

CHAPTER 22**(HB 100)**

AN ACT relating to building industry licensure.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 198B.650 is amended to read as follows:

As used in KRS 198B.650 to 198B.689, unless the context requires otherwise:

- (1) "Air conditioning or cooling system" means a system in which heat is removed from air, surrounding surfaces, or both;
- (2) "Apprentice heating, ventilation, and air conditioning mechanic" means an individual in the process of learning the heating, ventilation, and air conditioning trade who assists and is under the supervision of a master heating, ventilation, and air conditioning contractor and a journeyman heating, ventilation, and air conditioning mechanic;
- (3) "Burner service" means the servicing of oil or gas burners used for heating air or water for purposes other than the transmission of heat;
- (4) "Certificate" means a document issued by the department to an apprentice heating, ventilation, and air conditioning mechanic to assist a master heating, ventilation, and air conditioning contractor or a journeyman heating, ventilation, or air conditioning mechanic;
- (5) "Commissioner" means the commissioner of the Department of Housing, Buildings and Construction;
- (6) "Department" means the Department of Housing, Buildings and Construction;
- (7) "Heating system" means a system in which heat is transmitted by radiation, conduction, convection, or a combination of any of these methods to air, surrounding surfaces, or both. "Heating system" does not include fireplaces and free-standing stoves not incorporated into a primary heating system, electric thermal storage units, electric ceiling cable heating systems, or electric baseboard heating units;
- (8) "Hydronic system" means a heating and cooling system using liquids to transmit or remove heat;
- (9) "Initial heating, ventilation, or air conditioning system" means the first or original heating, ventilation, or air conditioning system installed in a building;
- (10) "Journeyman heating, ventilation, and air conditioning mechanic" means an individual who is licensed by the department to perform heating, ventilation, and air conditioning work under the supervision, direction, and responsibility of a master heating, ventilation, and air conditioning contractor;
- (11) "Maintenance person or maintenance engineer" means a person who is a regular and bona fide ~~full-time~~ employee ~~or agent~~ of a property owner, property lessor, property management company, or firm, not in the heating, ventilating, and air conditioning business that has jurisdiction of property where the routine maintenance of heating, ventilating, and air conditioning is being performed, provided the maintenance shall not include **major repairs**~~[replacement of heating, ventilation, or air conditioning systems]~~;
- (12) "Major repair" means the complete replacement of any of the following heating, ventilation, or air conditioning equipment:
 - (a) Furnaces;
 - (b) Condensing units;
 - (c) Heat pumps;
 - (d) Fan coil units;
 - (e) Chiller systems; or
 - (f) Heating boiler systems not covered by KRS Chapter 236;

- (13) "Master heating, ventilation, and air conditioning contractor" means a heating, ventilation, and air conditioning contractor who is licensed by the department to advertise and practice heating, ventilation, and air conditioning contracting in this Commonwealth;
- (14) "Permit" means a document issued by the department or its authorized agent allowing the installation of an original heating, ventilation, or air conditioning system;
- (15) "Practice of heating, ventilation, and air conditioning contracting" means the installation, maintenance, altering, remodeling, or repair of heating systems, ventilation systems, hydronic systems, burner service, or cooling systems;
- (16) "Routine maintenance of heating, ventilation, or air conditioning" means the routine and periodic servicing of heating, ventilation, and air conditioning systems, including cleaning, inspection, and adjustments to ensure the proper operation, and the removal and replacement of component parts. "Routine maintenance of heating, ventilation, or air conditioning" shall not include *major repairs*~~[the installation of complete new heating, ventilation, or air conditioning systems]~~; and
- (17) "Ventilation system" means a natural or mechanical system of supplying air to or removing air from any space.

➔Section 2. KRS 198B.658 is amended to read as follows:

- (1) An applicant for a master heating, ventilation, and air conditioning contractor's license shall:
- (a) Be at least eighteen (18) years of age;
 - (b) Be a citizen of the United States or be a resident alien who is authorized to do work in the United States;
 - (c)
 1. Have been regularly and principally employed or engaged in heating, ventilation, and air conditioning trades as a journeyman heating, ventilation, and air conditioning mechanic for not less than two (2) years under the direction and supervision of a master heating, ventilation, and air conditioning contractor; or
 2. Have been regularly and principally employed or engaged in the practice of heating, ventilation, and air conditioning contracting as a master heating, ventilation, and air conditioning contractor, or equivalent thereof, for not less than *two (2)*~~[five (5)]~~ years in *Kentucky or in* a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;
 - (d) Have passed an examination prescribed by the department to determine the applicant's competency to practice heating, ventilation, and air conditioning contracting; and
 - (e) Have paid a fee as established in administrative regulations promulgated by the department.
- (2) An applicant for a journeyman heating, ventilation, and air conditioning mechanic's license shall:
- (a) Be at least eighteen (18) years of age;
 - (b) Be a citizen of the United States or be a resident alien who is authorized to do work in the United States;
 - (c)
 1. Have been regularly and principally employed or engaged in heating, ventilation, and air conditioning trades for not less than two (2) years under the direction and supervision of a master heating, ventilation, and air conditioning contractor; or
 2. Have been regularly and principally employed or engaged in the performance of heating, ventilation, and air conditioning work for not less than *two (2)*~~[four (4)]~~ years in *Kentucky or in* a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;
 - (d) Have passed an examination prescribed by the department to determine the applicant's competency to install, maintain, and repair heating and cooling systems, heating and cooling service, burner service, and hydronic systems; and
 - (e) Have paid a fee as established in administrative regulations promulgated by the department.
- (3) If an applicant has obtained, while exempt from licensure under 198B.674(2), (7), (8), (10), (13), or (14), work experience that the department determines to be equivalent to the requirements of subsection (1)(c) or (2)(c) of this section, that experience may be considered as equivalent to one (1) year of employment toward the licensure requirements for a master heating, ventilation, and air conditioning contractor or journeyman heating, ventilation, and air conditioning mechanic, as applicable, not to exceed one (1) year.

- (4) (a) The department shall issue an apprentice heating, ventilation, and air conditioning mechanic's certificate to any person who registers as an apprentice with the department.
 - (b) The department shall establish by administrative regulation the minimum number of hours of experience required by apprentices and shall maintain an apprentice register to credit an apprentice for hours worked under the supervision of a master heating, ventilation, and air conditioning contractor and journeyman heating, ventilation, and air conditioning mechanic. Experience gained under the supervision of a Kentucky licensed master heating, ventilation, and air conditioning contractor while registered as an apprentice with the Kentucky Labor Cabinet, Department of Workplace Standards, in cooperation with the United States Department of Labor, Bureau of Apprenticeship and Training shall be accepted toward the two (2) year experience requirement for a journeyman heating, ventilation, and air conditioning mechanic license.
 - (c) The apprentice register shall include the name, address, Social Security number, employer, and dates of employment of the apprentice.
 - (d) The apprentice shall notify the department in writing of any change in address or employer.
 - (e) Apprentices and pre-apprentices shall not be required to pay a fee to obtain a certificate of registration or to renew a registration.
- (5) The satisfactory completion of one (1) academic year of a department-approved curriculum or one (1) year of professional training in heating, ventilation, and air conditioning work may be considered as equivalent to one (1) year of employment toward the licensure requirements for a journeyman heating, ventilation, and air conditioning mechanic, not to exceed one (1) year.
 - (6) The satisfactory completion of one (1) academic year of teaching experience in a department-approved or state-approved technical education program in heating, ventilation, and air conditioning shall be considered as equivalent to one (1) year of employment, as required by subsection (1)(c) or (2)(c) of this section. No more than one (1) year of approved teaching experience may be used in meeting the requirements of subsection (1)(c) or (2)(c) of this section.

➔Section 3. KRS 198B.678 is amended to read as follows:

- (1) No firm, company, or corporation may engage in the practice of heating, ventilation, and air conditioning contracting in any county of the Commonwealth, unless the person in responsible charge of the heating, ventilation, and air conditioning work is a master heating, ventilation, and air conditioning contractor and is an employee or subcontractor of the firm, company, or corporation.
- (2) Each master heating, ventilation, and air conditioning contractor who is employed by a firm, company, or corporation engaged in the practice of heating, ventilation, and air conditioning contracting shall notify the department of that employment and upon termination of the employment.
- (3) No master heating, ventilation, and air conditioning contractor shall represent more than one (1) firm, company, or corporation ***unless the contractor is domiciled in the Commonwealth and has a minimum of twenty-five percent (25%) ownership in each firm, company, or corporation the contractor represents.***

➔SECTION 4. A NEW SECTION OF KRS 198B.650 TO 198B.689 IS CREATED TO READ AS FOLLOWS:

- (1) ***The department shall grant an interim period of up to one hundred eighty (180) continuous calendar days to allow a company to utilize the master heating, ventilation, and air conditioning contractor's license of a recently deceased owner or deceased employee who procured heating, ventilation, and air conditioning permits for that company, provided that the company:***
 - (a) ***Effectuates and documents all necessary bonding and insurance policies required in this chapter; and***
 - (b) ***Ensures that the bonding and insurance policies remain in effect for the entirety of the interim time period extended by the department.***
- (2) ***The license of a deceased master heating, ventilation, and air conditioning contractor shall be terminated by the department at the end of the interim period.***
- (3) ***Upon termination of the deceased master heating, ventilation, and air conditioning contractor's license, a company shall have an employee with a current and valid Kentucky master heating, ventilation, and air***

conditioning contractor's license in order to procure permits and perform heating, ventilation, and air conditioning work governed by KRS 198B.650 to 198B.689.

➔Section 5. KRS 318.054 is amended to read as follows:

- (1) The initial license for a master or journeyman plumber shall expire on the last day of the licensee's birth month in the following year. The department may reduce the license fee on a pro rata basis for initial licenses issued for less than twelve (12) months. Renewed licenses shall expire on the last day of the licensee's birth month of each year after the date of issuance of the renewed license.
- (2) The department shall require an applicant for renewal of a license to show evidence of completing the continuing education requirements established by the department in administrative regulations promulgated under KRS 318.130.
- (3) The department shall send each licensed master and journeyman plumber a notice advising them that the annual license renewal fee is due. The notice shall be sent to the licensee's last known address no later than thirty (30) days prior to the expiration of the license. The annual license renewal fee shall be a reasonable fee set by regulation of the department. The fee for the renewal of a master plumber's license shall exceed the fee charged for a journeyman plumber's license.
- (4) A master or journeyman plumber who fails to renew a license prior to expiration may have the license renewed upon payment of the required renewal fee, a revival fee, and upon showing the completion of continuing education requirements. The revival fee for a master plumber shall be five dollars (\$5) and for a journeyman plumber three dollars (\$3). If the renewal and revival fees are not paid within one hundred eighty (180) days after the license expires, the license shall be automatically canceled by operation of law for nonpayment. A license may be reinstated upon payment of all delinquent renewal fees plus a revival fee of ten dollars (\$10) for a master plumber and six dollars (\$6) for a journeyman plumber. Upon presentation of proper evidence, the department may waive payment of any renewal or revival fee for a person serving on active duty in the Armed Forces of the United States.
- (5)
 - (a) ***The department shall grant an interim period of up to one hundred eighty (180) continuous calendar days to allow a company to utilize the master plumber's license of a recently deceased owner or deceased employee who procured plumbing permits for that company, provided that the company:***
 1. ***Effectuates and documents all necessary bonding and insurance policies required in this chapter; and***
 2. ***Ensures that the bonding and insurance policies remain in effect for the entirety of the interim time period extended by the department.***
 - (b) ***The license of a deceased master plumber shall be terminated by the department at the end of the interim period.***
 - (c) ***Upon termination of the deceased master plumber's license, a company shall have an employee with a current and valid Kentucky master plumber's license in order to procure permits and perform plumbing work governed by this chapter.***

➔Section 6. KRS 227.480 is amended to read as follows:

- (1)
 - (a) A city, county, urban-county government, charter county, or consolidated local government or the state shall, according to the Uniform State Building Code as it pertains to the plan review and inspection responsibilities of local governments or the state, require any person to obtain a permit before commencing construction, alteration, or repairs of any electrical system.
 - (b) The city, county, urban-county government, charter county, or consolidated local government or the state shall require all inspections that are deemed necessary by the department for the safety of life and property. The department shall promulgate administrative regulations to describe the circumstances where inspections are required.
- (2) A city, county, urban-county government, charter county, or consolidated local government or the state shall not issue a permit unless the applicant submits proof of being licensed as an electrical contractor under KRS Chapter 227A or of acting on behalf of a licensed electrical contractor. However, the provisions of this subsection shall not apply to:

- (a) A homeowner or farmer who does construction, alteration, or repairs of any electrical system on his or her own premises or any other person exempt from licensing under KRS 227A.030 or 227A.150; ~~[- This subsection shall not apply to]~~
- (b) Electrical work performed by the Commonwealth of Kentucky, a city, county, urban-county government, charter county, or consolidated local government, or any subdivision thereof; *or*
- (c) *A company with a recently deceased licensed electrical contractor, which shall be granted an interim period of up to one hundred eighty (180) continuous calendar days by the city, county, urban-county government, charter county, consolidated local government, or state to allow the company to utilize the license of the deceased electrical contractor if:*
1. *The company effectuates and documents all necessary bonding and insurance policies required by KRS Chapter 227A; and*
 2. *Ensures that the bonding and insurance policies remain in effect for the entirety of the interim period of time extended.*
- (3) A city, county, urban-county government, charter county, or consolidated local government shall appoint and may fix the compensation of city, county, urban-county **government**, charter county, or consolidated local government electrical inspectors, and may by ordinance fix reasonable fees and establish other requirements for the conduct of electrical inspections within its boundaries. All electrical inspectors shall be certified under KRS 227.489.
- (4) Reasonable standards for the construction, alteration, and repair of any electrical system shall be those adopted in the Uniform State Building Code, as promulgated by the department, and shall have as a minimum standard the requirements of the National Electrical Code, *which may include Kentucky amendments*. These standards shall be used by the electrical inspector in making his inspections.

➔Section 7. KRS 227A.140 is amended to read as follows:

- (1) A master electrician who ceases to be associated with the electrical contractor and is the representative by which the licensed electrical contractor qualifies shall immediately report his or her disassociation to the department or the authorized local licensing program. The master electrician shall be responsible for all work done under his or her license until the department or the authorized local licensing program is notified by the master electrician that he or she is no longer associated with the electrical contractor.
- (2) If the holder of any electrical license ceases to be a part of the business relying upon the holder's license for its right to remain in business, the business shall employ a licensed person prior to the continuance of any business activity or within thirty (30) days, whichever comes first.
- (3) (a) *Notwithstanding subsection (2) of this section, if a master electrician dies while a business was relying on his or her license for its right to remain in business, the department shall grant an interim time period of up to one hundred eighty (180) continuous calendar days to allow the business for which the master electrician worked to utilize the master electrician's license to procure electrical permits for that business, provided that the business:*
1. *Effectuates and documents all necessary bonding and insurance policies required by this chapter; and*
 2. *Ensures all bonding and insurance policies remain effective for the entirety of the interim time period.*
- (b) *A deceased master electrician's license shall be terminated by the department at the end of the interim period.*
- (c) *Upon termination of the deceased master electrician's license, an electrical contractor shall have an employee with a current and valid Kentucky master electrician's license in order to procure permits and perform electrical work under this chapter.*

Signed by Governor March 23, 2018.