

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

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) "Burner service" means the servicing of oil or gas burners used for heating air or
13 water for purposes other than the transmission of heat;
- 14 (4) "Certificate" means a document issued by the department to an apprentice heating,
15 ventilation, and air conditioning mechanic to assist a master heating, ventilation,
16 and air conditioning contractor or a journeyman heating, ventilation, or air
17 conditioning mechanic;
- 18 (5) "Commissioner" means the commissioner of the Department of Housing, Buildings
19 and Construction;
- 20 (6) "Department" means the Department of Housing, Buildings and Construction;
- 21 (7) "Heating system" means a system in which heat is transmitted by radiation,
22 conduction, convection, or a combination of any of these methods to air,
23 surrounding surfaces, or both. "Heating system" does not include fireplaces and
24 free-standing stoves not incorporated into a primary heating system, electric thermal
25 storage units, electric ceiling cable heating systems, or electric baseboard heating
26 units;
- 27 (8) "Hydronic system" means a heating and cooling system using liquids to transmit or

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

1 system;

2 (15) (a) "Practice of heating, ventilation, and air conditioning contracting" means the
3 installation, maintenance, altering, remodeling, or repair of heating systems,
4 ventilation systems, hydronic systems, burner service, or cooling systems.

5 **(b) "Practice of heating, ventilation, and air conditioning contracting" does**
6 **not include cleaning of duct work. If cleaning of duct work involves cutting**
7 **an access point or hole into a duct, the access point or hole shall be repaired**
8 **and resealed in such a manner that the integrity of the duct is restored**
9 **before the cleaning service is concluded.**

10 **(c) Nothing in this subsection shall be taken to prohibit a person licensed**
11 **under KRS 198B.650 to 198B.689 from performing the cleaning of duct**
12 **work;**

13 (16) "Routine maintenance of heating, ventilation, or air conditioning" means the routine
14 and periodic servicing of heating, ventilation, and air conditioning systems,
15 including cleaning, inspection, and adjustments to ensure the proper operation, and
16 the removal and replacement of component parts. "Routine maintenance of heating,
17 ventilation, or air conditioning" shall not include major repairs; and

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

20 ➔Section 2. KRS 198B.674 is amended to read as follows:

21 KRS 198B.650 to 198B.689 shall not apply to:

22 (1) Employees of any master heating, ventilation, and air conditioning contractor who
23 are subordinates of the licensee, if those employees are not journeyman heating,
24 ventilation, and air conditioning mechanics or apprentice heating, ventilation, and
25 air conditioning mechanics and do not engage in heating, ventilation, and air
26 conditioning contracting, except as an employee;

27 (2) An employee of the United States government while practicing heating, ventilation,

- 1 and air conditioning contracting on or within property owned by the United States
2 government.
- 3 (3) An individual owner of real property while practicing heating, ventilation, and air
4 conditioning work on or within property owned and occupied by the individual;
- 5 (4) A person employed in the installation, maintenance, repair, or replacement of
6 residential window air conditioning units;
- 7 (5) A person licensed under KRS Chapter 236, if he is installing, servicing, repairing,
8 or replacing boiler devices;
- 9 (6) A person licensed under KRS Chapter 322, if he is preparing plans or conducting
10 construction inspections;
- 11 (7) A full-time maintenance person or maintenance engineer performing routine
12 maintenance of heating, ventilation, or air conditioning in connection with his
13 employment;
- 14 (8) Contractors or employees while installing or maintaining heating, cooling, air
15 conditioning, ventilation, or burner services on any property or site owned or
16 operated by any entity:
- 17 (a) Subject to the jurisdiction of KRS Chapter 278; or
18 (b) Of any municipal electric, water, gas, or sewer utility operating pursuant to
19 any of the provisions of KRS Chapter 96;
- 20 (9) The adjustment of an air flow device performed by any entity specified in
21 subsection (8) of this section, if the adjustment is performed in conjunction with the
22 installation, replacement, or repair of a gas distribution line;
- 23 (10) A person licensed or certified pursuant to KRS 227.570, or the administrative
24 regulations promulgated thereunder, upon initial installation of air conditioning
25 units incorporated with the original sale of a manufactured housing unit;
- 26 (11) A general retailer whose primary business is not the practice of heating, ventilation,
27 and air conditioning contracting, if that general retailer uses only licensed

1 subcontractors that comply with the provisions of KRS 198B.650 to 198B.689. The
2 provisions of this subsection shall not exclude or limit the liability of the general
3 retailer, or exempt the general retailer from the insurance requirements as
4 established in KRS 198B.668, if the general retailer is engaging in the practice of
5 heating, ventilation, and air conditioning contracting;

6 (12) The installation, service, repair, or replacement of electrical units on any heating,
7 ventilation, or air conditioning system;

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

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

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

17 **(16) A person cleaning duct work not engaged in installation or repair of the heating,**
18 **ventilation, or air conditioning system unless, in cleaning the duct work it was**
19 **necessary to cut an access point or hole, in which case the repair of the access**
20 **point or hole shall be included in the cleaning service and the duct work shall be**
21 **restored to its original integrity before concluding the cleaning service. A person**
22 **who cuts, repairs, or restores duct work related to a duct cleaning service shall be**
23 **a contractor that is licensed and insured in the state of Kentucky.**