



# Contractors



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## What if you get a Notice of Infraction?

A 'Notice of Infraction' is a non-criminal violation of the Contractor Registration law (Revised Code of Washington 18.27). It is a preliminary finding that a violation of this law has occurred. It carries a fine ranging from \$250 to \$10,000, depending on the specific violation. The Washington State Legislature has expanded the Department of Labor and Industries' authority to collect unpaid fines.

### IMPORTANT! L&I will take steps to collect unpaid fines.

#### If you don't pay the fine shown on the Notice of Infraction:

- L&I will begin charging interest on the fine, if it remains unpaid after 30 days.
- Your unpaid fine will be referred to an L&I revenue officer for collection action.
- L&I has authority to **place a lien on your property, garnish your wages and seize your bank or investment accounts.**

### Why is a Notice of Infraction issued?

Washington State Law (RCW 18.27) requires persons, firms or corporations that are conducting construction-contracting activities to register with the Department of Labor and Industries and follow certain practices. Failing to register or violating the business practice requirements of the law may result in a Notice of Infraction.

### What does a Notice of Infraction contain?

A Notice of Infraction explains the specific violation of the Contractor Registration law, lists the amount of the fine, and provides information about failure to sign or respond to the notice. It also explains how to request an appeal.

### When is a Notice of Infraction issued?

- It is a violation of the law and an infraction for any contractor to advertise, offer to do work, submit a bid or perform any work as a contractor without being registered or when the registration is suspended or revoked. It is also a violation and an infraction for a specialty contractor to work outside the scope of his/her specialty.
- A valid registration cannot be transferred to an unregistered contractor, nor can an unregistered contractor work under the registration issued to another contractor.
- Each day and each work site where an unregistered, suspended or revoked contractor performs work represents a separate infraction.
- A Notice of Infraction may be issued to a contractor whose registration is valid if they do not include a valid contractor registration number on materials used to solicit business such as advertising, contracts or bid proposals, or if the contractor fails to provide the customer with a Model Disclosure Statement - Notice to Customer.

*Continued on the reverse.*

## What happens if you fail to comply with the requirements of a Notice of Infraction?

It is a misdemeanor for any person who has been personally served with a Notice of Infraction to refuse to sign a written promise to respond to the notice. A contractor who has been issued a Notice of Infraction is required to respond to this notice within 20 days of the date the Notice of Infraction was issued. A contractor who fails to respond within the prescribed time period will be guilty of a misdemeanor and subject to prosecution in the county where the infraction occurred.

A contractor who receives a Notice of Infraction, and unsuccessfully appeals it, must pay the fine within 30 days of that appeal. Failing to pay is a misdemeanor that could lead to prosecution in the county where the infraction occurred. Uncollected fines owed the department are forwarded to a collection agency.

## What's the next step? You need to contact Labor and Industries

If you have received a Notice of Infraction and have questions regarding the violation, *it is your responsibility to contact the compliance inspector whose name and phone number appear on the infraction.*

## Can a Notice of Infraction be resolved or contested?

If you have received a Notice of Infraction, these are the options available to you for resolving it:

- **Pay the fine:** An infraction may be resolved by paying Labor and Industries the full amount listed on the Notice of Infraction or by entering into a payment plan to do so within 20 days.
- **Register with a reduced fine:** The minimum fine for failing to register as a contractor is \$1,000. Labor and Industries may lower the fine to a minimum of \$500 for a first-time violation. *The contractor must register within 10 days of receiving the Notice of Infraction to qualify for the lower fine.* Fines for other violations cannot be reduced.
- **Appeal:** An infraction may be contested by submitting a "Request for Appeal" **in writing** to L&I within 20 days of receiving the infraction. This request must specify the grounds on which you are protesting the infraction. Hearings are scheduled by the Office of Administrative Hearings and are conducted by an administrative law judge. The judge will determine whether an infraction of the law was committed. The judge does not have the discretion to waive, reduce or suspend the fine if he/she determines that the infraction was committed.

### IMPORTANT!

***Payment of a fine by check or money order, or a request for an appeal, can be made to:***

**Attn: Infraction Desk  
Department of Labor and Industries  
PO Box 44450  
Olympia, WA 98504-4450**

## Who can you contact for more information?

If you have further questions relating to the Notice of Infraction or your appeal rights you may contact the Department of Labor and Industries at 360-902-5205.

The Department of Labor and Industries has developed this brochure to explain the Notice of Infraction. Information contained in this document is confined to key elements relating to the infraction process and how to resolve or contest them. However, RCW 18.27 states, "*Anyone engaged in the activities of a contractor is presumed to know the requirements of this chapter.*" If you do not already have a copy of RCW 18.27, which explains all aspects of the contractor registration requirements, you can find it on the web at [www.LNI.wa.gov/TradesLicensing/Rules/ByTrade/](http://www.LNI.wa.gov/TradesLicensing/Rules/ByTrade/) or ask for a copy from the Labor and Industries office nearest you.

## For more information about contractor registration and compliance:

- Visit the L&I web site at [www.LNI.wa.gov/TradesLicensing/](http://www.LNI.wa.gov/TradesLicensing/).
- Call the L&I office nearest you. The government or white pages of your telephone book list the number.

*This document is available in alternative formats to accommodate persons with disabilities.  
For assistance, call 1-800-647-0982. (TDD users, please call 360-902-5797.)*

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