

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

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

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

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

- 5 (1) "Air conditioning or cooling system" means a system in which heat is removed from
6 air, surrounding surfaces, or both;
- 7 (2) "Apprentice heating, ventilation, and air conditioning mechanic" means an
8 individual in the process of learning the heating, ventilation, and air conditioning
9 trade who assists and is under the supervision of a master heating, ventilation, and
10 air conditioning contractor and a journeyman heating, ventilation, and air
11 conditioning mechanic;
- 12 (3) "Board" means the Kentucky Board of Heating, Ventilation, and Air Conditioning
13 Contractors;
- 14 (4) "Burner service" means the servicing of oil or gas burners used for heating air or
15 water for purposes other than the transmission of heat;
- 16 (5) "Certificate" means a document issued by the board to an apprentice heating,
17 ventilation, and air conditioning mechanic to assist a master heating, ventilation,
18 and air conditioning contractor or a journeyman heating, ventilation, or air
19 conditioning mechanic;
- 20 (6) "Commissioner" means the commissioner of the Department of Housing, Buildings
21 and Construction;
- 22 (7) "Department" means the Department of Housing, Buildings and Construction;
- 23 (8) "Heating system" means a system in which heat is transmitted by radiation,
24 conduction, convection, or a combination of any of these methods to air,
25 surrounding surfaces, or both. "Heating system" does not include fireplaces and
26 free-standing stoves not incorporated into a primary heating system, electric thermal
27 storage units, electric ceiling cable heating systems, or electric baseboard heating

- 1 units;
- 2 (9) "Hydronic system" means a heating and cooling system using liquids to transmit or
3 remove heat;
- 4 (10) "Initial heating, ventilation, or air conditioning system" means the first or original
5 heating, ventilation, or air conditioning system installed in a building;
- 6 (11) "Journeyman heating, ventilation, and air conditioning mechanic" means an
7 individual who is licensed by the board to perform heating, ventilation, and air
8 conditioning work under the supervision, direction, and responsibility of a master
9 heating, ventilation, and air conditioning contractor;
- 10 (12) "Maintenance person or maintenance engineer" means a person who is a regular and
11 bona fide full-time employee~~[or agent]~~ of a property owner, property lessor,
12 property management company, or firm, not in the heating, ventilating, and air
13 conditioning business that has jurisdiction of property where the routine
14 maintenance of heating, ventilating, and air conditioning is being performed,
15 provided the maintenance shall not include major repairs or replacement of
16 heating, ventilation, or air conditioning systems;
- 17 (13) "Major repair" means the complete replacement of any of the following heating,
18 ventilation, or air conditioning equipment:
- 19 (a) Furnaces;
- 20 (b) Condensing units;
- 21 (c) Heat pumps;
- 22 (d) Fan coil units;
- 23 (e) Chiller systems; or
- 24 (f) Heating boiler systems not covered by KRS Chapter 236;
- 25 (14) "Master heating, ventilation, and air conditioning contractor" means a heating,
26 ventilation, and air conditioning contractor who is licensed by the board to advertise
27 and practice heating, ventilation, and air conditioning contracting in this

1 Commonwealth;

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

5 (16) "Practice of heating, ventilation, and air conditioning contracting" means the
6 installation, maintenance, altering, remodeling, or repair of heating systems,
7 ventilation systems, hydronic systems, burner service, or cooling systems;

8 (17) "Routine maintenance of heating, ventilation, or air conditioning" means the routine
9 and periodic servicing of heating, ventilation, and air conditioning systems,
10 including cleaning, inspection, and adjustments to ensure ~~the~~ proper operation,
11 ~~and the removal and replacement of component parts~~. "Routine maintenance of
12 heating, ventilation, or air conditioning" shall not include **major repairs or** the
13 installation of complete new heating, ventilation, or air conditioning systems; and

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

16 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
17 READ AS FOLLOWS:

18 **(1) The Department of Housing, Buildings and Construction, Division of Heating,**
19 **Ventilation, and Air Conditioning may grant up to a one hundred eighty (180)**
20 **continuous calendar day interim period to allow a company to utilize the master**
21 **heating, ventilation, and air conditioning license of a recently deceased owner or**
22 **deceased employee who procured heating, ventilation, and air conditioning**
23 **permits for that company. The company shall effectuate and document all**
24 **necessary bonding and insurance policies required by this chapter and ensure**
25 **that they remain effective for this interim period of time extended by the division.**

26 **(2) The license of a deceased master heating, ventilation, and air conditioning**
27 **contractor shall be terminated by the division at the end of the interim period.**

1 **(3) Upon termination of the deceased contractor's license, a heating, ventilation, and**
 2 **air conditioning contractor shall have a current and valid master heating,**
 3 **ventilation, and air conditioning license in order to procure permits and perform**
 4 **heating, ventilation, and air conditioning work under KRS 198B.650 to**
 5 **198B.689.**

6 ➔Section 3. KRS 198B.658 is amended to read as follows:

7 (1) An applicant for a master heating, ventilation, and air conditioning contractor's
 8 license shall:

9 (a) Be at least eighteen (18) years of age;

10 (b) Be a citizen of the United States or be a resident alien who is authorized to do
 11 work in the United States;

12 (c) 1. Have been regularly and principally employed or engaged in heating,
 13 ventilation, and air conditioning trades as a journeyman heating,
 14 ventilation, and air conditioning mechanic for not less than two (2) years
 15 under the direction and supervision of a master heating, ventilation, and
 16 air conditioning contractor; or

17 2. Have been regularly and principally employed or engaged in the practice
 18 of heating, ventilation, and air conditioning contracting as a master
 19 heating, ventilation, and air conditioning contractor, or equivalent
 20 thereof, for not less than five (5) years ~~in a jurisdiction other than~~
 21 ~~Kentucky~~, as demonstrated by verifiable documentation;

22 (d) Have passed an examination prescribed by the board to determine the
 23 applicant's competency to practice heating, ventilation, and air conditioning
 24 contracting; and

25 (e) Have paid a fee as established in administrative regulations promulgated by
 26 the board.

27 (2) An applicant for a journeyman heating, ventilation, and air conditioning mechanic's

1 license shall:

2 (a) Be at least eighteen (18) years of age;

3 (b) Be a citizen of the United States or be a resident alien who is authorized to do
4 work in the United States;

5 (c) 1. Have been regularly and principally employed or engaged in heating,
6 ventilation, and air conditioning trades for not less than two (2) years
7 under the direction and supervision of a master heating, ventilation, and
8 air conditioning contractor; or

9 2. Have been regularly and principally employed or engaged in the
10 performance of heating, ventilation, and air conditioning work for not
11 less than four (4) years in a jurisdiction other than Kentucky, as
12 demonstrated by verifiable documentation;

13 (d) Have passed an examination prescribed by the board to determine the
14 applicant's competency to install, maintain, and repair heating and cooling
15 systems, heating and cooling service, burner service, and hydronic systems;
16 and

17 (e) Have paid a fee as established in administrative regulations promulgated by
18 the board.

19 (3) If an applicant has obtained, while exempt from licensure under 198B.674(2), (7),
20 (8), (10), (13), or (14), work experience that the board determines to be equivalent
21 to the requirements of subsection (1)(c) or (2)(c) of this section, such experience
22 may be considered as equivalent to one (1) year of employment toward the licensure
23 requirements for a master heating, ventilation, and air conditioning contractor or
24 journeyman heating, ventilation, and air conditioning mechanic, as applicable, not
25 to exceed one (1) year.

26 (4) (a) The board shall issue an apprentice heating, ventilation, and air conditioning
27 mechanic's certificate to any person who is registered with the board.

- 1 (b) The board shall establish by administrative regulation the minimum number of
2 hours of experience required by apprentices and shall maintain an apprentice
3 register to credit an apprentice for hours worked under the supervision of a
4 master heating, ventilation, and air conditioning contractor and journeyman
5 heating, ventilation, and air conditioning mechanic. Experience gained under
6 the supervision of a Kentucky licensed master heating, ventilation, and air
7 conditioning contractor while registered as an apprentice with the Kentucky
8 Labor Cabinet, Department of Workplace Standards, in cooperation with the
9 United States Department of Labor, Bureau of Apprenticeship and Training
10 shall be accepted toward the two (2) year experience requirement for a
11 journeyman heating, ventilation, and air conditioning mechanic license.
- 12 (c) The apprentice register shall include the name, address, Social Security
13 number, employer, and dates of employment of the apprentice.
- 14 (d) The apprentice shall notify the board in writing of any change in address or
15 employer.
- 16 (e) Apprentices and pre-apprentices shall not be required to pay fees for a
17 certificate of registration or a registration renewal fee.
- 18 (5) The satisfactory completion of one (1) academic year of a board-approved
19 curriculum or one (1) year of professional training in heating, ventilation, and air
20 conditioning work may be considered as equivalent to one (1) year of employment
21 toward the licensure requirements for a journeyman heating, ventilation, and air
22 conditioning mechanic, not to exceed one (1) year.
- 23 (6) The satisfactory completion of one (1) academic year of teaching experience in a
24 board-approved or state-approved technical education program in heating,
25 ventilation, and air conditioning shall be considered as equivalent to one (1) year of
26 employment, as required by subsection (1)(c) or (2)(c) of this section. No more than
27 one (1) year of approved teaching experience may be used in meeting the

1 requirements of subsection (1)(c) or (2)(c) of this section.

2 ➔Section 4. KRS 198B.678 is amended to read as follows:

3 (1) No firm, company, or corporation may engage in the practice of heating, ventilation,
4 and air conditioning contracting in any county of the Commonwealth, unless the
5 person in responsible charge of the heating, ventilation, and air conditioning work is
6 a master heating, ventilation, and air conditioning contractor and is an employee or
7 subcontractor of the firm, company, or corporation.

8 (2) Each master heating, ventilation, and air conditioning contractor who is employed
9 by a firm, company, or corporation engaged in the practice of heating, ventilation,
10 and air conditioning contracting shall notify the board of that employment and upon
11 termination of the employment.

12 (3) No master heating, ventilation, and air conditioning contractor shall represent more
13 than one (1) firm, company, or corporation *unless the contractor is domiciled in*
14 *the Commonwealth and has a minimum of twenty-five percent (25%) ownership*
15 *in each firm, company, or corporation the contractor represents.*

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

17 (1) The initial license for a master or journeyman plumber shall expire on the last day
18 of the licensee's birth month in the following year. The department may reduce the
19 license fee on a pro rata basis for initial licenses issued for less than twelve (12)
20 months. Renewed licenses shall expire on the last day of the licensee's birth month
21 of each year after the date of issuance of the renewed license.

22 (2) The department shall require an applicant for renewal of a license to show evidence
23 of completing the continuing education requirements set forth by the department,
24 with advice from the State Plumbing Code Committee, in its administrative
25 regulations issued under KRS 318.130.

26 (3) The department shall send each licensed master and journeyman plumber a notice
27 advising them that the annual license renewal fee is due. The notice shall be sent to

1 the licensee's last known address no later than thirty (30) days prior to the expiration
2 of the license. The annual license renewal fee shall be a reasonable fee set by
3 regulation of the department. The fee for the renewal of a master plumber's license
4 shall exceed the fee charged for a journeyman plumber's license.

5 (4) Any master or journeyman plumber who fails to renew his license prior to
6 expiration may have his license renewed upon payment of the required renewal fee,
7 a revival fee, and upon showing the completion of continuing education
8 requirements. The revival fee for a master plumber shall be five dollars (\$5) and for
9 a journeyman plumber three dollars (\$3). If the renewal and revival fees are not paid
10 one hundred eighty (180) days after the license expires, such licenses shall be
11 automatically canceled by operation of law for nonpayment; provided, however,
12 that such licenses may be reinstated upon payment of all delinquent renewal fees
13 plus a revival fee of ten dollars (\$10) for a master plumber and six dollars (\$6) for a
14 journeyman plumber. Upon presentation of proper evidence, the department may
15 waive payment of any renewal or revival fee specified herein for persons serving on
16 active duty in the Armed Forces of the United States.

17 **(5) (a) The Department of Housing, Buildings and Construction, Division of**
18 **Plumbing may grant up to a one hundred eighty (180) continuous calendar**
19 **day interim period, to allow a company to utilize the Kentucky master**
20 **plumber's license of a recently deceased owner or deceased employee who**
21 **procured plumbing permits for that company. The company shall effectuate**
22 **and document all necessary bonding and insurance policies required by this**
23 **chapter and ensure that they remain effective for this interim period of time**
24 **extended by the division.**

25 **(b) The license of a deceased plumber shall be terminated by the division at the**
26 **end of the interim period.**

27 **(c) Upon termination of the deceased plumber's license, a plumbing contractor**

1 *shall have a current and valid Kentucky master plumber's license in order*
2 *to procure permits and perform plumbing work governed under this*
3 *chapter.*