



AFFIDAVIT IN LIEU OF CONTRACTOR REGISTRATION

State of Washington)
)ss
County of Pierce)

Permit No. _____

I, _____, do state as follows:
(Printed Name)

1. I have made application for a permit from the City of Lakewood, Washington.
2. I understand that state law requires all contractors, as defined in RCW section 18.27.010 (1), be registered with the State of Washington. The exceptions to this requirement are stated in Revised Code of Washington section 18.27.090. The language of RCW sections 18.27.010 (1) and RCW 18.27.090 are attached to this affidavit, and I have read and am familiar with these sections of state law.
3. I understand that prior to issuance of a permit for work to be done by any contractor; the City of Lakewood must verify that the contractor is registered with the State of Washington. If the work is exempt from the requirements for contractor registration, the City must confirm that one of the exceptions stated in RCW 18.27.090 apply.
4. In order to provide verification to the City of Lakewood that I am not required to be registered as a contractor in the State of Washington, I hereby attest that I consider the work performed under this permit to be exempt under Section _____ of RCW 18.27.090 and therefore will not be performed by a registered contractor.
5. I recognize and acknowledge that site development, demolition, plumbing or mechanical work may require additional permits or approvals issued through the City of Lakewood, and that electrical work may require permits issued through the Washington State Department of Labor and Industries.

I understand that if I employ or engage an unlicensed contractor to perform construction work that I may be waiving certain rights under state law.

Signed: _____
Owner/Owner's Agent

Signed and sworn to before me this _____ day of _____, 200____.

NOTARY PUBLIC

In and for the State of Washington
Residing at _____, County
Name as commissioned: _____
My commission expires: _____

RCW 18.27.090 lists the exceptions to the contractor registration requirements, as follows:

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

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

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

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

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

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

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

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

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

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

(11) An owner who contracts for a project with a registered contractor, except that this exemption shall not deprive the

owner of the protections of this chapter against registered and unregistered contractors. The exemption prescribed in this subsection does not apply to a person who performs the activities of a contractor for the purpose of leasing or selling improved property he or she has owned for less than twelve months;

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

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

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

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

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

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

(18) An entity who holds a valid electrical contractor's license under Chapter 19.28 RCW that employs a certified journeyman electrician, a certified residential specialty electrician, or an electrical trainee meeting the requirements of Chapter 19.28 RCW to perform plumbing work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electric power and limited waste and/or water connections. An electrical trainee must be supervised by a certified electrician while performing plumbing work.



ARE YOU A CONTRACTOR?

In 2007 the Washington State Legislature updated the requirements for contractor registration. These legislative changes increased the number of persons, property owners and entities that are required to register as contractors.

In RCW 18.27.010 (1), a contractor is defined as follows:

"Contractor" includes any person, firm, corporation, or other entity who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to construct, alter, repair, add to, subtract from, improve, develop, move, wreck, or demolish any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith, the installation or repair of roofing or siding, performing tree removal services, or cabinet or similar installation; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided in this chapter. "Contractor" also includes a consultant acting as a general contractor. "Contractor" also includes any person, firm, corporation, or other entity covered by this subsection, whether or not registered as required under this chapter or who are otherwise required to be registered or licensed by law, who offer to sell their property without occupying or using the structures, projects, developments, or improvements for more than one year from the date the structure, project, development, or improvement was substantially completed or abandoned.

Revised Code of Washington (RCW) section 18.27.020 requires all contractors to register with the Washington State Department of Labor and Industries. Failure to comply with this state requirement is a gross misdemeanor crime, punishable by up to 365 days in jail and a fine of up to \$5,000. Violations of state or municipal construction requirements may subject you to criminal sanctions or penalties through the issuance of civil infractions.

RCW 18.27.090 lists the exceptions to the contractor registration requirements, as follows:

The registration provisions of this chapter do not apply to:

- (1) An authorized representative of the United States government, the State of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;
- (2) Officers of a court when they are acting within the scope of their office;
- (3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;
- (4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;
- (5) The sale of any finished products, materials, or articles of merchandise that are not fabricated into and do not become a part of a structure under the common law of fixtures;
- (6) Any construction, alteration, improvement, or repair of personal property performed by the registered or legal owner, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;
- (7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;
- (8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;
- (9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor;
- (10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;
- (11) An owner who contracts for a project with a registered contractor, except that this exemption shall not deprive the owner of the protections of this chapter against registered and unregistered contractors. The exemption prescribed in this subsection does not apply to a person who performs the activities of a contractor for the purpose of leasing or selling improved property he or she has owned for less than twelve months;
- (12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person who performs the activities of a contractor on his or her own property for the purpose of selling, demolishing, or leasing the property;

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

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

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

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

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

(18) An entity who holds a valid electrical contractor's license under Chapter 19.28 RCW that employs a certified journeyman electrician, a certified residential specialty electrician, or an electrical trainee meeting the requirements of Chapter 19.28 RCW to perform plumbing work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electric power and limited waste and/or water connections. An electrical trainee must be supervised by a certified electrician while performing plumbing work.



March 2008

Recent Changes to the Contractor Registration Law

The new laws:

- **Require “property-owner developers” to be registered and bonded.**
- **Require notification of legal actions and judgment.**
- **Change misdemeanor to gross misdemeanor to allow prosecutors additional time to seek prosecution.**
- **Hold contractors liable for hiring unregistered subs**
- **Require a \$200 bond when an infraction is appealed.**
- **Increase the fee to \$50 for service upon a contractor and their bond.**
- **Require contractors to keep signed copies of “Notice to Customer” disclosure statements for three years.**
- **Specialty Contractors will now be allowed only one trade or craft.**

Why did L&I propose these changes to the law?

These changes to the law better protect consumers by closing loopholes that leave consumers vulnerable, level the playing field for legal contractors and strengthening L&I’s ability to enforce current law.

What does the new law do?

- **Requires residential property developers, consultants and some owners to register as contractors:** Owners that build and develop multiple structures, e.g., “spec” houses, construction consultants and residential property developers who make improvements to property for sale must now register as a general contractor.
- **Corrects recent court decisions:** Some recent court rulings conflicted with past practices on protecting consumers. For example, cabinet makers who install cabinets and tree removal services must now be registered as contractors.
- **Requires notification of legal actions and judgments:** The party who wins in court is required to notify L&I when a judgment is issued or a settlement is reached. Also, L&I must be notified when a contractor is served with a lawsuit.
- **Increases enforcement of the Contractor Registration Law:** Violations are now a “gross” misdemeanor; L&I can cite registered contractors who hire unregistered subcontractors; and a Superior Court judge can issue warrants to allow L&I to check for unregistered contractors and to subpoena supporting documentation when checking for unregistered contractors.
- **Appeal Bond:** Contractors who have been cited and wish to appeal an infraction must now provide detailed reasons for the appeal and post a \$200 Appeal Bond.

How will these changes take place?

L&I has written rules, with extensive input and cooperation from the public, that explain the new laws and how they are enforced. In spring of 2008 public hearings were held to further improve the language.

Specialty contractors in good standings will not be impacted by the new requirement to choose one specialty until time to renew their contractor registration.

Additional information may be obtained by calling 1-800-647-0982 or on the web at Contractors.LNI.WA.GOV

Frequently Asked Questions about changes to the Contractor Registration Law

- 1. I have owned my home for three years and am fixing it up to sell. Do I have to register to be a contractor?** No, if you have owned your home for more than 12 months and you are not in the business of fixing up and selling homes, you are exempt from the contractor registration requirement.
- 2. I am purchasing land and plan to construct on my own or hire a contractor to build a structure for the purpose of selling that improved property. Do I have to be registered as a general contractor?** Yes.
- 3. I am purchasing a residential property that I am going to remodel or make improvements and then rent it out. Do I need to be a registered contractor?** No.
- 4. I am purchasing a home to renovate and update with the purpose of selling it – also known as “flipping” it. Do I need to be registered as a general contractor?** Yes.
- 5. I bought a piece of land and intend to build my “dream house” on it to live in as my primary residence. Do I need to be registered as a contractor?** No.
- 6. I am a specialty painting contractor and perform pressure washing to prepare a surface to be painted. Because there is a painting and a pressure washing specialty and I do both, do I need to register as a general contractor?** No. Pressure washing is a normal part of preparation to paint a surface and is included in the specialty painting definition.
- 7. I am a specialty contractor who is installing a countertop and need to have an electrical outlet moved. I can’t do the electrical work because I am not licensed. Do I have to make the homeowner contract to have that work done?** No. As a specialty contractor you can subcontract work that is incidental to your project. Another example would be a specialty flooring contractor who is replacing a floor in the bathroom – the contractor can subcontract to a plumbing contractor to remove and reinstall the toilet.
- 8. I am a specialty cabinet installer and have a request to complete an entire kitchen remodel. Can I subcontract the electrical, plumbing, flooring and other required trades to complete this remodel?** No, because those trades are not incidental to the normal job of installing cabinets in a kitchen. If you want to work in kitchen remodeling, you will be required to register as a general contractor.
- 9. I am a specialty roofing contractor and have bid a job to replace a roof. While tearing out the old material, I found that two of the trusses are rotted. Can I fix the trusses or subcontract to someone to fix the trusses.** No. The property owner will need to contract with a general contractor or specialty framing rough carpentry contractor to have the truss repairs made. The truss work would not be incidental to re-roofing a structure.