 (12) Any person working on his or her own property, whether
4 occupied by him or her or not, and any person working on his or her
5 personal residence, whether owned by him or her or not but this
6 exemption shall not apply to any person who performs the activities
7 of a contractor on his or her own property for the purpose of
8 selling, demolishing, or leasing the property;

9 (13) An owner who performs maintenance, repair, and alteration
10 work in or upon his or her own properties, or who uses his or her own
11 employees to do such work;

12 (14) A licensed architect or civil or professional engineer
13 acting solely in his or her professional capacity, an electrician
14 certified under the laws of the state of Washington, or a plumber
15 certified under the laws of the state of Washington or licensed by a
16 political subdivision of the state of Washington while operating
17 within the boundaries of such political subdivision. The exemption
18 provided in this subsection is applicable only when the person
19 certified is operating within the scope of his or her certification;

20 (15) Any person who engages in the activities herein regulated as
21 an employee of a registered contractor with wages as his or her sole
22 compensation or as an employee with wages as his or her sole
23 compensation;

24 (16) Contractors on highway projects who have been prequalified
25 as required by RCW 47.28.070, with the department of transportation
26 to perform highway construction, reconstruction, or maintenance work;

27 (17) A mobile/manufactured home dealer or manufacturer who
28 subcontracts the installation, set-up, or repair work to actively
29 registered contractors. This exemption only applies to the
30 installation, set-up, or repair of the mobile/manufactured homes that
31 were manufactured or sold by the mobile/manufactured home dealer or
32 manufacturer;

33 (18) An entity who holds a valid electrical contractor's license
34 under chapter 19.28 RCW that employs a certified journey level
35 electrician, a certified residential specialty electrician, a
36 certified HVAC/refrigeration specialty electrician as defined in RCW
37 19.28.006, a certified appliance repair specialty electrician as
38 defined in RCW 19.28.006, or an electrical trainee meeting the
39 requirements of chapter 19.28 RCW to perform plumbing work that is
40 incidentally, directly, and immediately appropriate to the like-in-

1 kind replacement of a household appliance or other small household
2 utilization equipment that requires (~~limited electric power and~~)
3 limited waste and/or water connections. An electrical trainee must be
4 supervised by a certified electrician while performing plumbing work.

5 **Sec. 2.** RCW 18.106.150 and 2013 c 23 s 25 are each amended to
6 read as follows:

7 (1) Nothing in this chapter shall be construed to require that a
8 person obtain a license or a certified plumber in order to do
9 plumbing work at his or her residence or farm or place of business or
10 on other property owned by him or her.

11 (2) A current certificate of competency or apprentice permit is
12 not required for:

13 (a) Persons performing plumbing work on a farm; or

14 (b) Certified journey level electricians, certified residential
15 specialty electricians, certified HVAC/refrigeration specialty
16 electricians as defined in RCW 19.28.006, certified appliance repair
17 specialty electricians as defined in RCW 19.28.006, or electrical
18 trainees working for an electrical contractor and performing exempt
19 work under RCW 18.27.090(18).

20 (3) Nothing in this chapter shall be intended to derogate from or
21 dispense with the requirements of any valid plumbing code enacted by
22 a political subdivision of the state, except that no code shall
23 require the holder of a certificate of competency to demonstrate any
24 additional proof of competency or obtain any other license or pay any
25 fee in order to engage in the trade of plumbing.

26 (4) This chapter shall not apply to common carriers subject to
27 Part I of the Interstate Commerce Act, nor to their officers and
28 employees.

29 (5) Nothing in this chapter shall be construed to apply to any
30 farm, business, industrial plant, or corporation doing plumbing work
31 on premises it owns or operates.

32 (6) Nothing in this chapter shall be construed to restrict the
33 right of any householder to assist or receive assistance from a
34 friend, neighbor, relative, or other person when none of the
35 individuals doing such plumbing hold themselves out as engaged in the
36 trade or business of plumbing.

37 **Sec. 3.** RCW 19.28.006 and 2013 c 23 s 27 are each amended to
38 read as follows:

1 The definitions in this section apply throughout this subchapter.
2 (1) "Administrator" means a person designated by an electrical
3 contractor to supervise electrical work and electricians in
4 accordance with the rules adopted under this chapter.
5 (2) "Basic electrical work" means the work classified in (a) and
6 (b) of this subsection as class A and class B basic electrical work:
7 (a) "Class A basic electrical work" means the like-in-kind
8 replacement of a: Contactor, relay, timer, starter, circuit board, or
9 similar control component; household appliance; circuit breaker;
10 fuse; residential luminaire; lamp; snap switch; dimmer; receptacle
11 outlet; thermostat; heating element; luminaire ballast with an exact
12 same ballast; ten horsepower or smaller motor; or wiring, appliances,
13 devices, or equipment as specified by rule.
14 (b) "Class B basic electrical work" means work other than class A
15 basic electrical work that requires minimal electrical circuit
16 modifications and has limited exposure hazards. Class B basic
17 electrical work includes the following:
18 (i) Extension of not more than one branch electrical circuit
19 limited to one hundred twenty volts and twenty amps each where:
20 (A) No cover inspection is necessary; and
21 (B) The extension does not supply more than two outlets;
22 (ii) Like-in-kind replacement of a single luminaire not exceeding
23 two hundred seventy-seven volts and twenty amps;
24 (iii) Like-in-kind replacement of a motor larger than ten
25 horsepower;
26 (iv) The following low voltage systems:
27 (A) Repair and replacement of devices not exceeding one hundred
28 volt-amperes in Class 2, Class 3, or power limited low voltage
29 systems in one and two-family dwellings;
30 (B) Repair and replacement of the following devices not exceeding
31 one hundred volt-amperes in Class 2, Class 3, or power limited low
32 voltage systems in other buildings, provided the equipment is not for
33 fire alarm or nurse call systems and is not located in an area
34 classified as hazardous by the national electrical code; or
35 (v) Wiring, appliances, devices, or equipment as specified by
36 rule.
37 (3) "Board" means the electrical board under RCW 19.28.311.
38 (4) "Chapter" or "subchapter" means the subchapter, if no chapter
39 number is referenced.
40 (5) "Department" means the department of labor and industries.

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

3 (7) "Electrical construction trade" includes, but is not limited
4 to, installing or maintaining electrical wires and equipment that are
5 used for light, heat, or power and installing and maintaining remote
6 control, signaling, power limited, or communication circuits or
7 systems.

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

12 (9) "Equipment" means any equipment or apparatus that directly
13 uses, conducts, insulates, or is operated by electricity but does not
14 mean: Plug-in appliances; or plug-in equipment as determined by the
15 department by rule.

16 (10) "Industrial control panel" means a factory-wired or user-
17 wired assembly of industrial control equipment such as motor
18 controllers, switches, relays, power supplies, computers, cathode ray
19 tubes, transducers, and auxiliary devices. The panel may include
20 disconnect means and motor branch circuit protective devices.

21 (11) "Journey level electrician" means a person who has been
22 issued a journey level electrician certificate of competency by the
23 department.

24 (12) "Like-in-kind" means having similar characteristics such as
25 voltage requirements, current draw, and function, and being in the
26 same location.

27 (13) "Master electrician" means either a master journey level
28 electrician or master specialty electrician.

29 (14) "Master journey level electrician" means a person who has
30 been issued a master journey level electrician certificate of
31 competency by the department and who may be designated by an
32 electrical contractor to supervise electrical work and electricians
33 in accordance with rules adopted under this chapter.

34 (15) "Master specialty electrician" means a person who has been
35 issued a specialty electrician certificate of competency by the
36 department and who may be designated by an electrical contractor to
37 supervise electrical work and electricians in accordance with rules
38 adopted under this chapter.

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

1 (17) "HVAC/refrigeration specialty electrician" means a person
2 who has been issued an HVAC/refrigeration specialty electrician
3 certificate of competency by the department that requires at least
4 four thousand hours of supervised work experience, or the equivalent
5 military training or work experience, prior to certification.

6 (18) "Appliance repair specialty electrician" means a person who
7 has been issued an appliance repair specialty electrician certificate
8 of competency by the department.

9 **Sec. 4.** RCW 19.28.091 and 2003 c 399 s 301 and 2003 c 242 s 1
10 are each reenacted and amended to read as follows:

11 (1) No license under the provision of this chapter shall be
12 required from any utility or any person, firm, partnership,
13 corporation, or other entity employed by a utility because of work in
14 connection with the installation, repair, or maintenance of lines,
15 wires, apparatus, or equipment owned by or under the control of a
16 utility and used for transmission or distribution of electricity from
17 the source of supply to the point of contact at the premises and/or
18 property to be supplied and service connections and meters and other
19 apparatus or appliances used in the measurement of the consumption of
20 electricity by the customer.

21 (2) No license under the provisions of this chapter shall be
22 required from any utility because of work in connection with the
23 installation, repair, or maintenance of the following:

24 (a) Lines, wires, apparatus, or equipment used in the lighting of
25 streets, alleys, ways, or public areas or squares;

26 (b) Lines, wires, apparatus, or equipment owned by a commercial,
27 industrial, or public institution customer that are an integral part
28 of a transmission or distribution system, either overhead or
29 underground, providing service to such customer and located outside
30 the building or structure: PROVIDED, That a utility does not initiate
31 the sale of services to perform such work;

32 (c) Lines and wires, together with ancillary apparatus, and
33 equipment, owned by a customer that is an independent power producer
34 who has entered into an agreement for the sale of electricity to a
35 utility and that are used in transmitting electricity from an
36 electrical generating unit located on premises used by such customer
37 to the point of interconnection with the utility's system.

1 (3) Any person, firm, partnership, corporation, or other entity
2 licensed under RCW 19.28.041 may enter into a contract with a utility
3 for the performance of work under subsection (2) of this section.

4 (4) No license under the provisions of this chapter shall be
5 required from any person, firm, partnership, corporation, or other
6 entity because of the work of installing and repairing ignition or
7 lighting systems for motor vehicles.

8 (5) No license under the provisions of this chapter shall be
9 required from any person, firm, partnership, corporation, or other
10 entity because of work in connection with the installation, repair,
11 or maintenance of wires and equipment, and installations thereof,
12 exempted in RCW 19.28.010.

13 (6) The department may by rule exempt from licensing requirements
14 under this chapter work performed on premanufactured electric power
15 generation equipment assemblies and control gear involving the
16 testing, repair, modification, maintenance, or installation of
17 components internal to the power generation equipment, the control
18 gear, or the transfer switch.

19 (7) This chapter does not require an electrical contractor
20 license if: (a) An appropriately certified electrician or a properly
21 supervised certified electrical trainee is performing the
22 installation, repair, or maintenance of wires and equipment for a
23 nonprofit corporation that holds a current tax exempt status as
24 provided under 26 U.S.C. Sec. 501(c)(3) or a nonprofit religious
25 organization; (b) the certified electrician or certified electrical
26 trainee is not compensated for the electrical work; and (c) the value
27 of the electrical work does not exceed thirty thousand dollars.

28 (8) An entity that currently holds a valid specialty or general
29 plumbing contractor's registration under chapter 18.27 RCW may employ
30 a certified plumber, a certified residential plumber, or a plumber
31 trainee meeting the requirements of chapter 18.106 RCW, or an entity
32 that currently holds a valid electrical contractor's license under
33 this chapter may employ a certified HVAC/refrigeration specialty
34 electrician, or a certified appliance repair specialty electrician,
35 to perform electrical work that is incidentally, directly, and
36 immediately appropriate to the like-in-kind replacement of a
37 household appliance or other small household utilization equipment
38 that requires (~~limited electric power and~~) limited waste and/or
39 water connections. A plumber trainee must be supervised by a
40 certified plumber or a certified residential plumber while performing

1 electrical work. The electrical work is subject to the permitting and
2 inspection requirements of this chapter.

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