

1 AN ACT relating to building industry licensure.

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 shall 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 contractor license of a recently
22 deceased owner or deceased employee who procured heating ventilation and air
23 conditioning permits for that company, provided that the company effectuates
24 and documents all necessary bonding and insurance policies required in this
25 chapter and ensures that they remain effective for this interim period of time
26 extended by the division.

27 (2) The license of a deceased master heating, ventilation, and air conditioning

1 contractor shall be terminated by the Division of Heating, Ventilation and Air
 2 Conditioning at the end of the interim period and no longer have statutory
 3 validity.

4 (3) Upon termination of the deceased master heating ventilation and air conditioning
 5 contractor license, a company must have a current and valid master heating,
 6 ventilation, and air conditioning license in order to procure permits and perform
 7 heating, ventilation, and air conditioning work governed by KRS 198B.650 to
 8 KRS 198B.689.

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

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

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

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

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

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

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

- 1 (e) Have paid a fee as established in administrative regulations promulgated by
2 the board.
- 3 (2) An applicant for a journeyman heating, ventilation, and air conditioning mechanic's
4 license shall:
- 5 (a) Be at least eighteen (18) years of age;
- 6 (b) Be a citizen of the United States or be a resident alien who is authorized to do
7 work in the United States;
- 8 (c) 1. Have been regularly and principally employed or engaged in heating,
9 ventilation, and air conditioning trades for not less than two (2) years
10 under the direction and supervision of a master heating, ventilation, and
11 air conditioning contractor; or
- 12 2. Have been regularly and principally employed or engaged in the
13 performance of heating, ventilation, and air conditioning work for not
14 less than four (4) years in a jurisdiction other than Kentucky, as
15 demonstrated by verifiable documentation;
- 16 (d) Have passed an examination prescribed by the board to determine the
17 applicant's competency to install, maintain, and repair heating and cooling
18 systems, heating and cooling service, burner service, and hydronic systems;
19 and
- 20 (e) Have paid a fee as established in administrative regulations promulgated by
21 the board.
- 22 (3) If an applicant has obtained, while exempt from licensure under 198B.674(2), (7),
23 (8), (10), (13), or (14), work experience that the board determines to be equivalent
24 to the requirements of subsection (1)(c) or (2)(c) of this section, such experience
25 may be considered as equivalent to one (1) year of employment toward the licensure
26 requirements for a master heating, ventilation, and air conditioning contractor or
27 journeyman heating, ventilation, and air conditioning mechanic, as applicable, not

- 1 to exceed one (1) year.
- 2 (4) (a) The board shall issue an apprentice heating, ventilation, and air conditioning
3 mechanic's certificate to any person who is registered with the board.
- 4 (b) The board shall establish by administrative regulation the minimum number of
5 hours of experience required by apprentices and shall maintain an apprentice
6 register to credit an apprentice for hours worked under the supervision of a
7 master heating, ventilation, and air conditioning contractor and journeyman
8 heating, ventilation, and air conditioning mechanic. Experience gained under
9 the supervision of a Kentucky licensed master heating, ventilation, and air
10 conditioning contractor while registered as an apprentice with the Kentucky
11 Labor Cabinet, Department of Workplace Standards, in cooperation with the
12 United States Department of Labor, Bureau of Apprenticeship and Training
13 shall be accepted toward the two (2) year experience requirement for a
14 journeyman heating, ventilation, and air conditioning mechanic license.
- 15 (c) The apprentice register shall include the name, address, Social Security
16 number, employer, and dates of employment of the apprentice.
- 17 (d) The apprentice shall notify the board in writing of any change in address or
18 employer.
- 19 (e) Apprentices and pre-apprentices shall not be required to pay fees for a
20 certificate of registration or a registration renewal fee.
- 21 (5) The satisfactory completion of one (1) academic year of a board-approved
22 curriculum or one (1) year of professional training in heating, ventilation, and air
23 conditioning work may be considered as equivalent to one (1) year of employment
24 toward the licensure requirements for a journeyman heating, ventilation, and air
25 conditioning mechanic, not to exceed one (1) year.
- 26 (6) The satisfactory completion of one (1) academic year of teaching experience in a
27 board-approved or state-approved technical education program in heating,

1 ventilation, and air conditioning shall be considered as equivalent to one (1) year of
2 employment, as required by subsection (1)(c) or (2)(c) of this section. No more than
3 one (1) year of approved teaching experience may be used in meeting the
4 requirements of subsection (1)(c) or (2)(c) of this section.

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

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

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

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

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

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

25 (2) The department shall require an applicant for renewal of a license to show evidence
26 of completing the continuing education requirements set forth by the department,
27 with advice from the State Plumbing Code Committee, in its administrative

1 regulations issued under KRS 318.130.

2 (3) The department shall send each licensed master and journeyman plumber a notice
3 advising them that the annual license renewal fee is due. The notice shall be sent to
4 the licensee's last known address no later than thirty (30) days prior to the expiration
5 of the license. The annual license renewal fee shall be a reasonable fee set by
6 regulation of the department. The fee for the renewal of a master plumber's license
7 shall exceed the fee charged for a journeyman plumber's license.

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

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

1 (b) A deceased master license shall be terminated by the division at the end of
 2 the interim period and no longer have statutory validity.

3 (c) Upon termination of the deceased master license, a plumbing contractor
 4 must have a current and valid Kentucky master plumber's license in order
 5 to procure permits and perform plumbing work governed under this
 6 chapter.

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

8 (1) (a) A city, county, urban-county, charter county, or consolidated local
 9 government or the state shall, according to the Uniform State Building Code
 10 as it pertains to the plan review and inspection responsibilities of local
 11 governments or the state, require any person to obtain a permit before
 12 commencing construction, alteration, or repairs of any electrical system.

13 (b) The city, county, urban-county, charter county, or consolidated local
 14 government or the state shall require all inspections that are deemed necessary
 15 by the department for the safety of life and property. The department shall
 16 promulgate administrative regulations to describe the circumstances where
 17 inspections are required.

18 (2) A city, county, urban-county, charter county, or consolidated local government or
 19 the state shall not issue a permit unless the applicant submits proof of being
 20 licensed as an electrical contractor under KRS Chapter 227A or of acting on behalf
 21 of a licensed electrical contractor. However, the provisions of this subsection shall
 22 not apply to:

23 (a) A homeowner or farmer who does construction, alteration, or repairs of any
 24 electrical system on his or her own premises or any other person exempt from
 25 licensing under KRS 227A.030 or 227A.150; ~~This subsection shall not apply~~
 26 ~~to~~

27 (b) Electrical work performed by the Commonwealth of Kentucky, a city, county,

1 urban-county, charter county, or consolidated local government, or any
 2 subdivision thereof; or

3 (c) A company with a recently deceased electrical contractor. In this case, a
 4 city, county, urban-county, charter county, or consolidated local
 5 government or the state shall grant up to a one hundred eighty (180)
 6 continuous calendar day interim period to allow a company to utilize the
 7 electrical contractor's license of the deceased electrical contractor, if the
 8 company effectuates and documents all necessary bonding and insurance
 9 policies required by KRS 227A.060(1) and ensures that they remain
 10 effective for the entirety of the interim period of time extended by the city,
 11 county, urban-county, charter county, or consolidated local government or
 12 the state.

13 (3) A city, county, urban-county, charter county, or consolidated local government shall
 14 appoint and may fix the compensation of city, county, urban-county, charter county,
 15 or consolidated local government electrical inspectors, and may by ordinance fix
 16 reasonable fees and establish other requirements for the conduct of electrical
 17 inspections within its boundaries. All electrical inspectors must be certified under
 18 KRS 227.489.

19 (4) Reasonable standards for the construction, alteration, and repair of any electrical
 20 system shall be those adopted in the Uniform State Building Code, as promulgated
 21 by the Board of Housing, Buildings and Construction, and shall have as a minimum
 22 standard the requirements of the National Electrical Code. These standards shall be
 23 used by the electrical inspector in making his inspections.

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

25 (1) A master electrician who ceases to be associated with the electrical contractor and is
 26 the representative by which the licensed electrical contractor qualifies shall
 27 immediately report his or her disassociation to the department or the authorized

1 local licensing program. The master electrician shall be responsible for all work
2 done under his or her license until the department or the authorized local licensing
3 program is notified by the master electrician that he or she is no longer associated
4 with the electrical contractor.

5 (2) If the holder of any electrical license ceases to be a part of the business relying upon
6 the holder's license for its right to remain in business, the business shall employ a
7 licensed person prior to the continuance of any business activity or within thirty
8 (30) days, whichever comes first.

9 (3) (a) The department shall grant up to a one hundred eighty (180) day
10 continuous calendar day interim period to allow a company to utilize the
11 master electrician's license of a recently deceased owner or deceased
12 employee who procured electrical permits for that company, provided that
13 the company effectuates and documents all necessary bonding and
14 insurance policies required in this chapter and ensures that they remain
15 effective for this interim period of time extended by the department.

16 (b) A deceased master's license shall be terminated by the department at the
17 end of the interim period and no longer have statutory validity.

18 (c) Upon termination of the deceased master's license, an electrical contractor
19 must have a current and valid Kentucky master electrician's license in order
20 to procure permits and perform electrical work under this chapter.