



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: May 19, 2020

TIME: 9:12 AM

WSR 20-11-053

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

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) July 1, 2020 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** The purpose of this rulemaking is to adopt changes to the electrical rules in chapter 296-46B WAC, Electrical safety standards, administration, and installation.

L&I's Electrical Program reviewed the existing rules and new safety codes from the 2020 edition of the National Fire Protection Agency (NFPA) 70, the National Electrical Code (NEC) to update rules for consistency with the national safety standards and to consider other rule changes. The 2020 NEC (NFPA 70-2020) replaces the current 2017 NEC (NFPA 70-2017) standards, effective July 1, 2020.

Washington's electrical stakeholders were invited to participate in the review of the existing rules, submit proposals for changes to the rules, and provide recommendations to the department on possible rule changes. The state's Electrical Board reviewed proposals and provided advice to the department on adoption of the rules.

This rulemaking will adopt changes to the new safety codes, update and clarify existing rules, make housekeeping and other rule changes identified during the review process and recommended by stakeholders, a Technical Advisory Committee, and the state's Electrical Board to improve public safety.

**This rulemaking will:**

- Amend, clarify, and reorganize requirements for consistency with the 2020 edition of the NEC.
- Adopt the 2019 edition of the American National Standards Institute standards/InterNational Electrical Testing Association (ANSI/NETA) maintenance test specifications for existing installations pertaining to solidly grounded neutral systems over 1,000 volts.
- Align the rules with State Building Code requirements for nonmetallic-sheathed cable to reflect changes in building construction types.
- Adopt proposals requested by stakeholders, such as:
  - Expanding the scope of work for HVAC/refrigeration (06A) and (06B) specialty electricians to allow the replacement of an HVAC unit and flexible supply whip using the same size conductors;
  - Expanding the scope of work for HVAC/refrigeration (06A) specialty electricians to allow the installation of new low-voltage HVAC cable regardless of the number of stories in a building if in a previously occupied and wired space;
  - Expanding the scope of work for Nonresidential Maintenance (07) specialty electricians to allow the replacement of a circuit breaker, set of fuses, or overload heaters having lower ampere ratings to protect the replacement unit;
  - Allowing the use of long radius sweep elbows to connect water pipe enclosing circulation lines for underground geo-thermal systems; and
  - Allowing Class B permits for replacement of AFCI/GFCI dual function receptacles.
- Adopt the department's existing policies into rule. For example:
  - Newly adopted standards would apply to electrical permits issued on or after the adoption date. Adds new exceptions for new one- and two-family dwellings and multifamily dwellings when the building permit was

issued before the adoption date and new installations when plans were received and accepted before the adoption date;

- Allowing pump installers to test a well without having to hire an electrical contractor; and
- Requiring training programs to send a completion roster to L&I in electronic format with certain information for a student's successful completion of a training program.
- Adopt amendments to the electrical continuing education and classroom education requirements. For example:
  - Clarifying the content of electrical theory classes for basic trainee classes and industry related continuing education classes;
  - Increasing the completion timeframe of basic trainee classes from two months to six months; and
  - Requiring industry-related classes for electrical theory and basic trainee classes to be based on original copyrighted material, instead of currently published documents, to align with the allowance for original copyrighted material during open book electrician examinations.
- Exempt the like-in-kind replacement of line-voltage smoke alarms or carbon monoxide alarms from permit and inspection requirements.
- Allow Class B permits for replacement of electric vehicle cords.
- Eliminate the requirement for training schools to send enrollment rosters for students enrolled in an accredited training program to L&I.
- Adopt amendments to the suspension or revocation of electrical license and certification requirements to classify a serious noncompliance as a violation where it can be proven a violator willfully or intentionally violates the law.
- Adopt amendments to rules for clarity, consistency, and ease of use. For example:
  - Clarifying the definition of "training school" applies to "Washington" public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board;
  - Clarifying that GFCI protection for personnel is not required for receptacles other than 125-volt single phase, 15- or 20 ampere used for recreational vehicle supply equipment or for attachment of a mobile home supply cord;
  - Clarifying that low voltage wiring exemptions for built-in vacuum systems and garage doors applies only to residential installations;
  - Clarifies that replacement of lamps in luminaires is exempt from the electrical licensing requirements; and
  - Clarifying the term "ancillary" applies to structures on other property owned by others.
- Adopt amendments for general housekeeping, such as typographical and reference corrections, formatting, removal of obsolete language, etc.

**Citation of rules affected by this order:**

New: None.

Repealed: WAC 296-46B-553

Amended: WACs 296-46B-010, 296-46B-100, 296-46B-110, 296-46B-210, 296-46B-220, 296-46B-225, 296-46B-250, 296-46B-334, 296-46B-555, 296-46B-705, 296-46B-901, 296-46B-906, 296-46B-908, 296-46B-915, 296-46B-920, 296-46B-925, 296-46B-935, 296-46B-940, 296-46B-970, 296-46B-971, and 296-46B-990.

Suspended: None.

**Statutory authority for adoption:** Chapter 19.28 RCW, Electricians and Electrical Installations including RCW 19.28.031 and RCW 19.28.251

**Other authority:** None.

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 20-06-059 on March 3, 2020 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Alicia Curry

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

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**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	<u>21</u>	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>21</u>	Repealed	<u>1</u>
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>21</u>	Repealed	<u>1</u>

**Date Adopted:** May 19, 2020

**Name:** Joel Sacks

**Title:** Director

**Signature:**

