

Permit Eligibility: SMC & RCW in Practice (SMC & RCWs below)

LICENSED CONTRACTORS

- Contractors that are sufficiently licensed and bonded through the Washington State Department of Labor & Industries and with an active City of Spokane business license may apply for permit(s) and conduct work supported by their license.
- General Construction Contractors may hire licensed sub-contractors to perform work under their permit(s).
 - EXCEPTIONS:
 - Electrical Permits
 - A Licensed Electrical Contractor must apply for the permit(s) for any electrical work they conduct.
 - EXCEPTION:
 - A General Contractor licensed under 18.27 RCW is permitted to install a single electrical service per address for the purposes of temporary power during the construction phase of a project as allowed and with restrictions by WAC 296-46B-901.
 - Mechanical and Boiler Permits
 - Only contractors with proof of a Licensed Gas Heating Mechanic, Licensed Boiler Operator, or Licensed Oil Burner/Service Installer on staff may apply for permit(s) for work involving gas piping, equipment, or appliances that are natural gas, liquid propane gas, or oil. The licensed employee must conduct the work.

ALL OTHER APPLICANTS

- **Applicants other than licensed contractors must be the property owner (as identified by the Spokane County Assessor records) and must meet one of the exemptions from RCW 18.27.090 to apply for permit(s) and conduct work on issued permit(s).**

Residential Property Owner

- Homeowners may apply for construction related permits where they are conducting the construction activities themselves.
- Homeowners may apply for construction related permits and hire contractors who are licensed to perform the work.
 - EXCEPTIONS:
 - Electrical Permits
 - The homeowner is not allowed to apply for an electrical permit and hire the work to be conducted by others.
 - EXCEPTION:
 - RCW 19.28.261 allows a friend, neighbor, relative, or other person (including a certified electrician) to assist a householder, at his/her residence, in the performance of electrical work, on the condition that the person assisting the householder does not accept money or other forms of compensation for the volunteer work.
 - Mechanical and Boiler Permits
 - A contractor employing a Licensed Gas Heating Mechanic, Licensed Boiler Operator, or Licensed Oil Burner/Service Installer must apply for a permit for any work they conduct involving gas piping, equipment, or appliances that are natural gas, liquid propane gas, or oil
 - EXCEPTION:

- A homeowner who holds a Gas Heating Mechanic, Boiler Operator, or Oil Burner/Service Installer License may apply for permit(s) and conduct work on their own residence.
- Homeowners may not apply for permit(s) or conduct construction work with the intent to sell the home if they have not owned the home for more than (1) one year.
- Homeowners may not apply for permit(s) or conduct construction work with the intent to sell the home within (1) one year of the date that the structure, project or improvement was substantially completed or abandoned.
- Homeowners may not apply for permit(s) or conduct electrical work for a home that is intended to be sold within (2) years.
 - EXCEPTION:
 - A homeowner may apply for permit(s) and conduct electrical work on the construction of one new building with up to (4) four multi-family housing units intended for rent, sale, or lease provided they occupy one unit as a principal residence for up to (2) two years after completion of the work. This exemption is only allowable once every (24) twenty-four months.

Commercial Property Owners

- Commercial property owners may apply for construction related permits where they are conducting the construction activities themselves and are both owner and tenant of the commercial property.
- Property owners that are tenants of their building may apply for construction related permits and hire contractors who are licensed to perform the work.
 - EXCEPTIONS:
 - Electrical Permits
 - The property owner tenant is not allowed to apply for an electrical permit and hire the work to be conducted by others.
 - EXCEPTION:
 - RCW 19.28.261 allows a local nonprofit organization whose members own the building to solicit a volunteer electrical contractor to oversee electrical installation provided the contractor applies for the electrical permit, maintains a regulated level of oversight of the work and ensures that the electrical installation is in compliance with current RCW, WAC and NEC requirements.
 - Mechanical and Boiler Permits
 - An owner tenant who holds a Gas Heating Mechanic, Licensed Boiler Operator, or Licensed Oil Burner/Service Installer must apply for a permit for any work they conduct involving gas piping, equipment, or appliances that are natural gas, liquid propane gas, or oil.
 - EXCEPTION:
 - A property owner tenant who holds a Gas Heating Mechanic, Boiler Operator, or Oil Burner/Service Installer License may apply for permit(s) and conduct work on their own building.
- Property owners who are not tenants in the space may not apply for permit(s) or conduct work on the properties they lease.
- Property owner-tenants may not conduct construction work with the intent to sell the property if they have not owned the property for more than (1) one year.
- Property owner-tenants may not conduct construction work with the intent to sell the property within (1) one year of the date that the structure, project or improvement was substantially completed or abandoned.
- Property owner-tenants may not conduct electrical work with the intent to sell the property within (2) two years of the date that the structure, project or improvement was completed.

Commercial Property Tenants

- Commercial property tenants that do not own the building may not apply for permits(s) or conduct work on the properties under lease.
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Spokane Municipal Code Governing Permit Eligibility:

Title 17G Administration and Procedures

Chapter 17G.010 Building and Construction Permits

Section 17G.010.070 Eligibility of Applicants – Permits Issued Pursuant to the Land Use Codes

- A. The laws of various jurisdictions impose requirements upon the persons doing some of the work and conducting some of the activities regulated by this title. Many of the acts regulated by this title affect real property interests. For these reasons applicants for the various permits, licenses, certificates, and other approvals are required to furnish varying data concerning their authority to make the application and perform the acts applied for. The City does not, however, assume responsibility for the accuracy of an applicant's representations concerning entitlement to the approval applied for. The issuance of a permit, license, certificate, or other approval to a person not otherwise authorized does not operate to confer such authority.
- B. Building Permits.
To be eligible to obtain any of the various categories of "building" permits, one must be:
 1. A contractor with a City of Spokane business license and an active contractor's license from the State of Washington Department of Labor and Industries that is appropriate for the work to be performed; or
 2. The property owner as identified by the Spokane County Assessor records *on condition* that;
 - a. the owner is able to claim exemption from the State of Washington contractor registration requirements; and
 - b. all work is being performed by the owner and others as allowed by law, or by persons duly licensed or certified where required for the nature of the work.
 - c. Exception: Mechanical and boiler permits for any work involving gas piping, equipment, or appliances that are natural gas, liquid propane gas, or oil fueled can only be issued to appropriately licensed contractors unless the property owner is currently licensed by the City of Spokane to install such piping, equipment, or appliances.
- C. Encroachments in Public Ways.
Applications for building projections, sidewalk openings, fences, or other encroachments under [SMC 17G.010.140](#) must be made by or on behalf of all property owners as described in [SMC 17G.010.070](#).
- D. Certificates of Occupancy.
Applications for certificates of occupancy may be made by any owner, contractor, lessee, tenant, mortgagee, trust deed beneficiary, or representative having the right of possession or right-of-entry.
- E. Safety Certifications.
Applications for safety or code compliance certifications may be made by any owner, contractor, lessee, tenant, mortgagee, trust deed beneficiary, or representative having the right of possession or right-of-entry.
- F. Contractor Licenses.
The eligibility of licensees as contractors is set forth in [SMC 17G.010.190](#).
- G. Workers Licenses.
The eligibility of licensees as regulated workers is set forth in [SMC 17G.010.200](#).
- H. Special Construction Activities.
The eligibility of permittees for special construction activities is set forth in [SMC 17G.010.210](#).

Date Passed: Wednesday, February 24, 2016

Effective Date: Monday, January 11, 2016

ORD C35342 Section 1

Revised Code of Washington – Contractor Registration Exemptions:

RCW 18.27.090

Exemptions. (Effective January 1, 2021.)

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.

[[2020 c 153 § 22](#); [2013 c 23 § 13](#); [2007 c 436 § 6](#); [2003 c 399 § 401](#); [2001 c 159 § 7](#); [1997 c 314 § 8](#); [1987 c 313 § 1](#); [1983 c 4 § 1](#); [1980 c 68 § 2](#); [1974 ex.s. c 25 § 2](#). Prior: [1973 1st ex.s. c 161 § 1](#); [1973 1st ex.s. c 153 § 6](#); [1967 c 126 § 3](#); [1965 ex.s. c 170 § 50](#); [1963 c 77 § 9](#).]

NOTES:

Effective date—2020 c 153 §§ 21, 22, and 28: See note following RCW [18.27.060](#).

Part headings not law—2003 c 399: See note following RCW [19.28.006](#).

Revised Code of Washington – Electrical Contractor Registration Exemptions

RCW [19.28.261](#)

Exemptions from RCW [19.28.161](#) through [19.28.271](#).

(1) Nothing in RCW [19.28.161](#) through [19.28.271](#) shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units.

(2) Nothing in RCW [19.28.161](#) through [19.28.271](#) shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW [19.28.010](#)(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade.

(3) RCW [19.28.161](#) through [19.28.271](#) shall not apply to common carriers subject to Part I of the *Interstate Commerce Act, nor to their officers and employees.

(4) Nothing in RCW [19.28.161](#) through [19.28.271](#) shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines, or systems.

(5) The licensing provisions of RCW [19.28.161](#) through [19.28.271](#) shall not apply to:

(a) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease;

(b) Employees of an employer while the employer is performing utility type work of the nature described in RCW [19.28.091](#) so long as such employees have registered in the state of Washington with or graduated from a state-approved outside lineworker apprenticeship course that is recognized by the department and that qualifies a person to perform such work;

(c) Any work exempted under RCW [19.28.091](#)(6); and

(d) Certified plumbers, certified residential plumbers, or plumber trainees meeting the requirements of chapter [18.106](#) RCW and performing exempt work under RCW [19.28.091](#)(8).

(6) Nothing in RCW [19.28.161](#) through [19.28.271](#) shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative, or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations.

(7) Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journey level or specialty certificate of competency if they otherwise meet the requirements of this chapter.

[[2013 c 23 § 37](#); [2007 c 218 § 83](#); [2003 c 399 § 302](#); [2001 c 211 § 19](#); [1998 c 98 § 2](#); [1994 c 157 § 1](#); [1992 c 240 § 3](#); [1986 c 156 § 16](#); [1983 c 206 § 21](#); [1980 c 30 § 12](#). Formerly RCW [19.28.610](#).]

NOTES:

***Reviser's note:** Interstate Commerce Act, see, now, 49 U.S.C.A. Sec. 10101 et seq.

Intent—Finding—2007 c 218: See note following RCW [1.08.130](#).

Part headings not law—2003 c 399: See note following RCW [19.28.006](#).
