

AN ACT relating to heating, ventilation and air conditioning systems.

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 direct supervision of a master heating, ventilation, and air conditioning contractor or under the direct supervision of~~and~~ a journeyman heating, ventilation, and air conditioning mechanic who is working under the general supervision of a master heating, ventilation, and air conditioning contractor;
- (3) "Board" means the Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors;
- (4) "Burner service" means the servicing of oil or gas burners used for heating air or water for purposes other than the transmission of heat;
- (5) "Certificate" means a document issued by the board 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;
- (6) "Commissioner" means the commissioner of the Department of Housing, Buildings and Construction;
- (7) "Department" means the Department of Housing, Buildings and Construction;
- (8) "Direct supervision" means that the licensed supervising authority is physically present at all times on the site where the work is being performed, personally directs all work delegated to the unlicensed person, and remains immediately

available to observe, instruct, and guide the unlicensed person in his or her work;

(9) "General supervision" means that the licensed supervising authority oversees the work performed overall but is not required to be on-site at all times during work relating to heating, ventilation, and air conditioning systems;

(10) "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;

(11)~~(9)~~ "Hydronic system" means a heating and cooling system using liquids to transmit or remove heat;

(12)~~(10)~~ "Initial heating, ventilation, or air conditioning system" means the first or original heating, ventilation, or air conditioning system installed in a building;

(13)~~(11)~~ "Journeyman heating, ventilation, and air conditioning mechanic" means an individual who is licensed by the board to perform heating, ventilation, and air conditioning work under the supervision, direction, and responsibility of a master heating, ventilation, and air conditioning contractor;

(14)~~(12)~~ "Maintenance person or maintenance engineer" means a person who is a regular and bona fide full-time employee ~~for 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 or replacement of heating, ventilation, or air conditioning systems;

(15)~~(13)~~ "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;

(16)~~(14)~~ "Master heating, ventilation, and air conditioning contractor" means a heating, ventilation, and air conditioning contractor who is licensed by the board to advertise and practice heating, ventilation, and air conditioning contracting in this Commonwealth;

(17)~~(15)~~ "Permit" means a document issued by the department or its authorized agent allowing the installation of an original heating, ventilation, or air conditioning system;

(18)~~(16)~~ "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;

(19)~~(17)~~ "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 or** the installation of complete new heating, ventilation, or air conditioning systems; and

(20)~~(18)~~ "Ventilation system" means a natural or mechanical system of supplying air to or removing air from any space.

➔Section 2. KRS 198B.652 is amended to read as follows:

- (1) The Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors is hereby created, which shall be attached to the Department of Housing, Buildings

and Construction for administrative purposes. The board shall consist of eight (8) members, one (1) of whom shall be a member of the Home Builders Association of Kentucky; one (1) of whom shall be a member of the Kentucky Society of Professional Engineers; one (1) of whom shall be a member of the Kentucky Association of Master Contractors~~[Plumbing Heating Cooling Contractors]~~; one (1) of whom shall be a member of the Mechanical Contractors Association of Kentucky; one (1) of whom shall be a heating, ventilation, or air conditioning contractor; one (1) of whom shall represent the public and shall not be associated with or financially interested in heating, ventilation, and air conditioning contracting; one (1) of whom shall be the commissioner of the Department of Housing, Buildings and Construction or his or her designee; and one (1) of whom shall be a local government official or employee, who shall have a background in the heating, ventilation, or air conditioning industry. Each member of the board shall be a citizen and resident of the Commonwealth of Kentucky.

- (2) All members of the board, except those who represent the public, local government, the Department of Housing, Buildings and Construction, and the Kentucky Society of Professional Engineers, shall have been actively engaged in the heating, ventilation, and air conditioning contracting business as a master heating, ventilation, and air conditioning contractor for not less than five (5) years immediately preceding the date of the appointment to the board and shall hold a valid license or certificate for that status.
- (3) Except for the commissioner, who shall serve for so long as he or she holds his or her appointment as commissioner, the terms of the board members shall be as follows. The remaining seven (7) board members shall be appointed by the Governor with initial appointments for three (3) members for terms of three (3) years, two (2) members for terms of two (2) years, and two (2) members for terms of one (1) year. All appointments shall expire on June 30 of the last year of the

terms. Thereafter, these members shall be appointed by the Governor for terms of three (3) years. No person shall serve more than two (2) full consecutive terms. Members shall serve until their successors are appointed.

- (4) The commissioner of the Department of Housing, Buildings and Construction, or his or her designee, shall serve as chairman of the board. A majority of the board shall constitute a quorum to conduct business. The board shall meet at least once each calendar quarter in a location designated by the chairman or commissioner. The board may meet upon special call by the chairman, the commissioner, or a majority of the board.
- (5) Each member of the board, except the commissioner, shall receive twenty-five dollars (\$25) per day for attending each meeting and shall be reimbursed for all necessary expenses incurred in the performance of his or her official duties.
- (6) Vacancies in the membership of the board for any cause shall be filled by appointment by the Governor for the balance of the unexpired term.

➔Section 3. KRS 198B.6671 is amended to read as follows:

- (1) Notwithstanding KRS 198B.030 to the contrary, any person who installs an initial heating, ventilation, or air conditioning system **in a one- or two-family dwelling or townhouse as defined by the Uniform State Building Code, or who installs, alters, performs a major repair upon, or replaces any heating, ventilation, or air conditioning system in any other type of building,** shall apply for a permit prior to beginning the **work**~~[installation]~~. No **work**~~[installation]~~ shall begin before the application for the permit has been filed. In no event, however, shall a person exempt under KRS 198B.674 be required to possess or show proof of a heating, ventilation, or air conditioning license in order to obtain the permit required by this section.
- (2) The applicant for a heating, ventilation, and air conditioning permit, by the act of applying for the permit, shall be deemed to consent to inspection of the installation,

alteration, major repair, or replacement by authorized inspectors of the Commonwealth of Kentucky and of the relevant city, county, urban-county, charter county, unified local government, or consolidated local government.

- (3) The permit shall give:
 - (a) The name of the person performing the work;
 - (b) The full extent of the work to be performed;
 - (c) The name of the owner or owners of the property where the work is to be performed;
 - (d) The location of the property where the work is to be performed, including county and street address; and
 - (e) The master license number, if the work is required to be performed by a master heating, ventilation, and air conditioning contractor.
- (4) No permit shall be required for any installation, alteration, major repair, or replacement performed on a manufactured home as defined by KRS 227.550(7), by a manufactured home retailer licensed pursuant to KRS 227.610, or by a manufacturer as defined by KRS 227.550(9).
- (5) No permit or inspection shall be required for the installation, alteration, major repair, or replacement of window unit air conditioners or space heaters.
- (6) No permit or inspection shall be required for the installation, alteration, major repair, or replacement of a heating, ventilation, or air conditioning system except in buildings designed for human occupancy.

➔Section 4. KRS 198B.672 is amended to read as follows:

Subject to a hearing conducted in accordance with KRS Chapter 13B, the board, or its designee, may revoke, suspend, place on probation, or restrict the license or certificate of any licensee or certificate holder; refuse to issue or renew a license or certificate; or reprimand, censure, or fine a licensee or certificate holder for any of the following reasons:

- (1) Fraud or deceit in obtaining licensure or certification;
- (2) Transfer of the authority granted by the license or certificate to another person;
- (3) Unfair or deceptive trade practices;
- (4) Willful or deliberate disregard and violation of building codes, electrical codes, or related laws and ordinances of this Commonwealth or any city, county, or urban-county government;
- (5) Aiding or abetting any person attempting to evade the provisions of KRS 198B.650 to 198B.689;
- (6) Conspiracy or knowingly combining with any person, to allow a license or certificate to be used by an unlicensed or uncertified person, firm, or corporation with intent to evade the provisions of KRS 198B.650 to 198B.689. Allowing a license or certificate to be used by more than one (1) person shall be prima facie evidence of intent to evade the provisions of KRS 198B.650 to 198B.689;
- (7) Willful or deliberate disregard of disciplinary actions taken by the board, or of a city, county, or urban-county government;
- (8) Negligence or incompetence in compliance with applicable codes and standards of practice;
- (9) Violation of any of the provisions of KRS 198B.650 to 198B.689 or any administrative regulation promulgated by the board; or
- (10) Conviction of a felony or of any crime an element of which is dishonesty or fraud, under the laws of any state or of the United States.

➔Section 5. KRS 198B.674 is amended to read as follows:

KRS 198B.656(4)~~[198B.650 to 198B.689]~~ shall not apply to:

~~[(1) Employees of any master heating, ventilation, and air conditioning contractor who are subordinates of the licensee, if those employees are not journeyman heating, ventilation, and air conditioning mechanics or apprentice heating, ventilation, and air conditioning mechanics and do not engage in heating, ventilation, and air~~

~~conditioning contracting, except as an employee;]~~

~~(1)~~~~(2)~~ An employee of the United States government while practicing heating, ventilation, and air conditioning contracting on or within property owned by the United States government;~~[-]~~

~~(2)~~~~(3)~~ An individual **homeowner**~~[owner of real property]~~ while practicing heating, ventilation, and air conditioning work on or within **the homeowner's residence**~~[property owned and occupied by the individual];~~

~~(3)~~~~(4)~~ A person employed in the installation, **alteration**, maintenance, repair, or replacement of residential window air conditioning units;

~~(4)~~~~(5)~~ A person licensed under KRS Chapter 236, if he **or she** is installing, servicing, repairing, or replacing boiler devices;

~~(5)~~~~(6)~~ A person licensed under KRS Chapter 322, if he **or she** is preparing plans or conducting construction inspections;

~~(6)~~~~(7)~~ A full-time maintenance person or maintenance engineer performing routine maintenance of heating, ventilation, or air conditioning in connection with his **or her** employment;

~~(7)~~~~(8)~~ Contractors or employees while installing or maintaining heating, cooling, air conditioning, ventilation, or burner services on any property or site owned or operated by any entity:

(a) Subject to the jurisdiction of KRS Chapter 278; or

(b) Of any municipal electric, water, gas, or sewer utility operating pursuant to any of the provisions of KRS Chapter 96;

~~(8)~~~~(9)~~ The adjustment of an air flow device performed by any entity specified in subsection (8) of this section, if the adjustment is performed in conjunction with the installation, replacement, or repair of a gas distribution line;

~~(9)~~~~(10)~~ A person licensed or certified pursuant to KRS 227.570, or the administrative regulations promulgated thereunder, **while engaged in the**~~[upon]~~ initial installation

of air conditioning units incorporated with the original sale of a manufactured housing unit;

~~(10)~~~~(11)~~ A general retailer whose primary business is not the practice of heating, ventilation, and air conditioning contracting, if that general retailer uses only licensed subcontractors that comply with the provisions of KRS 198B.650 to 198B.689. The provisions of this subsection shall not exclude or limit the liability of the general retailer, or exempt the general retailer from the insurance requirements as established in KRS 198B.668, if the general retailer is engaging in the practice of heating, ventilation, and air conditioning contracting;

~~(11)~~~~(12)~~ A person working within the scope of his or her license or certification issued pursuant to KRS Chapter 227A, while engaged in the installation, alteration, service, repair, or replacement of an electrical component of electrical units on any heating, ventilation, or air conditioning system;

~~(13)~~ An employee or agent of the Commonwealth of Kentucky while practicing heating and ventilation contracting in connection with weatherization assistance for low income persons pursuant to 903 KAR 6:020;

~~(12)~~~~(14)~~ A person conducting routine maintenance of heating, ventilation, or air conditioning as a volunteer for any church or religious organization, provided he or she receives no compensation for the services rendered;~~or~~

~~(13)~~~~(15)~~ The installation, alteration, service, repair, or replacement of liquefied petroleum gas units on any heating, ventilation, or air conditioning system by an employee of any person licensed under the provisions of KRS 234.120(1)(a); or

~~(14)~~ A person performing the installation, alteration, service, repair, or replacement of a range hood system that is separate from, and not connected to or incorporated with, the building's heating, ventilation, or air conditioning system.

➔Section 6. 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 five (5) years in a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;
 - (d) Have passed an examination prescribed by the board 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 board.
- (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 four (4) years in a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;
- (d) Have passed an examination prescribed by the board 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 board.
- (3) If an applicant has obtained, while exempt from licensure under 198B.674~~(1)~~~~(2)~~, ~~(6)~~~~(7)~~, ~~(7)~~~~(8)~~, ~~(9)~~~~(10)~~, ~~(13)~~, or ~~(12)~~~~(14)~~, work experience that the board determines to be equivalent to the requirements of subsection (1)(c) or (2)(c) of this section, such 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 board shall issue an apprentice heating, ventilation, and air conditioning mechanic's certificate to any person who is registered with the board.
 - (b) The board 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 board in writing of any change in address or employer.
 - (e) Apprentices and pre-apprentices shall not be required to pay fees for a certificate of registration or a registration renewal fee.
- (5) The satisfactory completion of one (1) academic year of a board-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 board-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.