



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 06, 2020

TIME: 11:21 AM

WSR 20-20-120

**Agency:** Department of Labor & Industries (L&I)

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** 20-17-028 ; or

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_ ; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) Proposed amendments to the electrical rules in WAC 296-46B-940, Electrician/certificate of competency required.

**Hearing location(s):**

**Date:**

**Time:**

**Location:** (be specific)

**Comment:**

November 10, 2020

9:00 a.m.

Telephonic hearing only.  
Please call 1-866-715-6499.  
When prompted for the  
passcode, enter 9862128073#  
(pound sign must be entered).

The telephonic hearing starts at 9:00 a.m. and will  
continue until all oral comments are received.

**Date of intended adoption:** November 17, 2020 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Alicia Curry

Address: Department of Labor & Industries, Field Services & Public Safety Division, PO Box 44400, Olympia, WA 98504-4400

Email: [Alicia.Curry@Lni.wa.gov](mailto:Alicia.Curry@Lni.wa.gov)

Fax: 360-902-5292

Other:

By (date) November 10, 2020

**Assistance for persons with disabilities:**

Contact Alicia Curry

Phone: 360-902-6244

Fax: 360-902-5292

TTY:

Email: [Alicia.Curry@Lni.wa.gov](mailto:Alicia.Curry@Lni.wa.gov)

Other:

By (date) October 27, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rulemaking is to amend the general journey level electrician and specialty electrician certification qualifications for reciprocity under WAC 296-46B-940, Electrician/certificate of competency required. L&I received a petition for rulemaking requesting the proposed amendments to allow for reciprocal licensing of electricians between Washington State and Oregon. The proposed amendments will:

- Remove the minimum one-year waiting period for electricians licensed in a reciprocal state to apply for a Washington State reciprocal certificate;

- Amend the language that excludes individuals from qualifying for a reciprocal certificate if they previously failed the Washington State electrical examination by allowing eligibility two years after failing the examination; and
- Remove the provision that a person does not qualify for a reciprocal certificate if they were a Washington State resident at the time of examination in a reciprocal state.

This rulemaking does not change requirements that reciprocal agreements can only be made with states that have equivalent qualifications as Washington.

**Reasons supporting proposal:** L&I received a petition for rulemaking requesting the proposed changes. On August 7, 2020, an emergency rule (WSR 20-17-029) was filed to enact the proposed changes and to expedite a reciprocal agreement with Oregon. A CR-101 (WSR 20-17-028) was filed simultaneously to initiate the permanent rulemaking process.

A reciprocal agreement with Oregon has now been implemented. This rulemaking proposes the adoption of a permanent rule and is necessary to continue the reciprocal agreement under the same conditions. The proposed amendments and resulting reciprocal agreement help to alleviate the shortage of journey level electricians in the state and provide more access to qualified electricians working near the border between Washington and Oregon.

**Statutory authority for adoption:** Chapter 19.28 RCW, Electricians and Electrical Installations, including RCWs 19.28.010 and 19.28.031

**Statute being implemented:** Chapter 19.28 RCW, Electricians and Electrical Installations, including RCWs 19.28.010 and 19.28.031

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Department of Labor & Industries  Private  Public  Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Wayne Molesworth, Prog. Mgr.	Tumwater, Washington	360-902-6234
Implementation:	Steve Reinmuth, Asst. Dir.	Tumwater, Washington	360-902-6348
Enforcement:	Steve Reinmuth, Asst. Dir.	Tumwater, Washington	360-902-6348

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Alicia Curry

Address: Department of Labor & Industries, Field Services & Public Safety Division, PO Box 44400, Olympia, WA 98504-4400

Phone: 360-902-6244

Fax: 360-902-5292

TTY:

Email: [Alicia.Curry@Lni.wa.gov](mailto:Alicia.Curry@Lni.wa.gov)

Other:

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. While the proposed rule impacts individual applicants for electrical licensing rather than businesses, the proposed amendments do not increase costs as the changes eliminate current requirements and will result in a cost savings over current practice or the baseline. As such, the proposed rule does not impose more-than-minor-costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Date:** October 6, 2020

**Name:** Joel Sacks

**Title:** Director

**Signature:**

A handwritten signature in black ink that reads "Joel Sacks". The signature is written in a cursive style with a large initial 'J' and 'S'.