

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Heating, Ventilation, and Air Conditioning
(Amendment)

815 KAR 8:010. Licensing requirements for master HVAC contractors and journeyman HVAC mechanics.

RELATES TO: KRS 198B.650, 198B.654, 198B.656, 198B.658, 198B.659, 198B.660, 198B.664, 198B.668, 198B.672, 198B.676

STATUTORY AUTHORITY: KRS 198B.654(1), 198B.658, ~~198B.660(1), (2), 198B.664(1), (3)~~, 198B.676(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654(1) requires the department to promulgate administrative regulations in accordance with KRS Chapter 13A to administer, coordinate, and necessary to enforce the provisions of KRS 198B.650 through 198B.689 and to conduct HVAC examinations. KRS 198B.658 requires the department to establish ~~fees~~qualifications for HVAC licensure and certification. ~~KRS 198B.660(1) and (2) require the department to establish examination requirements.~~ KRS 198B.664 requires the department to establish requirements, including fees, for license renewal and inactive licenses. KRS 198B.676(1) requires the department to establish fees by administrative regulation. This administrative regulation establishes the licensure requirements for master HVAC contractors and journeyman HVAC mechanics.

Section 1. General Requirements.

(1) Master HVAC Contractor.

(a) Supervision. The master HVAC contractor shall supervise and be primarily responsible for all HVAC work performed by the employees and subcontractors of the licensee or the company that the licensee represents, whichever is applicable.

(b) Company license. A licensee who is an employee of a company and whose license represents the company, if the licensee ceases to represent the company or if the name of the company changes, shall:

1. Notify the department in writing; and
2. Request a change of information.

(c) Death of a master HVAC contractor.

1. If the master HVAC contractor representing a company dies, the company shall notify the department within ten (10) days of the master HVAC contractor's death.

2. The 180 day interim period described in KRS 198B.667 shall begin on the date the master HVAC contractor dies.

3. The company shall not be required to renew the deceased's master HVAC contractor license, if the license renewal date falls within the 180 ~~day~~ interim period.

4. The company shall not use the deceased master HVAC contractor license after the expiration date of the interim period.

5. The company shall notify the department when the company has a replacement master HVAC contractor to represent the company on or before the expiration date of the interim period.

(2) Journeyman HVAC mechanic Supervision. The journeyman shall:

(a) Be physically on site;

(b) Personally observe and be responsible for each apprentice assigned to the journeyman in carrying out the installation, alteration, and repair of HVAC systems; and

(c) Otherwise operate under the general direction and supervision of the master HVAC contractor.

Section 2. Initial Application Requirements.

(1) Filing the application.

(a) Master HVAC contractor application. An applicant seeking a master HVAC contractor license shall submit to the department:

1. A completed Master HVAC Contractor License Application on Form HVAC 1;
2. An initial license application fee of \$250 for a twelve (12) month license;
3. Proof of the applicant's experience as required by KRS 198B.658(1)(c) and this administrative regulation; and
4. Proof of insurance as required by KRS 198B.668.

(b) If the master HVAC contractor applicant is an employee representing a company, the applicant shall state the company name on the application form. The company may provide the insurance certificates and shall be subject to this administrative regulation.

(c) Journeyman HVAC mechanic application. An applicant seeking a journeyman HVAC mechanic license shall submit to the department:

1. A completed Journeyman HVAC Mechanic License Application on Form HVAC 2;
2. An initial license application fee of fifty (50) dollars for a twelve (12) month license; and
3. Proof of the applicant's experience as established by KRS 198B.658(2)(c).

(d) Initial license fees may be prorated for not less than seven (7) months or more than eighteen (18) months and shall expire on the final day of the applicant's birth month.

(e) Master HVAC contractor applicants and journeyman HVAC mechanic applicants shall provide to the department proof of satisfactory completion of the respective examination required by Section 4 of this administrative regulation.

(f) Master HVAC contractor applicants and journeyman HVAC mechanic applicants shall provide to the department a passport-sized, color photograph of the applicant taken within the past six (6) months.

(2) Termination of application.

(a) The initial application shall remain pending until all requirements are met, up to a period of one (1) year after the date the application is submitted to the department.

(b) At the end of one (1) year, the application shall be voided~~[void]~~.

Section 3. An applicant for reciprocity shall:

(1) Comply with the requirements established in the reciprocity agreement between Kentucky and the state in which the applicant is licensed;

(2)

(a) For a Master HVAC Contractor license, an applicant shall comply with Section 2(1)(a) and (b) of this administrative regulation.

(b) For a Journeyman HVAC mechanic license, an applicant shall comply with Section 2(1)(c) of this administrative regulation.

(c) If applying for both licenses, an application fee shall be submitted for each license with each application form.

Section 4. Examinations.

(1) The HVAC examinations shall be developed, administered, and scored by the department or its designee.

(2) Master HVAC Contractor examination requirements. The examination shall test the applicant's knowledge of:

(a) Codes, standards, and current technological and industry recommended practices with respect to the proper installation, maintenance, repair, remodeling, or alteration of

- all types of HVAC systems; and
- (b) Law and regulation relating to HVAC business.
- (3) Journeyman HVAC mechanic examination requirements.
- (a) The examination shall test the applicant's knowledge of codes, standards, and current technological and industry recommended practices with respect to the proper installation, maintenance, and repair, remodeling, or alteration of all types of HVAC systems.
- (b) A journeyman HVAC mechanic applicant may apply the passage of a master HVAC contractor's examination for the journeyman HVAC mechanic's examination requirement. The applicant may use the same master HVAC contractor's examination score to satisfy the master HVAC contractor's examination requirement if the examination score is valid pursuant to subsection (7) of this section.
- (4) Except as provided in subsection (8) of this section, an applicant shall pass with a score of at least seventy (70) percent on the examination.
- (5) Examination requests.
- (a) Examination applicants who wish to take any HVAC examination provided by the department shall submit to the department:
1. A completed HVAC Examination Registration Form, Form HVAC-4;
 2. The appropriate, non-refundable examination fee:
 - a. For a master HVAC contractor, \$150; or
 - b. For a journeyman HVAC mechanic, fifty (50) dollars; and
 3. A passport-sized color photograph of the applicant taken within the past six (6) months.
- (b) Notice of the time and place of examinations shall be given by the department at least one (1) week prior to the date of the examination to each person who has a registration form on file.
- (c) If an applicant fails to complete the department-provided examination within one (1) year from the date of the first notice of examination, the application shall be void.
- (d) An applicant who fails an examination may request to retake the examination. Except for the examination fee, an applicant shall not resubmit the requirements in paragraph (a) of this subsection.
- (e) ~~[(a)]~~ A request to sit for ~~the~~ an examination provided by any facility other than the department shall be made directly to a ~~the~~ testing facility ~~facilities~~ approved by the department.
- (f) ~~[(b)]~~ A list of facilities and contact information shall be provided by the department to applicants upon request.
- (6) The examination shall be provided as set forth in KRS 198B.660.
- (7) A passing score on the examination shall be valid for a period of three (3) years.
- (8) Upon application by a testing agency, a national code group, or by an applicant for licensure, the department shall recognize another examination as equivalent to the examinations administered by the department if the person or group submitting the examination demonstrates that the examination covers the same material and requires the same level of knowledge as the department's examination.
- (9) Reasonable accommodations shall be made if necessary to provide accessibility to disabled applicants, upon request.

Section 5. Experience Requirements.

- (1) Records of experience. An applicant's experience shall be listed on the application form.
- (a) Proof of ~~listed~~ experience shall be provided by:
1. A W-2 form;

2. An affidavit by a master HVAC contractor who directed and supervised the applicant;
3. A copy of a current master HVAC contractor license, journeyman HVAC mechanic license, or equivalent, held by the applicant in a state other than Kentucky, if the state requires licensure or ~~the~~ equivalent;
4. Verifiable documentation demonstrating the nature and extent of HVAC contracting work performed in a state other than Kentucky, if the state does not require licensure or the equivalent; or
5. Department of Defense form DD 214.

(b) Additional proof of experience shall be requested by the department, prior to or after licensing, if the department has reason to believe that the experience shown is insufficient or nonexistent.

(2) One (1) year of HVAC experience shall consist minimally of 1,500 hours of HVAC work in a contiguous twelve (12) month period.

Section 6. Inactive License Status.

- (1) A licensee may request that ~~a~~ license be placed in inactive status.
- (2) A master HVAC contractor licensee in inactive status shall not be required to maintain insurance as required by KRS 198B.668.
- (3) A license that is in inactive status shall be exempt from annual renewal.
- (4) A certified HVAC inspector may be licensed as a master HVAC contractor or licensed as a journeyman HVAC mechanic, but shall place the license in inactive status while having an active HVAC inspector certification.
- (5) Performing HVAC work while holding an inactive license shall be grounds for revocation or suspension of all HVAC licenses and certifications held by the licensee.

Section 7. Renewal, Restoration, Reinstatement, and Reactivation Requirements and Procedures.

(1) Filing for renewal. A master HVAC contractor and a journeyman HVAC mechanic shall submit to the department:

- (a) A completed renewal application notice;
- (b)
 1. A renewal fee of \$250 made payable to the Kentucky State Treasurer for a master HVAC contractor; or
 2. A renewal fee of fifty (50) dollars made payable to the Kentucky State Treasurer for a journeyman HVAC mechanic; and
- (c) Proof of annual continuing education attendance in accordance with 815 KAR 2:010; and
- (d) Proof of insurance as required by KRS 198B.668 for a master HVAC contractor.

(2) (a) Except for a license placed in inactive status, application for license renewal shall be filed no later than the last day of the licensee's birth month.

- (b) A license shall be renewed each year.
- (c) A license that is not timely renewed shall immediately expire.

(3) (a) The renewal fee shall be paid prior to renewal.

(b) The department shall send a renewal application notice to each licensee each year to be returned with the required fee.

(4) A renewal application notice filed late, but ~~not~~ more than sixty (60) days after the expiration of the license, shall be accepted, but a restoration fee, as established in Section 8(1) of this administrative regulation, shall be added to the renewal fee.

(5)

- (a) A former licensee whose license has terminated as established in KRS 198B.664(3) may have his or her license reinstated if the licensee satisfies the application requirements for renewal as established in subsection 1 of this section and submits a reinstatement fee as established in Section 8(4) of this administrative regulation no later than three (3) years from the date the former license was terminated.
- (b) A former licensee seeking licensure under this administrative regulation, but whose terminated license was not timely reinstated as established in paragraph (a) of this subsection, shall be required to satisfy all requirements applicable to new applicants for initial licensure as established in this administrative regulation.
- (6) An inactive license shall be reactivated upon payment of the annual renewal fee, the reactivation fee, and upon compliance with the continuing education requirements established in 815 KAR 2:010.
- (7) If an initial license is for a period of less than twelve (12) months, the initial license fee shall be reduced on a pro rata basis.
- (8) The application for renewal, restoration, reinstatement, or reactivation shall be denied if the applicant fails to:
 - (a) Pay any applicable department fee;
 - (b) Comply with the continuing education requirements established in 815 KAR 2:010; or
 - (c) Provide the current insurance certificate required by KRS 198B.668, if a master HVAC contractor.
- (9) A licensee who has not previously provided a passport-sized color photograph shall provide one (1) with the licensee's next application for renewal.

Section 8. Special Service Fees. In addition to the other fees required by this administrative regulation, the special fees established in this section shall also be applied.

- (1) Restoration fee.
 - (a) The fee for restoration of an expired master HVAC contractor license shall be \$125.
 - (b) The fee for restoration of an expired journeyman HVAC mechanic license shall be twenty-five (25) dollars.
- (2) Inactive status fee. The fee to place a license into inactive status shall be twenty (20) dollars.
- (3) Reactivation fee. The fee for reactivation of an inactive license shall be twenty (20) dollars.
- (4) Reinstatement fee.
 - (a) Master HVAC contractor. The fee for reinstatement of a terminated master ~~HVAC contractor license~~ shall be \$250 for each twelve (12) month period, or additional fraction thereof, following the date the license was terminated, not to exceed \$750.
 - (b) Journeyman HVAC mechanic. The fee for reinstatement of a terminated journeyman HVAC mechanic license shall be fifty (50) dollars for each twelve (12) month period, or additional fraction thereof, following the date the license was terminated, not to exceed \$150.

Section 9. Revocation or Suspension of License. A license issued pursuant to this administrative regulation shall be subject to suspension or revocation by the department for any of the reasons stated in KRS 198B.672.

Section 10. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Master HVAC Contractor License Application", Form HVAC 1, May 2020;~~and~~
 - (b) "Journeyman HVAC Mechanic License Application", Form HVAC 2, May 2020;
and
 - (c) "HVAC Examination Registration Form", Form HVAC-4, March 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Heating, Ventilation, and Air Conditioning~~[HVAC Division]~~, 500 Mero Street, Frankfort, Kentucky 40601~~[101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412]~~, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov>.

RAY A. PERRY, Secretary

RICK W. RAND, Commissioner

APPROVED BY AGENCY: May 12, 2022

FILED WITH LRC: May 13, 2022 at 9:35 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 26, 2022 at 10:00 a.m., Eastern Time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals' interest in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2022 at 11:59 p.m., Eastern Time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Benjamin Siegel, General Counsel, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, phone (502) 782-0604, fax (502) 573-1057, email benjamin.siegel@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Benjamin Siegel

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the licensure requirements for master HVAC contractors and journeyman HVAC mechanics.

(b) The necessity of this administrative regulation:

KRS 198B.654(1) requires the department to promulgate administrative regulations in accordance with KRS Chapter 13A to administer, coordinate, and enforce the provisions of KRS 198B.650 through 198B.689 and to conduct HVAC examinations. KRS 198B.658 requires the department to establish fees for HVAC licensure and certification. KRS 198B.664 requires the department to establish requirements, including fees, for license renewal and inactive licenses. KRS 198B.676(1) requires the department to establish fees by administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 198B.654(1) requires the department to promulgate administrative regulations in accordance with KRS Chapter 13A to administer, coordinate, and enforce the provisions of KRS 198B.650 through 198B.689 and to conduct HVAC examinations. KRS 198B.658 requires the department to establish fees for HVAC licensure and certification. KRS 198B.664 requires the department to establish requirements, including fees, for license renewal and inactive licenses. KRS 198B.676(1) requires the department to establish fees by administrative regulation. This administrative regulation establishes the licensure requirements for master HVAC contractors and journeyman HVAC mechanics including fees, experience, and examination requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes the licensure, fee, and examination requirements for master HVAC contractors and journeyman HVAC mechanics, which is required by KRS 198B.654, KRS 198B.658, KRS 198B.664, and KRS 198B.676.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment establishes the procedures and fees for the department-administered journeyman HVAC mechanic exam and master HVAC contractor exam. This amendment also creates a form, incorporated by reference, that is required for registration if an applicant wishes to take the department-administered exams.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to establish fees and procedures for the implementation of department-administered HVAC examinations.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 198B.654(1) requires the department to promulgate administrative regulations in accordance with KRS Chapter 13A to administer, coordinate, and enforce KRS

198B.650 to 198B.689 and to conduct examinations. KRS 198B.676(b) requires the department to establish by administrative regulation examination fees for master HVAC contractors and journeyman HVAC mechanics.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment establishes the registration procedures and fee requirements for department-administered HVAC examinations.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Any applicant who wishes to take the department-administered HVAC examinations.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No answer provided.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

Journeyman HVAC mechanic examination fees are \$50, master HVAC contractor examination fees are \$150.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The department-administered examination was developed at the request of members of the HVAC industry who indicated that third-party testing centers presented unanticipated difficulties for examinees.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

Minor additional costs for travel and time of department employees to administer the examination. These costs will be covered by examination fees.

(b) On a continuing basis:

Minor additional costs for travel and time of department employees to administer the examination. These costs will be covered by examination fees.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Minor additional costs for travel and time of department employees to administer the examination. These costs will be covered by examination fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An examination fee is established by this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

An examination fee is established by this amendment.

(9) TIERING: Is tiering applied?

Tiering is not applied as all regulated entities are subject to the same amended requirements.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Department of Housing, Buildings and Construction, Division of Heating, Ventilation and Air Conditioning.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 198B.654(1) requires the department to promulgate administrative regulations in accordance with KRS Chapter 13A to administer, coordinate, and enforce the provisions of KRS 198B.650 through 198B.689 and to conduct HVAC examinations. KRS 198B.658 requires the department to establish fees for HVAC licensure and certification. KRS 198B.664 requires the department to establish requirements, including fees, for license renewal and inactive licenses. KRS 198B.676(1) requires the department to establish fees by administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This amendment will generate \$50 per department-administered journeyman HVAC mechanic license examination and \$150 per department-administered master HVAC contractor license examination for the first year. As there are also third-party testing facilities that applicants may utilize, it is unknown how many examinations the department will administer in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This amendment will generate \$50 per department-administered journeyman HVAC mechanic license examination and \$150 per department-administered master HVAC contractor license examination for subsequent years. As there are also third-party testing facilities that applicants may utilize, it is unknown how many examinations the department will administer in subsequent years.

(c) How much will it cost to administer this program for the first year?

Cost will be contingent upon demand for department-administered examinations. Pursuant to KRS 198B.676(1)(b), agency costs to administer the examination are covered by the examination fees.

(d) How much will it cost to administer this program for subsequent years?

Cost will be contingent upon demand for department-administered examinations. Pursuant to KRS 198B.676(1)(b), agency costs to administer the examination are covered by the examination fees.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):Neutral

Expenditures (+/-):Neutral

Other Explanation:

Pursuant to KRS 198B.676(1)(b), agency costs to administer the examination are covered by the examination fees. Revenues and expenditures associated with this amendment are contingent upon demand for department-administered HVAC examinations.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This amendment may save regulated entities the difference between the cost of a Department-administered examination and a third-party administered examination in the first year, if they elect to utilize this option.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This amendment may save regulated entities the difference between the cost of a Department-administered examination and a third-party administered examination in subsequent years, if they elect to utilize this option.

(c) How much will it cost the regulated entities for the first year?

This amendment will cost the regulated entities who elect to take the Department-administered examination the applicable examination fee for the first year.

(d) How much will it cost the regulated entities for subsequent years?

This amendment will cost the regulated entities who elect to take the Department-administered examination the applicable examination fee for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):Neutral

Expenditures (+/-):Neutral

Other Explanation:

None.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact, as defined above.