



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: April 19, 2023

TIME: 9:36 AM

WSR 23-09-069

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

**Title of rule and other identifying information:** (describe subject) Electrical rules. WAC 296-46B-945, Qualifying for master, journey level, and specialty electrician examinations.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This rulemaking proposes amendments to the qualifications for 01 journey level electrician examinations under WAC 296-46B-945. Amendments to the rule are required to implement Engrossed Substitute Senate Bill 5320 (ESSB 5320), Chapter 95, Laws of 2023.

Until June 30, 2023, individuals may qualify for examination for the 01 journey level certification examination once they have completed 8,000 hours of on the job experience. Four thousand of those hours must be in electrical installations in industrial or commercial facilities under supervision. Experience may be gained through an approved apprenticeship program or on the job training. After June 30, 2023, ability to qualify for examination through on the job experience is amended by this proposed rule.

In 2018, Substitute Senate Bill 6126 (SSB 6126) (Chapter 249, Laws of 2018) enacted registered apprenticeship requirements for 01 journey level certification examination candidates. To perform work limited to journey level electricians after July 1, 2023, trainees have to be registered apprentices. SSB 6126 gave L&I the authority, until July 1, 2025, to permit applicants that have obtained experience and training equivalent to a journey level apprenticeship program to take the examination, if the applicant had "good cause" for not completing the minimum hours of work applicable on July 1, 2023 (RCW 19.28.195). On February 14, 2023, L&I adopted rules (WSR 23-05-073) to exercise this discretion and allow temporary alternative pathways to qualify for the 01 journey level electrician examination through a "good cause" exemption beginning July 1, 2023.

This year, the legislature passed ESSB 5320, Chapter 95, Laws of 2023. ESSB 5320 expands eligibility requirements for journey level electrician examination candidates that take effect July 1, 2023, and removes L&I's discretion to allow exceptions for "good cause" as it is no longer needed. This rulemaking is necessary to update the adopted rule to prevent WAC 296-46B-945 from conflicting with the amended law on July 1, 2023, as a result of ESSB 5320.

The proposed amendments:

- Remove language that provides temporary alternative pathways to qualify for the 01 journey level electrician examination through a "good cause" exemption that becomes obsolete on July 1, 2023, due to the passage of ESSB 5320.
- Provide permanent alternative pathways to qualify for the 01 journey level electrician examination. This includes:
  - Clarifying the work experience and education requirements to qualify for the 01 journey level electrician examination for apprentices registered in chapter 49.04 RCW programs.
  - Providing state-licensed electricians that have completed an 8,000 hour electrical construction trade apprenticeship (4,000 hours must be new commercial or industrial installations in another jurisdiction equivalent to an apprenticeship program approved in Washington) to qualify for the 01 journey level examination.
  - Providing out-of-state journey level electricians that have obtained a certificate through examination by a state licensing jurisdiction requiring at least 8,000 hours of supervised experience in the electrical construction trade (4,000 hours must be new commercial or industrial installations) to qualify for the 01 journey level examination. All experience applied toward qualifying for examination must be experience gained in the state that issued the certificate or military experience or both.
  - Providing individuals with at least 16,000 hours of out-of-state experience in the electrical construction trade installing and maintaining electrical wiring and equipment (4,000 hours must be new commercial or industrial installations to qualify for the 01 journey level examination).

- Providing individuals with 8,000 hours of electrical experience gained in a construction battalion while serving in the armed forces of the United States to qualify for the 01 journey level electrician examination.
- Provides current trainees that have 3,000 hours of electrical experience before July 1, 2023, or have completed a two-year electrical construction training program the ability to continue gaining experience until July 1, 2026, without become registered apprentices.
- Include amendments for housekeeping to relocate language in the rule.

**Reasons supporting proposal:** L&I is implementing ESSB 5320 (Chapter 95, Laws of 2023) that takes effect July 1, 2023. The bill establishes opportunities for electrical trainees, military electricians, and out-of-state electricians to qualify for the 01 journey level electrician examination without completing an apprenticeship. The rule will prevent any confusion over the differences between the current rule and the amended law.

**Statutory authority for adoption:** ESSB 5320, Chapter 95, Laws of 2023, and chapter 19.28 RCW, Electricians and Electrical Installations including RCW 19.28.191 and 19.28.251.

**Statute being implemented:** ESSB 5320, Chapter 95, Laws of 2023, and chapter 19.28 RCW, Electricians and Electrical Installations including RCW 19.28.191 and 19.28.195

**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:

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

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting: Mgr.	Wayne Molesworth, Prog.	Spokane, WA	360-480-5673
Implementation:	Steve Reinmuth, Asst. Dir.	Tumwater, WA	360-902-6348
Enforcement:	Steve Reinmuth, Asst. Dir.	Tumwater, WA	360-902-6348

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

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** The expedited rule-making process is appropriate as the amendments result from 2023 legislation.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

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**AND RECEIVED BY** (date) June 20, 2023

**Date:** April 19, 2023

**Name:** Joel Sacks

**Title:** Director

**Signature:**

