

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-015 What terms do I need to know to understand this chapter? For the purposes of this chapter, the following terms and definitions are important:

"Administrative law judge" is any person appointed by the chief administrative law judge (as defined in RCW 34.12.020(2)) to preside at a notice of infraction appeal hearing convened under chapter 18.27 RCW and this chapter.

"Appeal bond" is a certified check or money order in the amount prescribed under RCW 18.27.250 made payable to the Washington state department of labor and industries.

"Appeal hearing" is any proceeding in which an administrative law judge is empowered to determine legal rights, duties or privileges of specific parties on behalf of the director.

"Applicant" is any person, firm, corporation or other entity applying to become a registered contractor according to chapter 18.27 RCW and this chapter. Applicant includes all principal officer(s), members, partners of a partnership, firm, corporation, or other entity named on the application.

"Citation" means the same as "infraction."

"Compliance inspector" refers to the departmental staff responsible for investigating potential violations of chapter 18.27 RCW and this chapter.

"Consultant" means any person, individual, firm, agent or other entity who directs, controls or monitors construction activities for a property owner. A general contractor registration is required. A licensed professional acting in the capacity of their license is exempt from registration.

"Contractor compliance chief" refers to the person designated by the director to address all policy and technical issues related to chapter 18.27 RCW and this chapter.

"Department" refers to the department of labor and industries.

"Developer" means any person, firm, corporation or other entity that undertakes:

● The subdivision or development of land for residential purposes; or

● The construction or reconstruction of one or more residential units.

A general contractor registration is required.

"Director" refers to the director of the department of labor and industries or the director's designee acting in the place of the director.

"Final judgment" means any money that is owed to a claimant as a result of court action against or settlement with a contractor and/or contractor's bond or assigned savings account with the

department or any money that is owed the department as a result of a contractor's unsuccessful appeal of an infraction. Final judgment also includes any penalties assessed against the contractor and owed the department as a result of an ~~((unappealed))~~ infraction or notice of correction that has not been appealed, final tax warrants or any ~~((outstanding))~~ delinquent fees or penalties due ~~((under this chapter))~~.

"Final tax warrant" is a document used by the department to establish the debt of a tax payer.

"Infraction" means a violation of chapter 18.27 RCW and this chapter as cited by the chief contractor compliance inspector or the department's construction compliance inspectors.

"Mobile/manufactured home dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles and licensed as required under chapter 46.70 RCW.

"On-premise sign" means a sign at a permanent place of business or a sign placed at a job location while the registered contractor is working at the site. A sign left at a work site after a contractor has left is not an "on-premise" sign and must contain the registered contractor's registration number.

"Property management company" means any person, firm or other entity that in the pursuit of a property management business advertises, bids/offers, or performs construction, maintenance or repair services with their own employees on property not owned by the property management company. A general contractor registration is required.

"Renewal" or "renewed" means the renewal of a contractor's registration before it expires.

"Reinstatement" or "reinstated" means the reinstatement of a contractor's registration after the registration has expired, or has been suspended, or been revoked.

"Preregistration" or "reregister" means an update to a contractor's registration because of business structure change.

"Secured contractor" is a contractor who has complied with RCW 18.27.040 by assigning to the department a savings account held in a Washington state bank, or by filing with the department a surety bond.

"Security" is a savings account held in a Washington state bank and assigned to the department in lieu of a surety bond.

"Unregistered contractor" means a person, firm, corporation or other entity working as a contractor without being registered in compliance with chapter 18.27 RCW and this chapter.

"Unsatisfied final judgment" means a judgment that has not been satisfied either through payment, court approved settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

NEW SECTION

WAC 296-200A-016 What are the definitions of the specialty contractor classifications for the purpose of contractor registration only? (1) **"Appliances, equipment"** - A contractor in this specialty installs or replaces appliances where minimal gas and water connection are required, such as a refrigerator with an icemaker, gas clothes dryer, gas cook top, gas oven or other similar appliances and only from the existing shut off at wall or floor to the appliance or an appliance that becomes a fixed part of a structure (use of flex for the connection is limited to six feet or less). *The installation or replacement of dishwashers, hot water tanks, and garbage disposals requires a plumber certification per chapter 18.106 RCW and/or an electrical license per chapter 19.28 RCW.*

(2) **"Asbestos and lead"** - A contractor in this specialty cleans, handles, repairs, removes, encapsulates, encloses, hauls and disposes of paper or hard block insulation on hot water piping, heating ducts, or as molded pipe fitting insulation and joint compounds on furnaces or floor tiles, sheet flooring, ceiling tiles and acoustical (stucco) finishes or as wall and attic insulation materials, or for shingles or siding material and cement pipes for interior or exterior asbestos or lead products. *All asbestos contractors shall adhere to state (DOSH) and/or federal (OSHA) standards regulating all forms of this hazardous material. Asbestos certification per chapter 296-65 WAC is required. Lead abatement certification for workers may be required per chapter 70.103 RCW.*

(3) **"Awnings, canopies, patio covers and exterior screens"** - A contractor in this specialty installs and repairs window awnings, door hoods, exterior screens, freestanding or attached canopies, and patio covers constructed of metal, fabric, fiberglass, and plastic.

(4) **"Boiler, steam fitting, process piping"** - A contractor in this specialty installs, services and repairs power boiler installations and hot water heating systems, including fire-tube and water-tube steel power boilers and hot water heating low pressure boilers, steam fitting and piping, fittings, valves, gauges, pumps, radiators, convectors, hydraulics, fuel oil tanks and fuel oil lines. Also includes chimney connections, flues, refractories, burners, thermal insulation, and accessories, fuel and nonpotable water lines from source of supply to boilers; process and specialty piping and related equipment, pneumatic and electrical control, sheet insulation and all other equipment, including solar heating equipment associated with these systems. *Work in this specialty may also require plumber certification per chapter 18.106 RCW and/or an electrical license per chapter 19.28 RCW.*

(5) **"Cabinets, millwork and finish carpentry"** - A contractor in this specialty installs cabinets, countertop frames, cases, sashes, doors (including hardware), trims, nonbearing partitions, closets and other items of finish carpentry by cutting, surfacing,

joining, gluing, and framing wood and wood products. Also places, erects, fabricates and finishes such cabinets and millwork in structures, including the cutting, framing, installation and finishing of wood and wood products, such as prefabricated cabinets and millwork.

(6) **"Central vacuum systems"** - A contractor in this specialty installs, modifies, or repairs central vacuum systems, pneumatic tube dispatching systems or any other type of pipeline which operates systems of reduced pressure for industrial and residential cleaning. *(This specialty does not include any medical or hazardous waste systems.)*

(7) **"Closets"** - A contractor in this specialty installs, repairs and maintains the lateral or horizontal shelving systems, racks, rails, or drawers involved in a closet or storage system.

(8) **"Commercial/industrial refrigeration"** - A contractor in this specialty installs, alters, and repairs refrigeration equipment and systems used for processing, storage, and display of food products and other perishable commodities for the control of air temperatures below fifty degrees Fahrenheit. This allows construction, fabrication, erection, installation, service, maintenance and repairs of devices, machinery and units, including refrigerators, refrigerated rooms, air-conditioning units and insulated spaces. Also includes installation of any related insulation, ducts, blowers, registers, controls over humidity and thermostatic controls for the control of air, liquid, and/or gas temperatures below fifty degrees Fahrenheit or ten degrees Celsius. *Work in this specialty may also require an electrical license per chapter 19.28 RCW.*

(9) **"Concrete"** - A contractor in this specialty completes all work in connection with the processing and placing of concrete composed of materials common to the concrete industry, including finishing, coloring, curing, repairing, testing, drilling, sawing, grinding, chipping, and grouting. Placing film barriers, sealing, and waterproofing are included. The construction, centering, and assembling of forms, molds, slip forms, and pans.

(10) **"Construction clean-up"** - A contractor in this specialty cleans up and/or removes from buildings, grounds or structures any debris resulting from any construction project including but not limited to: Concrete, plaster, drywall, any paint or adhesive products from windows, floors, ceramic tile and bathroom fixtures. *(Registration is not required for janitorial services, i.e., at final cleaning.)*

(11) **"Demolitions and salvage"** - A contractor in this specialty is involved in the wrecking of existing structures intended for disposal or salvage, by use of tools, equipment or explosives, and the raising, cribbing and underpinning of buildings and other structures so the alterations, repairs and temporary structures may be constructed under the retained and undisturbed portion of the building or other structures. Includes the erection of temporary ramps, barricades, and pedestrian walkways when required for demolition/wrecking and/or salvage projects. *(This specialty does not include the alterations, additions, repairs or*

rehabilitation of the permanently retained portions of such structures.)

(12) **"Doors, gates and activating devices"** - A contractor in this specialty installs, modifies or repairs all types of residential, commercial or industrial doors including sliding door assemblies. This includes but is not limited to: Wood and screen doors, metal-clad doors, glass sliding/stationary doors and frames, automatic revolving doors, hospital cubical doors and related installations. *Work in this specialty may also require an electrical license per chapter 19.28 RCW.*

(13) **"Drain cleaning and snaking"** - A contractor in this specialty can perform camera examination, cleaning or snaking of building drainage and vent pipes and/or sewer pipe. Nothing in this specialty is intended to waive any plumbing certification requirements of chapter 18.106 RCW or any local enforcement agency code provisions or allow for the removal, installation or replacement of any damaged plumbing parts or fixtures.

(14) **"Drilling, blasting and soil sampling"** - A contractor in this specialty does core and post hole drilling, horizontal drilling (no piping) and drilling for placement of charges and performing blasting work and performs soil sampling. *(Does not include water well drilling.) Work with explosives requires licensing per chapter 70.74 RCW.*

(15) **"Drywall"** - A contractor in this specialty lays out and installs gypsum wall board and gypsum wall board assemblies including nonstructural metal framing members, and performs the taping, primer and texturing operations including the application of compounds that adhere to wall board to produce a continuous smooth or textured surface. Includes interior lath and plaster repair.

(16) **"Electrical"** - Please see chapter 19.28 RCW.

(17) **"Elevator"** - A contractor in this specialty installs, repairs, alters, relocates, demolishes and maintains elevators and other conveyances, including all associated equipment and equipment associated with the safe and efficient installation and operation of electrical, hydraulic and manual operated elevators. *Work in this specialty may also require elevator licensing per chapter 70.78 RCW and/or an electrical license per chapter 19.28 RCW.*

(18) **"Excavation, grading and land clearing"** - A contractor in this specialty digs, moves and alters materials forming the surface of the earth by digging, horizontal boring, trenching, grading, or compacting the material for a cut, fill, grade, or trench, with hand and power tools, machines and explosives. Included is the placement of shoring, the oiling of base materials, and incidental blasting and drilling. *(This specialty excludes excavating for water, gas, and oil wells.) Use of explosives requires licensing per chapter 70.74 RCW.*

(19) **"Fencing"** - A contractor in this specialty constructs, erects, alters, or repairs all types of fences, corrals, runs, railings, cribs, game court enclosures (excludes roof), guard rails and barriers, backstops, posts, flagpoles, and gates. This includes installing, cutting, shaping, fabricating and repair of

metal and wood fencing, cattle guards and supplemental materials. *(This specialty excludes masonry walls.) Work in this specialty may also require an electrical license per chapter 19.28 RCW.*

(20) **"Fireproofing and coating"** - A contractor in this specialty applies by industry accepted practices independently qualified fireproofing and coating materials that are fire resistant.

(21) **"Fire protection"** - A contractor in this specialty lays out, fabricates, repairs and installs all types of fire protection systems, including all the equipment associated with these systems using water, steam, gas or chemicals. Systems may include the following areas of work and related equipment: Restaurant hood protection systems; fire pumps and drivers; pressure and storage tanks; all piping and valves; sprinkler heads and nozzles; and application of materials for the prevention of corrosion or freezing. *Work in this specialty may also require an electrical license per chapter 19.28 RCW and/or fire-protection licensing.*

(22) **"Floor covering and counter tops"** - A contractor in this specialty installs, repairs or replaces floor covering materials and related accessories including preparation of the surface to be covered. Included are: Linoleum, carpets, carpet backings and pads, and materials manufactured of asphalt, wood, vinyl, laminates, rubber and material common to the industry installed for sanitary and decorative purposes for nonstructural bearing interior and exterior use. Excludes work outlined in subsection (56) of this section. *Work in this specialty may also require plumber certification per chapter 18.106 RCW and/or an electrical license per chapter 19.28 RCW.*

(23) **"Framing and rough carpentry"** - A contractor in this specialty performs any form work, framing or rough carpentry necessary to construct framed structures; installs or repairs individual components of framing systems and performs any rough carpentry or associated work, including but not limited to the construction or installation of: Subflooring, siding (flat work only), decks, exterior staircases, new exterior doors and railings, fascia, roof decking, truss members and rafters, and sheathing using carpenter hand tools and power tools.

(24) **"Glass and glazing"** - A contractor in this specialty selects, cuts, assembles, and/or installs, replaces and repairs all makes and kinds of glass, glass work, mirrored glass, and glass substitute materials for glazing; executes the installation and glazing of frames, panels, sashes, skylights and glass doors; and/or installs these items in any structure. Also includes the installation of steel and aluminum glass holding members, glass products, and related hardware, as well as standard methods of weatherproofing, caulking, glazing, sealants, and adhesives.

(25) **"Gutters and downspouts"** - A contractor in this specialty installs, repairs, and maintains gutters and exterior downspouts of metal, wood, and plastic and channel devices common to the industry, for the use of water run-off of the exterior of a building.

(26) **"Handyman"** - A contractor in this specialty must be an

individual who does all work personally without employees or other specialty contractors. A handyman may perform more than one unrelated specialty trade or craft provided they do all work themselves. All work shall be limited to minor and casual work of existing residential maintenance and repair with a total dollar value of time and materials under two thousand dollars. Work requiring a building permit may not be done by this specialty. If the registered contractor is a corporation or limited liability company (LLC), one person must be identified as a handyman. *Work in this specialty may also require plumber certification per chapter 18.106 RCW and/or an electrical license per chapter 19.28 RCW.*

(27) **"House moving"** - A contractor in this specialty raises, lowers, cribs, underpins, and moves structures, including their foundations. *(This specialty does not include the alterations, additions, repairs or rehabilitation of such structures.)*

(28) **"Heating, ventilation, air-conditioning and refrigeration (HVAC/R)"** - A contractor in this specialty fabricates, installs, services, and maintains equipment for the purpose of heating and cooling of indoor air. Systems may include the following areas of work and related equipment using industry accepted materials: Duct work; air filtering devices; water treatment devices; pneumatic controls; control piping; thermal and acoustical insulation; vibration isolation materials and devices; liquid fuel (propane) piping and tanks; gas piping from service connection to equipment it serves; and stainless steel kitchen systems. Includes the testing and balancing of the air handling systems. Also includes systems that utilize solar energy. *Work in this specialty may also require electrical licensing per chapter 19.28 RCW and/or plumber certification per chapter 18.106 RCW.*

(29) **"Industrial equipment/machines"** - A contractor in this specialty installs all industrial machinery such as generators, compressors and processors which are bolted or otherwise attached so as to be permanently affixed to a structure. *Work in this specialty may also require an electrical license per chapter 19.28 RCW and/or plumber certification per chapter 18.106 RCW.*

(30) **"Institutional equipment, stationary furniture, lab tables, lockers"** - A contractor in this specialty installs, alters and repairs equipment and furniture that become a fixed part of the structure, such as stationary desks, lockers, chalkboards, shelving, storage, seats in an auditorium (including stationary bleachers) and equipment used in a stage or gymnasium. Work includes the installation, alteration and repair of institutional kitchen equipment and laboratory equipment, such as stationary counters and tables, shelving partitions, and such other equipment as is generally accepted for use as commercial building accessory.

(31) **"Insulation and acoustical"** - A contractor in this specialty installs, alters, and repairs insulation materials used for the nonmechanical control of heat, sound, and moisture for use in the construction of structures and equipment. Work includes installation methods and devices such as supports, fastening systems, adhesives, mastics, plastics, weather-stripping and

material used for the preparation of insulation work and common to the industry. Also includes application and installation of materials to protect or finish insulated surfaces.

(32) **"Irrigation sprinkler systems"** - A contractor in this specialty installs, repairs, and maintains sprinkler systems to distribute water for the purpose of irrigation, dust and soil erosion control using equipment, materials, and fittings common to the industry. Connections to potable water lines, installation of backflow prevention devices for nonpotable water, installation of hose bibs and installation of service lines from source of supply are permitted only when they are an integral part of the sprinkler system and outside a building. *The use of pumps to draw or boost the pressure from any source of water that are used on a residential sprinkler system or for irrigation on a farm require plumber certification per chapter 18.106 RCW and/or an electrical license per chapter 19.28 RCW. (If both the electrical and plumbing trades are pursued this specialty is not allowed.)*

(33) **"Landscaping"** - A contractor in this specialty constructs, maintains, repairs, installs and develops landscape systems and facilities for public and private gardens and other areas which are designed to aesthetically, architecturally, horticulturally, or functionally improve the ground within or surrounding a structure or tract or plot of land. Also prepares and grades plots; treats, conditions, prepares, and installs topsoil; performs hydroseed spraying; and plants all decorative vegetation. Landscaping includes installation of nonload bearing slabs, walkways and areas using concrete, brick, stone, or gravel; decorative wooden decks; garden walls, fences and screens up to six feet in height; and all other materials and equipment common to the industry. This specialty includes installation of lawn sprinklers (without pumps), ponds and water-features. *(Excluded from this specialty are cast in place or tilt up concrete, load bearing walls for structures, perimeter fencing along property lines or boundaries.) Work in this specialty may also require an electrical license per chapter 19.28 RCW and/or plumber certification per chapter 18.106 RCW.*

(34) **"Lathing and plastering"** - A contractor in this specialty coats surfaces with a mixture of sand, gypsum plaster, quick-lime or hydrated lime and water, or sand and cement and water, or a combination of such other materials that create a permanent surface coating, including coatings for the purpose of soundproofing and fireproofing. These coatings are applied with a plasterer's trowel or sprayed over any surface which offers a mechanical means for the support of such coating, and will adhere by suction. This contractor also installs lath (including metal studs) or any other material prepared or manufactured to provide a base or bond for such coating.

(35) **"Locks, security alarms and warning systems"** - A contractor in this specialty sets up, installs, maintains and repairs all doors and door assemblies, gates, locks and locking devices, panic and fire rated exit devices, manual and automatic operated gate and door closures and releases, jail and prison

locking devices and permanently installed or built-in safes and vaults as well as early warning systems. *Work in this specialty may also require an electrical license per chapter 19.28 RCW.*

(36) **"Masonry"** - A contractor in this specialty installs concrete units and baked clay products; concrete, glass and clay block; natural and manufactured stone; terra cotta; and firebrick or other material for refractory work. Includes the fabrication and installation of masonry component units for structural load bearing and nonload bearing walls for structures and fences installed with or without mortar; ceramic veneer (not tile) and thin brick that resembles full brick for facing; paving; and clear waterproofing, cleaning and caulking incidental to masonry construction. This specialty also includes chimney cleaning and repair.

(37) **"Manufactured/mobile home set up"** - A contractor in this specialty installs, alters, repairs or prepares for moving any type of manufactured mobile home for the purpose of sitting the home which includes connections of the plumbing, gas, electrical and foundation system. *Installation of electrical wires and equipment that convey electrical power to the home or to an outlet in the home, and the ground cross-over, requires an electrical license per chapter 19.28 RCW. A certified installer per chapter 46.63B RCW must be employed. (Equipment does not include plug-in household appliances.)*

(38) **"Metal fabrication/sheet metal"** - A contractor in this specialty fabricates, installs and repairs architectural and general products made of sheet metal including but not limited to exhaust hoods, counters, etc. This includes layout, cutting, fabrication, and installation of sheet metal products, assembly and installation of premanufactured sheet metal or other industry accepted products, and bracing and reinforcing materials. *(Does not include structural metal fabrication.)*

(39) **"Overhead/garage doors"** - A contractor in this specialty installs wood, wood panel, steel panel or steel roll-up doors and the rails and support systems common to the industries. The installation of power or hand operated opening/closing motors and devices is included. *Work in this specialty may also require an electrical license per chapter 19.28 RCW.*

(40) **"Painting and wall covering"** - A contractor in this specialty applies materials common to the painting and decorating industry for protective or decorative purposes. Includes the installation of surface coverings including paints, papers, textures, fabrics, pigments, oils, turpentine, japans, dryers, thinners, varnishes, shellacs, stains, fillers, waxes, adhesives, water, and any other vehicles, mediums, and materials which by evaporation may be mixed and applied to the surface of structures. Surface preparation, caulking, pressure washing, sandblasting, and cleaning preparatory to painting/wall covering are included.

(41) **"Paving/stripping/seal coating"** - A contractor in this specialty installs, excavates, grades, compacts, and repairs the application of asphalt/cement to streets, driveways, parking lots, boat ramps, and landing strips and taxiways for an airport. Also

includes the filling of cracks and voids in existing surfaces, the application of sealants and the installation of precast bumpers, nonelectrical traffic signs/markers and striping on the surface.

(42) **"Plumbing"** - A contractor in this specialty installs, alters, repairs and renovates all potable water, building supply, and distribution pipes; all plumbing fixtures and traps; all drainage and vent pipes; and all building drains and building sewers, including their respective joints and connections, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, liquid and fuel gas piping, and water heaters, hydronic heating systems and vents for same. Includes solar heating equipment attached to potable water systems. *Plumber certification is required for work within a building per chapter 18.106 RCW.*

(43) **"Pressure washing"** - A contractor in this specialty uses the force of pressurized water to clean and prepare surfaces for any protective, decorative and/or functional treatment in a commercial or residential structure.

(44) **"Roofing"** - A contractor in this specialty installs and repairs materials common to the industry that form a water tight, weather resistant surface for roofs and decks, including all accessories, plywood, coping, flashing, valleys, gravel stops, and roof insulation panels above the roof decks. The work is completed using the following materials: Asphaltum, pitch, tar, felt, glass fabric, urethane foam, metal roofing systems, flax, shakes, shingles, roof tile, slate or any other roofing, waterproofing, weatherproofing or membrane material(s) or a combination thereof. Also includes roofing related architectural sheet metal. *(This specialty does not allow for structural repair of trusses, beams or joists.)*

(45) **"Sandblasting"** - A contractor in this specialty uses the force of compressed air in conjunction with abrasive materials and prepares surfaces for any protective, decorative and/or functional treatment in a commercial or residential structure.

(46) **"Sanitation systems and/or side sewers"** - A contractor in this specialty fabricates and installs septic tanks, storm drains, and other sewage disposal and drain systems outside the building structures. This classification includes the laying of cast-iron, steel, concrete, vitreous and nonvitreous pipe and any other hardware associated with these systems, including any related excavating, grading, trenching, surfacing and backfilling.

(47) **"Scaffolding and safety railings"** - A contractor in this specialty erects metal or wood scaffolding including temporary sidewalk sheltered construction work barricades, safety railings, stages and bleachers.

(48) **"Service station equipment and maintenance"** - A contractor in this specialty installs auto hoisting equipment, hydraulic systems, grease racks, compressors, air hoses, fuel dispensing, cathodic and other service station equipment. *Work in this specialty may also require an electrical license per chapter 19.28 RCW.*

(49) **"Siding"** - A contractor in this specialty installs all types of exterior siding including but not limited to wood, wood products, vinyl, aluminum and metal siding to new or existing buildings.

(50) **"Signs"** - A contractor in this specialty fabricates and installs all types of signs, including but not limited to: Post or pole supported signs, signs attached to structures, painted wall signs and modifications to existing signs. *Work in this specialty may also require an electrical license per chapter 19.28 RCW.*

(51) **"Steel erectors"** - A contractor in this specialty fabricates and erects structural steel shapes and plates of any profile, perimeter or cross-section, which are or may be used as structural members for buildings and structures, including the rebar, riveting, welding, rigging and metal roofing and decking systems.

(52) **"Structural pest control"** - A contractor in this specialty constructs, repairs, and installs the ventilation screens, bird exclusion devices, and caulking of cracks and holes for exclusion of and repelling pests. Includes the replacement of bird blocking screens.

(53) **"Suspended ceilings and acoustical tile"** - A contractor in this specialty installs, modifies or repairs all types of suspended ceilings, including but not limited to lay-in-grid and other types of systems involving solid, perforated or translucent ceiling panels.

(54) **"Swimming pools, spas and hot tubs"** - A contractor in this specialty constructs, alters, and repairs permanent swimming pools and spas or hot tubs, including associated equipment. May also do repairs to damaged acrylic, fiberglass, porcelain and other like materials in standard bathtubs or showers. *Work in this specialty may also require an electrical license per chapter 19.28 RCW and/or plumber certification per chapter 18.106 RCW.*

(55) **"Tanks and tank removal"** - A contractor in this specialty installs and/or removes fuel storage, grain and other types of tanks which have been or are to be used for dispensing gasoline, diesel fuel, waste oil, kerosene, propane or other chemicals. This work involves the installation and/or removal of all incidental tank related piping. *Work in this specialty may also require an electrical license per chapter 19.28 RCW.*

(56) **"Tile, ceramic, mosaic and natural and manufactured stone"** - A contractor in this specialty prepares surfaces as necessary and installs glazed wall, ceramic, mosaic, quarry, faience, glass mosaic and stone tiles, thin tile that resembles full brick, natural or simulated stone slabs for bathtubs, showers and horizontal surfaces inside of buildings, or any tile units set in the traditional or innovative tile methods, excluding hollow or structural partition tile. *Work in this specialty may also require plumber certification per chapter 18.106 RCW and/or an electrical license per chapter 19.28 RCW.*

(57) **"Tree removal"** - A contractor in this specialty falls and/or removes trees, stumps and/or branches on residential or commercial property or near a residential or commercial structure,

outbuilding or fence. (*Stump grinding does not require contractor registration.*)

(58) **"Utilities and telecommunications"** - A contractor in this specialty provides excavation, cabling, horizontal boring, grading, and backfilling necessary for construction of a utility or telecommunication system prior to the line of demarcation. Also performs fabrication and/or installs pipes and piping for the conveyance or transmission of steam, gases, chemicals, and other substances.

(59) **"Window coverings"** - A contractor in this specialty installs window treatment rods and other handling devices and covering products, including but not limited to the following: Material and fabric that make up louvers, shutters, and blinds; residential and commercial draperies; permanent screens; expanded metal window and door guards; and plastic film and/or other treatments applied for temperature control.

(60) **"Water conditioning equipment"** - A contractor in this specialty installs water conditioning equipment or water treatment equipment with the use of only such pipe and fittings as are necessary to connect the water conditioning or water treatment equipment in a water supply system and only within six feet of the water service supply. Drainlines must run to existing floor drain, standpipe or outside the structure. *Work in this specialty may also require plumber certification per chapter 18.106 RCW.*

(61) **"Welding and ornamental metal"** - A contractor in this specialty installs, alters, removes, or repairs all architectural, structural and decorative steel, aluminum or other materials in welding techniques by the use of processes common to the industry.

(62) **"Well Drilling"** - A contractor in this specialty installs and repairs water wells and pumps by boring, drilling, excavating, casing, cementing and cleaning to provide a supply of uncontaminated water. May also install water conditioning equipment and perform soil sampling. (*Excludes the installation of jet and submersible pumps; electrical pump controls and wiring from pump equipment to first readily accessible disconnect; and water line to storage or pressure tank.*) *Work in this specialty may also require plumber certification per chapter 18.106 RCW or an electrical license per chapter 19.28 RCW. (If both the electrical and plumbing trades are pursued this specialty is not allowed.)*

(63) **"Wood/pellet and gas stove"** - A contractor in this specialty installs wood, pellet, or gas stoves, zero clearance and fire place inserts. These systems may include the following areas of work and related equipment: Air-filtering devices; gas piping from service connection to equipment; chimney, flashing and flues; and outside combustion air ducts. *The installing of piping, ducting and equipment for transmitting the heated air or water produced by the devices may also require an electrical license per chapter 19.28 RCW and/or plumber certification per chapter 18.106 RCW.*

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-025 How does a contractor register, renew, reregister or reinstate its registration? (1) A contractor may register/renew/reregister/reinstate if it:

(a) Completes an application for contractor registration and submits it to the department as required by RCW 18.27.030;

(b) Satisfies one of the following:

(i) Obtains a continuous surety bond in the total amount specified in WAC 296-200A-030 and submits the original bond with bond number to the department (see RCW 18.27.040); or

(ii) Assigns, to the department, a security deposit in the form of a savings account held in a Washington state bank (~~as~~) on a department issued form (F625-000-008) in the amounts specified in WAC 296-200A-030;

(c) Obtains public liability and property damage insurance and submits the original insurance certificate with policy number to the department (see RCW 18.27.050); and

(d) Pays the issuance/renewal/reregistration/reinstatement fee shown in WAC 296-200A-900.

(2) A contractor may renew its registration if it submits, to the department, a completed contractor registration renewal notice and the material required in subsection (1)(b) and (c) of this section and pays the renewal fee shown in WAC 296-200A-900. No more than forty-five days before the contractor's registration expires, the department must send a renewal notice to the contractor's last recorded address. It is the responsibility of the contractor to notify the department **in writing** of a change in address.

(3) The contractor must:

(a) Submit all required documents to the department in a manner approved by the department as set forth in subsections (3)(b), (c), (d), and (4) of this section;

(b) Include, on each document, the name exactly as it appears on the contractor registration application or renewal notice;

(c) Include, if renewing a registration, the contractor's registration number on each of the documents; and

(d) Include a copy of the certificate or document (when required) by the secretary of state for the contractor to do business in the state of Washington.

(4) The department will not register, renew, or reinstate the registration of a contractor if:

(a) Any of the required documents are missing;

(b) The documents do not have the proper name of the contractor;

(c) In the case of a renewal, the documents do not include the registration number; or

(d) The applicant or person pursuant to RCW 18.27.030 has an unsatisfied final judgment based on work which is subject to chapter 18.27 RCW and this chapter.

(5) The contractor may request, in a letter filed with the

application or renewal materials, that the registration period end on a particular day. However, the registration period cannot exceed two years.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-030 How much are the surety bond or savings account amounts? (1) The continuous surety bond or savings account amounts for applicants of contractors with five or fewer final judgments involving ~~((a))~~ two or more residential single-family dwellings ~~((on two or more different structures))~~ in the previous five years are as follows:

- (a) Twelve thousand dollars for general contractors.
- (b) Six thousand dollars for specialty contractors.

(2) The surety bond or savings account amounts for applicants of contractors with ~~((six))~~ three or more final judgments involving ~~((a))~~ two or more residential single-family dwellings ~~((on two or more different structures))~~ in the previous five years will be based upon (a) and (b) of this subsection. ~~((a) and (b) of this subsection do not apply to final judgments rendered before July 22, 2001.))~~

- (a) General contractors.

Number of Final Judgments	Bond or Savings Account Amount per ((Calendar Year)) <u>Registration Cycle</u>
((6)) <u>3</u>	\$18,000.00
((7)) <u>4</u>	\$24,000.00
((8)) <u>5</u>	\$30,000.00
((9)) <u>6</u> or more	\$36,000.00

- (b) Specialty contractors.

Number of Final Judgments	Bond or Savings Account Amount per ((Calendar Year)) <u>Registration Cycle</u>
((6)) <u>3</u>	\$ 8,000.00
((7)) <u>4</u>	\$12,000.00
((8)) <u>5</u>	\$16,000.00
((9)) <u>6</u> or more	\$18,000.00

(3) At the time of reregistration, renewal or reinstatement the department shall only consider final judgments from the previous five years which will be used to determine the bond or savings account amount according to subsection (2)(a) and (b) of this section. ~~((Final judgments rendered before July 22, 2001,~~

will not be considered toward the required bond or savings account amount.)

(4) A contractor's required bond or savings account amount may only be reviewed for reduction to a lower level at their next regular renewal. The increased bond requirement must remain in effect during the entire registration cycle even if reinstatement or reregistration occurs.

(5) For purposes of this section, final judgment does not include infractions.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-040 What can cause the suspension of a contractor's registration? (1) A contractor's registration will be suspended if the following impairments, cancellations, noncompliance, or errors occur:

(a) A surety bond or other security has an unsatisfied final judgment against it or becomes otherwise impaired.

(b) A surety bond is canceled.

(c) An insurance policy is expired, canceled, revoked or the insurer is withdrawn from the insurance policy.

(d) The contractor has an unsatisfied final judgment against it under chapter 18.27 RCW and this chapter.

(e) The department has notice that the contractor is a sole proprietor or ((a)) an owner, principal, or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of chapter 18.27 RCW and this chapter.

(f) The department is notified that the contractor has been certified by the department of social and health services as a person who is not in compliance with a support order as provided in RCW 74.20A.320.

(g) The department finds that the contractor has provided false information or has otherwise been registered in error.

(h) The contractor fails to comply with a penalty payment plan agreement.

(i) The contractor has been certified by a ((~~lending~~)) lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service conditional scholarship.

(j) The contractor does not maintain a valid unified business identifier number, if required by the department of revenue.

(2) The contractor's registration will be automatically suspended on the effective date of the impairment or cancellation. The department must mail a notice of the suspension to the contractor's address on the certificate of registration by certified mail **and** first class mail within two days after suspension.

(3) A contractor must not advertise, offer to do work, submit a bid, or perform any work as a contractor while its registration is suspended. To continue to operate as a contractor while its registration is suspended is a violation of chapter 18.27 RCW and subject to infractions.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-065 What procedures must be followed when surety bonds and/or other securities approved by the department become impaired? (1) Once the department has been notified that the surety bond or other (~~securities~~) security approved by the department has been impaired by a final judgment or reduced by payment to an amount less than is required by WAC 296-200A-030, the contractor's registration will automatically be suspended and the department will send a letter to the contractor by certified mail and first class mail within two days.

(2) Once the unsatisfied final judgment has been satisfied, the contractor may reapply according to the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-080 How is a suit filed against a contractor? (1) A civil suit against a contractor must be filed in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. Unless the suit is filed in a superior court, the department will not be able to direct payment on an unsatisfied final judgment against a secured contractor.

(2) Notice that a suit has been filed (a summons and complaint) against a contractor, the contractor's bond, and/or the contractor's deposit must be exclusively delivered to the department by registered or certified mail to: P.O. Box 44450, Olympia, Washington 98504-4450 or by any delivery requiring notice of receipt to: 7273 Linderson Way S.W., Tumwater, WA 98501. The notice must be addressed to the department and must include three

copies of the summons and complaint filed against the contractor, the contractor's bond and/or the contractor's deposit. The person filing the suit must pay a ((twenty)) fifty-dollar service fee to the department.

(3) The summons and complaint against a contractor must include the following information:

(a) The name of the contractor exactly as it appears in the contractor's registration file;

(b) The contractor's business address;

(c) The names of the owners, partners or officers of the contractor if known; and

(d) The contractor's registration number.

(4) If the suit joins a bonding company, the summons and complaint should also include:

(a) The name of the bonding company that issued the contractor's bond;

(b) The bond number; and

(c) The effective date of the bond.

(5) If the suit is against a contractor using an assigned account in lieu of a bond, the complaint must also include:

(a) The name of the institution where the assigned account is held;

(b) The account number; and

(c) The date the assigned account was opened.

(6) Service is not considered complete until the department receives the documents in Tumwater with the ((twenty)) fifty-dollar fee and three copies of the summons and complaint.

(7) Within two days of receiving a summons and complaint, the department must transmit a copy of the summons and complaint to the registrant at the address listed on the registrant's application or at their last known address provided to the department and to the registrant's surety. Under the definition for "service" as described in RCW 18.27.010(11) as related to mailing of summons and complaints under RCW 18.27.040 the requirement of "return receipt" will be fulfilled by use of the United States Postal Service "tracking and confirming" web site data.

(8) The department will return a summons and complaint without it being served, if the department cannot readily identify either the contractor or bonding company being sued, if the action did not arise under chapter 18.27 RCW, or if the fee and three copies of the summons and complaint are not received.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-090 How are judgments against contractors paid?

(1) The department can only release or order release of payment for a superior court final judgment. The department cannot release or

order the release of payment to a district court or to satisfy other types of judgments.

(2) Payment of a final judgment by bond. If a contractor is bonded, the department can neither pay a final court judgment against a contractor nor force the contractor or its bonding company to pay. Only the claimant can pursue payment from the contractor or its bonding company.

(3) Payment of a final judgment by assignment of account.

(a) If a contractor's security is held by the department it must be used to pay a superior court final judgment against a secured contractor.

The department must order release of funds to pay a superior court final judgment against a secured contractor if the claimant supplies the department with one certified copy of the unpaid final court judgment. The certified copy must be delivered by registered or certified mail within one year of the date the final judgment was officially entered into the court record.

(b) Assignment of account (~~(payments)~~) orders to release funds under subsection (2) of this section will be paid out in the order the final judgments (~~(is)~~) are received by the department.

(c) For the department to order release of funds to pay a superior court final judgment, the claimant must include the following information with the copy of the judgment:

(i) The name of the contractor exactly as it appears on the contractor's registration file;

(ii) The contractor's business address;

(iii) The names of the owners, partners, or officers of the contractor;

(iv) The contractor's registration number; and

(v) The exact amount of the judgment, including court costs, attorneys' fees and interest.

If the department does not receive enough information to (~~(pay)~~) order release of funds to satisfy the judgment, it will inform the claimant.

The department shall have no liability for (~~(payment)~~) claims in excess of the amount (~~(of)~~) available in the secured account.

(4) Payment of a final judgment by the contractor. The contractor may pay a superior court final judgment in lieu of the department releasing or ordering the release of a bond or the assignment of account funds to satisfy the final judgment. The contractor must provide the department with a "full satisfaction of judgment" from the superior court that the final judgment has been satisfied.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-111 How does a city, town, or county verify a

contractor's registration? (~~(1)~~) A city, town, or county may verify (~~(an original)~~) contractor's registration by (~~(receiving and duplicating a current contractor registration card, by)~~) checking the department's contractor registration internet web site(~~(, checking the computer disk (CD) circulated by the department,)~~) or by calling the department to confirm that the contractor is registered.

~~((2) The contractor's registration is valid if the contractor provides a notarized copy of the original contractor registration card or a facsimile verification from the department.~~

Note: ~~Although the contractor registration card states that the contractor has an active status, the contractor may have since been suspended.)~~

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-300 What violations of chapter 18.27 RCW can result in the issuance of a notice of infraction? (1) Under RCW 18.27.100, the department can issue a notice of infraction to a contractor and assess a penalty up to ten thousand dollars for:

(a) Using an unregistered name while advertising as a contractor;

(b) Using an unregistered name and address in advertising, correspondence, signs, documents, etc.;

(c) Using a false or expired registration number in advertisements where a contractor's registration number is required;

(d) Using the bond and insurance requirements of chapter 18.27 RCW to advertise as a bonded and insured contractor;

(e) Using a false registration number to either solicit business or pose as a contractor or providing false information on an application for registration as a contractor;

(f) Failing to include the contractor's current registration number in all advertising that shows the contractor's name or address. This registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number. The registration number may also be omitted on company vehicles and on "on-premise" signs. See RCW 18.27.100(3).

~~(2) ((For violations of chapter 18.27 RCW, the department may issue penalties for violations and notices of infractions containing an order of correction to a person holding a registration, an applicant for registration, or a person acting in the capacity of a contractor, who is not otherwise exempted from chapter 18.27 RCW, that has violated chapter 18.27 RCW or this chapter. Such order shall require the violator to cease the unlawful advertising.~~

~~(3))~~ Under RCW 18.27.114, the department may issue a notice

of infraction to a contractor for:

(a) Failing to provide a residential or commercial customer with a proper disclosure statement before beginning a repair, alterations or construction project; or

(b) Failing to retain a signed copy of the disclosure statement for three years; or

(c) Failing to produce the signed copy when requested by a compliance inspector.

See RCW 18.27.114 (1)(a) and/or (b) for both the project dollar cost limits affecting this requirement and a sample disclosure statement language.

This requirement does not apply to either contracts authorized under chapter 39.04 RCW or to contractors contracting with other contractors.

A service company is not required to execute a disclosure statement prior to receiving payment for a service call unless there is a bid or contract in place. In the case of an annual service contract they may execute the disclosure at the annual contract signing.

~~((+4))~~ (3) Under RCW 18.27.200, the department must issue a notice of infraction to a contractor for:

(a) Advertising, offering to work, submitting a bid, or performing any contracting work without being registered or when the contractor's registration is suspended or revoked; or

(b) Transferring a valid contractor registration to an unregistered, suspended or expired contractor; or

(c) Allowing an unregistered contractor to work under a registration issued to another contractor.

Each day that a contractor works without being registered, works while the registration is suspended or revoked, or works under a registration issued to another contractor is a separate infraction. A cited contractor who continues to work while unregistered, or while their registration is suspended or revoked, or under a registration issued to another contractor is guilty of a separate gross misdemeanor for each day worked.

Each workaday at which a contractor works without being registered, works while the registration is suspended or revoked, or works under a registration issued to another contractor is a separate infraction. A cited contractor who continues to work while unregistered, or while their registration is suspended or revoked, or under a registration issued to another contractor is guilty of a separate gross misdemeanor for each worksite on which a violation occurs.

~~((+5))~~ (4) Under RCW 18.27.200 (1)(a), the department may issue a notice of infraction to a registered contractor for:

(a) Working outside the scope of their designated specialty registration; or

(b) Subcontracting more than incidental work within the scope of their designated specialty registration.

(5) Under RCW 18.27.040 the department may issue a notice of infraction to a contractor, consumer, supplier or other for: Failure by the prevailing party in a lawsuit against a contractor and/or the contractor's surety or assigned savings account to

provide the department a copy of the final judgment or settlement of that suit.

(6) See WAC 296-200A-400 for the specific monetary penalties associated with each of the violations discussed in this section.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-305 How does the department notify registered contractors ((regarding any)) about unregistered subcontractors they ((may employ)) have employed? (1) Unless a general contractor or its representative has been given written notification by the department that a subcontractor they have employed, who was registered when employed, has subsequently become unregistered, it is not unlawful for the general contractor to employ that subcontractor. (See RCW 18.27.020(3).)

(2) To comply with RCW 18.27.020(3), the department, when feasible, will issue a written "notice of unregistered subcontractors" to a general contractor or its representative.

(3) A "notice of unregistered subcontractor" issued under this section must be personally served on the general contractor named in the notice by the department's compliance inspectors or must be served by certified mail directed to the general contractor named in the notice.

(4) If the general contractor named in the notice is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If the notice is personally served upon an employee and the department is able to obtain the general contractor's address, the department must send a copy of the notice by certified mail to the general contractor within four days of service.

(5) A "notice of unregistered subcontractor" **is not** a notice of infraction.

(6) A "notice of unregistered subcontractor" is not required to issue an infraction to a contractor for employing a subcontractor that was unregistered, suspended or expired at the time they were hired by the general contractor.

If no signed contract between the contractor and the unregistered subcontractor exists, the first date of work performed by the subcontractor will be used as the hire date.

(7) If, after receiving the "notice of unregistered subcontractor," the general contractor continues to employ the subcontractor in question, it will be liable for an infraction under RCW 18.27.200.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-320 How can a notice of infraction be served?

(1) A notice of infraction is served when the notice of infraction is issued personally to the contractor named in the notice or to an employee of the contractor named by the compliance inspector issuing it, or when ~~((the notice of infraction is))~~ sent by certified mail ~~((to the contractor))~~ with "return receipt" requested.

(2) ~~((Any employee of a contractor can be served a notice of infraction at a job site. When the notice is signed by the employee, it is binding upon the contractor. To avoid confusion, the department must have the employee sign the "name of the contractor, by name of the employee." The signature will appear as:~~

~~Jane Doe Construction Co.~~

~~(by Richard Roe, Employee.)~~ If the notice of infraction is personally served and the person served does not know the contractor's name or address, the department does not need to mail a copy of the infraction to the contractor; however, the notice remains in force.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-340 How does a contractor appeal a notice of infraction? ~~((The contractor must file))~~ (1) Under RCW 18.27.250 a contractor may appeal a notice of infraction by:

(a) Filing the notice of appeal with the department within twenty calendar days ~~((after the earlier))~~ of service of the infraction on-site or ~~((service of))~~ within twenty calendar days of the postmark date of the infraction ~~((mailed to the contractor.))~~ served through the mail, whichever is earlier; and

(b) Stating the basis for the appeal of the infraction in their written request; and

(c) Including a certified check or money order in the amount of two hundred dollars as a bond on the appeal.

(2) Each notice of infraction required a separate two hundred dollar appeal bond.

(3) These time frames apply to the issuance of the infraction for all violations of chapter 18.27 RCW.

If the twentieth calendar day falls on a holiday or weekend, receipt will be accepted up to the next business day.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-360 Who may represent the contractor and the department at the appeal hearing? (1) Contractors may be represented by themselves or be represented by an attorney at law qualified to practice in the state of Washington (~~or~~).

(2) The department shall be represented by the office of the attorney general.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-390 What does the department do with the appeal notices that they receive? (1) Appeal notices that are received timely are first reviewed by the department for purposes of reconsideration.

(2) Appeal notices that are not received timely will be returned to the appellant with appeal rights stated, and return of the required two hundred dollar appeal bond will be made by a refund check issued by the department.

(3) Appeal notices that are received timely and are not reconsidered according to subsection (1) of this section are recorded and forwarded to the office of the attorney general then to the office of administrative hearings.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-400 What monetary penalties will be assessed for an infraction issued for violations of RCW 18.27.100, 18.27.110, 18.27.114 or 18.27.200? (1) Each day that a violation occurs will be a separate offense.

(2) Once a violation of chapter 18.27 RCW or this chapter becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the tables that follow.

(3) Second or additional offenses subject to increased penalties also include individuals or entities.

(4) A person, firm, corporation, or other entity who violates a provision of chapter 18.27 RCW and this chapter is liable for a civil penalty based upon the following schedule.

(a) Monetary penalties that may be assessed for a violation of RCW 18.27.040(10) are:

<u>Monetary Penalties</u>	<u>Dollar Amount</u>
<u>First Final Violation</u>	<u>\$250.00*</u>
<u>Second Final Violation</u>	<u>\$500.00</u>
<u>Third Final Violation</u>	<u>\$750.00</u>
<u>Each Additional Final Violation</u>	<u>\$1,000.00</u>

(b) (i) Monetary penalties that may be assessed for a violation of RCW 18.27.100 (1), (2), (3), and (4) are:

Monetary Penalties	Dollar Amount
First Final Violation	\$ 250.00*
Second Final Violation	\$ ((500.00)) <u>750.00</u>
Third Final Violation	\$ ((1,000.00)) <u>2,250.00</u>
Fourth Final Violation	\$ ((2,000.00)) <u>5,000.00</u>
((Fifth Final Violation	\$ 4,000.00
Sixth Final Violation	\$ 8,000.00))
Each Additional Final Violation	\$ 10,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.100 (1), (2), (3), and (4) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(ii) Monetary penalties that may be assessed for a violation of RCW 18.27.100(5) are:

Monetary Penalties	Dollar Amount
First Final Violation	\$ ((1,000.00)) <u>2,000.00*</u>
Second Final Violation	\$ ((2,000.00)) <u>4,000.00</u>
Third Final Violation	\$ ((4,000.00)) <u>6,000.00</u>
((Fourth Final Violation	\$ 8,000.00))
Each Additional Final Violation	\$ ((10,000.00)) <u>8,000.00</u>

* Minimum penalty per violation. Once a violation of RCW 18.27.100(5) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(iii) Monetary penalties that may be assessed for a violation of RCW 18.27.100(6) are:

Monetary Penalties	Dollar Amount
First Final Violation	\$ 1,000.00*
Second Final Violation	\$ ((2,000.00)) <u>3,000.00</u>
Third Final Violation	\$ ((4,000.00)) <u>6,000.00</u>
Each Additional Final Violation	\$ ((5,000.00)) <u>10,000.00</u>

* Minimum penalty per violation. Once a violation of RCW 18.27.100(6) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

((b)) (c) Monetary penalties that may be assessed for a violation of RCW 18.27.110 are:

Monetary Penalties	Dollar Amount
First Final Violation	\$ 250.00*
Second Final Violation	\$ ((500.00)) <u>750.00</u>
Third Final Violation	\$ ((1,000.00)) <u>2,250.00</u>
Fourth Final Violation	\$ ((2,000.00)) <u>7,500.00</u>
(Fifth Final Violation	\$ 4,000.00
Sixth Final Violation	\$ 8,000.00)
Each Additional Final Violation	\$10,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.110 becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

((c)) (d) Monetary penalties that may be assessed for a violation of RCW 18.27.114 are:

Monetary Penalties	Dollar Amount
First Final Violation	\$ 500.00*
Second Final Violation	\$ 1,000.00
Third Final Violation	\$ 2,000.00
Fourth Final Violation	\$ 4,000.00
Each Additional Final Violation	\$ 5,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.114 becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

((d)) (e) Monetary penalties that may be assessed for a violation of RCW 18.27.200 according to RCW 18.27.340 (1) and (3) are:

(i)

RCW 18.27.340(1) Monetary Penalties	Dollar Amount
First Final Violation	\$ 500.00*
Second Final Violation	\$ ((1,000.00)) <u>3,000.00</u>
(Third Final Violation	\$ 2,000.00
Fourth Final Violation	\$ 4,000.00)
Each Additional Final Violation	\$ 5,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.340(1) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(ii)

RCW 18.27.340(3) Monetary Penalties	Dollar Amount
First Final Violation	\$ 1,000.00*
Second Final Violation	\$ ((2,000.00)) <u>3,000.00</u>
(Third Final Violation	\$ 4,000.00)
Each Additional Final Violation	\$ 5,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.340(3) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the above table. However, if the unregistered contractor becomes registered within ten days of receiving the notice of infraction and the notice is the contractor's first offense, the director may reduce the penalty. In no case can the director reduce the penalty below five hundred dollars.

~~((4))~~ (5) For violations of RCW 18.27.200, the director may waive a penalty collection from a contractor in exchange for a payment of restitution to a damaged consumer in an amount at least equal to the assessed penalty. Prior to the infraction becoming final, the contractor must provide to the department a notarized release from the damaged consumer stating that he or she paid the damaged consumer in an amount at least equal to the assessed penalty.

~~((5)(a))~~ The department shall deny an application for registration if:

~~(i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment;~~

~~(ii) The applicant was a principal or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; or~~

~~(iii) The applicant does not have a valid unified business identifier number, if required by the department of revenue.~~

~~(b) The department shall suspend an active registration if the department has notice that the registrant is a sole proprietor or a principal or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter.)~~

NEW SECTION

WAC 296-200A-401 When will the department deny an application for registration, renewal or reinstatement? The department shall deny an application for registration, renewal or reinstatement if:

(1) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment;

(2) The applicant was an owner, principal, or officer of a partnership, corporation, or other entity that either has an

unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment;

(3) The applicant does not have a valid unified business identifier number, if required by the department of revenue; or

(4) The applicant has not complied with a department of social and health services - support enforcement division support enforcement order.

NEW SECTION

WAC 296-200A-402 When will the department suspend an active contractor registration? (1) The department shall suspend an active registration if:

(a) The department has notice that the registrant is a sole proprietor or an owner, principal, or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter.

(b) The department has been notified that the contractor owes the department money for work performed under this chapter, such as industrial insurance premiums owed for workers' hours or penalties for violation of chapter 18.27 RCW and this chapter.

(c) The department determines an applicant was registered in error.

(d) The department determines a contractor provided false or misleading information on an application or renewal document.

(e) The department is notified by the department of social and health services - support enforcement division that a registered contractor is not in compliance with a support enforcement order.

(f) The department is notified that a bond, assignment of savings or insurance has been canceled or impaired.

(2) The department may suspend an active registration if: The department has notice that the registrant was a sole proprietor or a principal or officer of a previously registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter.

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-405 When must a contractor pay assessed monetary penalties? (1) If a contractor named in a notice of infraction does not choose to appeal the notice, then the contractor must pay

the department the amount of the penalty prescribed for the infraction.

(2) After an administrative law judge decides that an infraction has been committed, a contractor who does not appeal the decision to a superior court, has thirty days to pay any outstanding monetary penalties. Failure to do so is a gross misdemeanor and may be prosecuted in the county where the infraction occurred.

(3) A contractor who has exhausted all appeal opportunities and fails to pay an assessed monetary penalty within thirty days after exhausting those opportunities shall be guilty of a gross misdemeanor and may be prosecuted in the county where the infraction occurred.

AMENDATORY SECTION (Amending WSR 07-11-128, filed 5/22/07, effective 6/30/07)

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration? The department charges the following fees:

(1) \$113.40 for each issuance, renewal or reregistration of a certificate of registration for contractors. This registration is valid for two years from date of issuance, renewal or reregistration or until it is suspended or revoked.

(2) \$53.60 for the reinstatement of a certificate of registration.

(3) \$12.60 for providing a duplicate certificate of registration.

(4) \$25.60 for each requested certified letter prepared by the department.

(5) \$162.00 for the construction and electrical contractor listing publication on CD ROM per year, prorated according to the number of issues left in the subscription year, which runs from November 1 through October 31. Each issue costs \$13.50.

(6) \$2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be \$28.10.

(7) \$((~~20.00~~) 50.00) is required to cover the costs for the service of process in an action against a contractor, the contractor's bond, or the deposit under RCW 18.27.040.

(8) \$25.00 is required to cover the costs for the service of processing refunds.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-200A-310

What information must be included in a notice of infraction?

WAC 296-200A-330

How are notices of infraction issued?