

1 HB548
2 197429-1
3 By Representatives Kitchens, Robertson, Sullivan, Stadthagen
4 and Rich
5 RFD: Boards, Agencies and Commissions
6 First Read: 02-MAY-19

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8 SYNOPSIS: Under existing law, the Board of Heating,
9 Air Conditioning, and Refrigeration Contractors
10 defines an apprentice as a person other than a
11 certified heating, air conditioning, or
12 refrigeration contractor, who is engaged in
13 learning and assisting in the installation,
14 service, or repair of a heating, air conditioning,
15 or refrigeration system and working under the
16 direct supervision of a certified heating, air
17 conditioning, or refrigeration contractor, and who
18 has successfully fulfilled the voluntary
19 registration requirements of the board, and has
20 been registered by the board as an apprentice for
21 the current year.

22 This bill would allow the board to replace
23 the definition, qualifications, and registration
24 requirements for the positions of an apprentice
25 with definitions, qualifications, and registration
26 requirements for the positions of Technician I and
27 Technician II.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 Relating to the Board of Heating, Air Conditioning,
7 and Refrigeration Contractors; to replace the definition,
8 qualifications, and registration requirements for the
9 positions of an apprentice with definitions, qualifications,
10 and registration requirements for the positions of Technician
11 I and Technician II.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 34-31-18, 34-31-24, 34-31-25,
14 and 34-31-28 of the Code of Alabama 1975, are amended to read
15 as follows:

16 "§34-31-18.

17 "For the purposes of this chapter, the following
18 terms shall have the meanings herein ascribed to them unless
19 the context clearly indicates otherwise:

20 "(1) ADMINISTRATIVE PROCEDURE LAW. Sections 41-22-1
21 through 41-22-27, and any subsequent amendment or supplement
22 thereto, and any rules or regulations promulgated thereto.

23 "~~(2) APPRENTICE. A person other than a certified~~
24 ~~heating, air conditioning, or refrigeration contractor, who is~~
25 ~~engaged in learning and assisting in the installation,~~
26 ~~service, or repair of a heating, air conditioning, or~~
27 ~~refrigeration system and working under the direct supervision~~

1 ~~of a certified heating, air conditioning, or refrigeration~~
2 ~~contractor, and who has successfully fulfilled the voluntary~~
3 ~~registration requirements of the board and has been duly~~
4 ~~registered by the board as such for the current year.~~

5 "~~(3)~~(2) BOARD. The State Board of Heating, Air
6 Conditioning, and Refrigeration Contractors, herein
7 established.

8 "~~(4)~~(3) CERTIFICATION. The process of testing to
9 determine the knowledge and skill of an individual with
10 respect to heating, air conditioning, and refrigeration. This
11 term is used herein interchangeably with the term "license."

12 "~~(5)~~(4) CERTIFIED HEATING AND AIR CONDITIONING
13 CONTRACTOR. Any and all legal entities engaged in the business
14 of heating and air conditioning contracting and installation
15 or service and repair.

16 "~~(6)~~(5) CERTIFIED REFRIGERATION CONTRACTOR. Any and
17 all legal entities engaged in the business of refrigeration
18 contracting and servicing, installation, and repair.

19 "~~(7)~~(6) DUCT AIR TIGHTNESS TESTING CONTRACTOR. Any
20 individual who engages in the practice of testing and
21 verifying duct air tightness in conjunction with the
22 installation, service, or repair of a heating and air
23 conditioning system.

24 "~~(8)~~(7) HEATING AND AIR CONDITIONING SYSTEMS OR
25 SYSTEM. A heating and/or cooling apparatus consisting of an
26 air heating and/or cooling fixture from pipes, plenums, or
27 blowers including any accessory and equipment installed in

1 connection herewith; specifically excluding window units,
2 automotive, or farm implement type heating and/or air
3 conditioning equipment.

4 "~~(9)~~(8) INSTALLATION. The act of setting up or
5 installing a heating and air conditioning system or
6 refrigeration system for operation and use.

7 "~~(10)~~(9) REFRIGERATION. The use of mechanical or
8 absorption equipment to control temperature, humidity, or
9 both, in order to satisfy the intended use of a specific
10 space, other than for human comfort.

11 "~~(11)~~(10) REFRIGERATION TRADE OR BUSINESS. Includes
12 any and all legal entities engaged in the installation,
13 maintenance, servicing, and repairing of refrigerating
14 machinery, equipment, devices, and components.

15 "~~(12)~~(11) REGULARLY EMPLOYED PERSON. A person who is
16 an actual employee of the business, not an independent
17 contractor. The person must work an average of 30 or more
18 hours per week for the heating, air conditioning, or
19 refrigeration business. A regularly employed person must not
20 be paid as an independent contractor and must receive a W-2
21 for all earnings.

22 "~~(13)~~(12) RESPONSIBLE CHARGE. The direction of
23 projects involving the installation or service and repair of
24 heating, air conditioning, and refrigeration systems requiring
25 initiation, professional skills, technical knowledge, and
26 independent judgment.

1 "~~(14)~~(13) SERVICE AND REPAIR. The act of maintaining
2 for operation a heating, air conditioning, or refrigeration
3 system which has previously been installed including parts
4 replacement within a piece of equipment.

5 "(14) TECHNICIAN I. A person, other than a certified
6 heating, air conditioning, or refrigeration contractor, who is
7 engaged in learning and assisting in the installation,
8 service, or repair of a residential heating and air
9 conditioning system and working under the direct supervision
10 of a certified heating and air conditioning contractor, and
11 who has successfully fulfilled the voluntary registration
12 requirements of the board, and has been duly registered by the
13 board as a Technician I for the current year.

14 "(15) TECHNICIAN II. Any person, other than a
15 certified heating, air conditioning, or refrigeration
16 contractor, who is engaged in learning and assisting in the
17 installation, service, or repair of a residential or
18 commercial heating, air conditioning, or refrigeration system,
19 and who has successfully fulfilled the voluntary registration
20 requirements of the board and has been duly registered by the
21 board as a Technician II for the current year.

22 "§34-31-24.

23 "(a) (1) No individual, partnership, or corporation
24 shall advertise, solicit, bid, obtain permit, do business, or
25 perform the function of a certified contractor unless the
26 person or persons in responsible charge, as defined in Section
27 34-31-18, are certified contractors.

1 "(2) Every contractor licensed under this chapter
2 shall display the contractor's certification number and the
3 company name on any and all documentation, forms of
4 advertising, and on all service and installation vehicles used
5 in conjunction with heating, air conditioning, and
6 refrigeration contracting.

7 "(3) A contractor licensed under this chapter may
8 not permit the use of his or her license by any other persons.

9 "(4) No official charged with the duty of issuing
10 licenses to any individual, partnership, or corporation to
11 operate a business as a certified contractor shall issue such
12 license unless there is presented for inspection a certificate
13 of qualification as provided for herein issued by the board to
14 the individual or to some person in responsible charge with
15 the partnership or corporation.

16 "(b) The following requirements apply to the
17 practice of testing or verifying duct air tightness:

18 "(1) Any individual who engages in the practice of
19 testing and verifying duct air tightness is required to
20 register with the board. Such individuals shall not be
21 required to become a certified heating and air conditioning
22 contractor, but shall complete training as set forth by this
23 subsection. The board shall maintain a list of individuals who
24 are registered duct envelope testing contractors in the
25 practice of testing and verifying duct air tightness and
26 leakage. The board may establish fees to be paid by
27 registrants. All fees must accompany the application for

1 registration and are nonrefundable. All registrations must be
2 renewed by December 31 of each year beginning in 2016. The
3 board may establish a late fee for those individuals failing
4 to renew December 31.

5 "(2) Any board certified heating and air
6 conditioning contractor or home builder licensed by the
7 Alabama Home Builders Licensure Board, seeking to register as
8 a duct tightness tester for the purposes of testing ducts on
9 his or her own project or on a third party basis for the
10 general public, must successfully complete the Residential
11 Energy Services Network Home Energy Rating Systems (HERS)
12 Rater training, the Building Performance Institute Building
13 Analyst (BPI) training, or the Home Builders Association of
14 Alabama Qualified Credentialed Air Tightness Verifier (QCATV)
15 training. Any applicant that is not a board certified
16 contractor or a licensed home builder seeking to register as a
17 duct tightness tester for the purposes of testing duct work on
18 a third party basis for the general public, must successfully
19 complete the Residential Energy Services Network Home Energy
20 Rating System (HERS) Rater training or the Building
21 Performance Institute Building Analyst (BPI) training. Each
22 applicant must submit verification that he or she has
23 successfully completed the training required by at least one
24 of the above listed programs to the board prior to receiving
25 the registration in order to be added to the list of
26 registered individuals. An applicant for reregistration shall
27 provide verification that he or she has completed any required

1 education set forth by the credential provider used to obtain
2 the initial registration. Each registrant must submit proof of
3 completion, approved by the Home Builders Association of
4 Alabama, prior to annual re-registration by the board.

5 "(3) The board may discipline any registrant who
6 fails to conduct air tightness testing to the standards set
7 forth by the board. Discipline for registrants may include any
8 and all penalties authorized by this chapter.

9 "§34-31-25.

10 "(a) (1) For the purpose of defraying the expense in
11 carrying out the provisions of this chapter, the board may fix
12 fees to be paid for the issuance, reissuance, and replacement
13 of certificates and for any other service provided by the
14 board, but in no event shall the charges fixed by the board
15 exceed two hundred fifty dollars (\$250). The inactive fees may
16 be waived for building officials or inspectors, as defined by
17 the International Code Council. All fees fixed by the board
18 must accompany the application, and no part of the fees shall
19 be refunded. The fees shall be received by the board and held
20 solely for the purpose of paying the expense of carrying out
21 the provisions of this chapter.

22 "(2) Renewal fees shall be established by the board
23 as to insure adequate funding to support the board. Fees shall
24 not exceed two hundred fifty dollars (\$250) per year. The
25 amount of these fees shall be established by the board on an
26 annual basis to provide adequate funding to support the board

1 and to pay the expenses incurred for applications,
2 examinations, and/or renewals of licenses.

3 "(b) Fees for ~~apprentice~~ [Technician I and
4 Technician II] registration and annual renewal fees shall not
5 exceed ~~fifty dollars (\$50)~~ one hundred dollars (\$100).

6 "(c) All penalties collected by the board shall be
7 used in the same manner and for the same purpose as fees.

8 "(d) Fees for Duct Envelope Testing Contractors
9 application and annual renewal shall not exceed one hundred
10 dollars (\$100).

11 "§34-31-28.

12 "(a) All prospective certified contractors in this
13 state desiring to qualify in accordance with the provisions of
14 this chapter shall be required to stand for a written
15 examination before the board. Any applicant failing to pass
16 his or her first examination for a certificate shall be
17 entitled to take any subsequent examination, either written
18 or, upon request of the applicant, practical examination which
19 is equivalent to the written examination, to be held within
20 six months from the date of his or her first or latest
21 unsuccessful examination.

22 "(b) The board shall register every person who may
23 apply for ~~an apprentice~~ a [Technician I or a Technician II]
24 heating, air conditioning, or refrigeration registration
25 certificate upon forms provided by the board and upon payment
26 of all prescribed fees. A [Technician I or Technician II, or

1 both] may be required by the board to complete continuing
2 education before annual reregistration.

3 "(c) The board shall examine the character, fitness,
4 and qualifications of every person who applies for a certified
5 heating, air conditioning, or refrigeration contractor license
6 upon forms prescribed by the board and upon payment of all
7 prescribed fees.

8 "(d) An applicant for examination for a heating, air
9 conditioning, or refrigeration certified contractor license
10 shall be eligible to stand for the examination if the
11 applicant has held ~~an apprentice~~ [a Technician I or Technician
12 II] registration, issued by this board, for ~~two~~ one or more
13 calendar years; or has completed 3,000 hours of coursework or
14 experience, as defined by the board; or is a graduate of an
15 approved heating, air conditioning, or refrigeration
16 curriculum.

17 "(e) All legal entities engaged in the refrigeration
18 business for a period of two years prior to May 13, 2009, may
19 apply to the board for a certified refrigeration contractor
20 license without standing for a written examination. The
21 applicant shall provide evidence of such experience to the
22 board as promulgated in the rules of the board. An applicant
23 who does not apply for such certification by December 31,
24 2011, must stand for the written examination.

25 "(f) Counties, municipalities, or other local
26 entities are hereby prohibited from requiring any further
27 local testing or other requirements of certified contractors,

1 subject to the payment of any applicable local privilege,
2 license, or business fees or charges.

3 "(g) Persons licensed by the Alabama Liquefied
4 Petroleum Gas Board are exempt from this chapter pertaining to
5 heating, air conditioning, and refrigeration when:

6 "(1) Engaged in the installation, repair, or
7 replacement of a liquefied petroleum gas appliance so long as
8 the appliance is not connected to a refrigeration system,
9 except that such persons may also engage in the replacement or
10 repair of a liquefied petroleum gas central heating unit when
11 it is combined with an air conditioning unit.

12 "(2) Engaged in the installation of a venting system
13 required for a vented-type liquefied petroleum gas appliance.

14 "(h) This chapter does not apply to:

15 "(1) An authorized employee of the United States,
16 the State of Alabama, or any municipality, county, or other
17 political subdivision, if the employee does not hold himself
18 or herself out for hire or otherwise engage in contracting
19 except in accordance with his or her employment.

20 "(2) Any mobile home or manufactured structure that
21 is installed, inspected, or regulated by the Alabama
22 Manufactured Housing Commission; however, the repair,
23 servicing of a heating and air conditioning system, or the
24 installation of a new heating and air conditioning system in a
25 previously inspected manufactured structure is subject to this
26 chapter.

1 "(3) Persons performing work on motor vehicles,
2 residential refrigerators, or ice machines.

3 "(4) Household appliances.

4 "(5) Farm equipment.

5 "(6) Poultry operations whether engaged in hatching,
6 primary processing, or further processing of chicken, turkey,
7 or other fowl."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.