
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3568.1/06

ATTY/TYPIST: ML:seg

BRIEF DESCRIPTION: Regulating HVAC/R contractors.

1 AN ACT Relating to heating, ventilation, air conditioning, and
2 refrigeration contractors; adding a new chapter to Title 18 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Administrator" means a person who holds an HVAC/R
8 administrator certificate of competency card issued by the department
9 and who is: (a) An employee of a heating, ventilation, air
10 conditioning, and refrigeration contractor; and (b) designated by the
11 contractor to oversee heating, ventilation, air conditioning, and
12 refrigeration work and heating, ventilation, air conditioning, and
13 refrigeration technicians.

14 (2) "Board" means the heating, ventilation, air conditioning, and
15 refrigeration board, created in section 4 of this act.

16 (3) "Chief inspector" means the chief heating, ventilation, air
17 conditioning, and refrigeration inspector of the department, created
18 under this chapter. Qualifications for the chief inspector shall be
19 determined by the board.

1 (4) "Department" means the HVAC/R department of labor and
2 industries created under this chapter.

3 (5) "Director" means the director of the department.

4 (6) "Equipment" includes, but is not limited to, heating,
5 ventilation, air conditioning, and refrigeration equipment such as
6 components, controls, cabling, materials, and devices and all
7 associated wiring back to equipment disconnects, heating systems,
8 piping, appliances, ventilating systems, sheet metal and duct work, air
9 conditioning systems, refrigeration systems, and thermostatic controls
10 for air, liquid, or gas, whose sole purpose is for environmental or
11 industrial heating, cooling, ventilation, filtering, refrigeration,
12 humidification, or dehumidification or for any conditioning of the
13 environmental air.

14 (7) "HVAC/R" means heating, ventilation, air conditioning, and
15 refrigeration.

16 (8) "Work experience" includes, but is not limited to, the repair,
17 replacement, maintenance, and installation of equipment. Work
18 experience includes experience in the military and includes all
19 branches of the United States armed forces, both active and reserve.
20 Additionally, civil service shipyard or repair facility experience is
21 included as work experience.

22 NEW SECTION. **Sec. 2.** (1) A person who engages in the repair,
23 replacement, maintenance, and installation of heating, ventilation, air
24 conditioning, and refrigeration equipment and their components must
25 hold a journeyman certificate of competency card, specialty card, or a
26 trainee card issued by the department.

27 (2) This chapter does not apply to a homeowner's installation,
28 maintenance, or repair of heating, ventilation, air conditioning, and
29 refrigeration equipment at the homeowner's residence.

30 NEW SECTION. **Sec. 3.** A business that engages in the repair,
31 replacement, maintenance, and installation of heating, ventilation, air
32 conditioning, and refrigeration equipment and their components must
33 designate a full-time employee as an administrator. The administrator
34 must hold a certificate of competency card issued by the department
35 under section 9 of this act. The business must be licensed under
36 chapter 18.27 RCW and meet the general and specialty contractor

1 licensing and bonding requirements of that chapter. Each business
2 licensed under chapter 18.27 RCW that has designated an administrator
3 is exempt from the licensing requirements of chapter 19.28 RCW while
4 engaging in the repair, replacement, maintenance, and installation of
5 equipment.

6 NEW SECTION. **Sec. 4.** (1) The heating, ventilation, air
7 conditioning, and refrigeration board is established. It is the
8 purpose and function of the board to advise the director on all matters
9 pertaining to the enforcement of this chapter including, but not
10 limited to, standards of HVAC/R repair, replacement, maintenance, and
11 installation, minimum inspection procedures, and the adoption of rules
12 pertaining to the new mechanical inspection division. However, no
13 rules may be amended or repealed until the HVAC/R board has first had
14 an opportunity to consider any proposed amendments or repeals and had
15 an opportunity to make recommendations to the director relative to the
16 proposed changes. The board is composed of twelve members, who must
17 reside in the state, appointed by the governor as follows: One member
18 must be an employee or officer of a corporation in the business of
19 manufacturing or distributing equipment; one member must be a public
20 utility representative; three members must be heating, ventilation, air
21 conditioning, and refrigeration contractors licensed under chapter
22 18.27 RCW, of which at least one member must reside east of the Cascade
23 mountains; three members must be heating, ventilation, air
24 conditioning, and refrigeration technicians, of which at least one
25 member must reside east of the Cascade mountains; one member must be in
26 the heating, ventilation, air conditioning, and refrigeration
27 classification specialties; one member must be a licensed professional
28 mechanical engineer, qualified to work in the state, specializing in
29 the design of equipment application; one public member with a knowledge
30 of the heating, ventilation, air conditioning, and refrigeration
31 industry, to represent the public; and one nonvoting member who must be
32 a building official from an incorporated city or town with a
33 mechanical/building inspection program. A total of five members must
34 reside east of the Cascades. Members of the board serve three-year
35 terms, except for the public member, whose term is two years.

36 (2) A quorum consists of nine voting board members. At the first
37 meeting, the board must elect one of its members to serve as chair.

1 Any person acting as the chief HVAC/R inspector shall serve as
2 secretary of the board during his or her tenure as chief state
3 inspector. Meetings of the board shall be held at least quarterly in
4 accordance with a schedule established by the board. Each member of
5 the board shall receive compensation and shall be reimbursed for travel
6 expenses which shall be paid out of the HVAC/R license fund, upon
7 vouchers approved by the director of labor and industries.

8 NEW SECTION. **Sec. 5.** The department has the authority to contract
9 all examinations under this chapter to a third party testing agency, as
10 approved by the board. The content of all examinations under this
11 chapter must be determined by the department and approved by the board.

12 NEW SECTION. **Sec. 6.** (1) To obtain an HVAC/R journeyman
13 certificate of competency card, an individual must provide the
14 department with proof of nine thousand hours of verifiable work
15 experience. Of the nine thousand hours of work experience, up to four
16 thousand five hundred hours of training may be applied from the
17 completion of a work force accredited training school or apprenticeship
18 program specializing in heating, ventilation, air conditioning, and
19 refrigeration, as approved by the board. Upon completion of nine
20 thousand hours of work experience, the individual must pass a
21 certificate of competency examination administered by the department,
22 and approved by the board, and purchase an HVAC/R journeyman
23 certificate of competency card from the department. The HVAC/R
24 journeyman certificate of competency card is renewable every two years
25 on the individual's birthday. The HVAC/R journeyman certificate of
26 competency cardholder must complete eight hours of continuing education
27 annually through an accredited program or training center approved by
28 the department. HVAC/R journeyman certificate of competency
29 cardholders are exempt from state electrical licensing requirements
30 while engaged in the repair, replacement, maintenance, and installation
31 of equipment.

32 (2) Before December 1, 2006, the following persons may obtain an
33 HVAC/R journeyman certificate of competency card without examination:

34 (a) A person who has accrued at least nine thousand hours of
35 verifiable work experience since January 1, 1995, in the repair,

1 replacement, maintenance, and installation of equipment with a general
2 or specialty HVAC/R contractor licensed under chapter 18.27 RCW.

3 (b) A person who has accrued at least nine thousand hours of
4 verifiable work experience since January 1, 1995, in the repair,
5 replacement, maintenance, and installation of equipment with a licensed
6 general or specialty HVAC/R contractor, or the equivalent, which was
7 accrued in another state or province.

8 (c) A person who has accrued at least nine thousand hours of
9 verifiable work experience in the repair, replacement, maintenance, and
10 installation of equipment in the United States armed forces.

11 (d) A person who has a combination of at least nine thousand hours
12 of verifiable work experience as listed in (a) through (c) of this
13 subsection.

14 (3) HVAC/R journeyman certificate of competency cardholders are
15 eligible to perform heating, ventilation, air conditioning, and
16 refrigeration work on all equipment.

17 NEW SECTION. **Sec. 7.** (1) To obtain an HVAC/R specialty card, an
18 individual must provide the department with proof of four thousand five
19 hundred hours or less of verifiable work experience, depending upon the
20 required hours of the specialty, as approved by the board. Of the four
21 thousand five hundred hours or less of work experience, up to two
22 thousand two hundred fifty hours of training may be applied from the
23 completion of a work force accredited training school or apprenticeship
24 program specializing in heating, ventilation, air conditioning, and
25 refrigeration, not to exceed fifty percent of the required hours in the
26 specialty, as approved by the board. Upon completion of four thousand
27 five hundred hours or less of work experience, the individual must pass
28 a certificate of competency examination administered by the department,
29 and approved by the board, and purchase an HVAC/R specialty card from
30 the department. The HVAC/R specialty card is renewable every two years
31 on the individual's birthday. The HVAC/R specialty cardholder must
32 complete eight hours of continuing education annually through an
33 accredited program or training center approved by the department.
34 HVAC/R specialty cardholders are exempt from state electrical licensing
35 requirements while engaged in the repair, replacement, maintenance, and
36 installation of equipment.

1 (2) Before December 1, 2006, the following persons may obtain an
2 HVAC/R specialty card without examination:

3 (a) A person who has accrued at least four thousand five hundred
4 hours of verifiable work experience since January 1, 1995, in the
5 repair, replacement, maintenance, and installation of equipment with a
6 general or specialty HVAC/R contractor licensed under chapter 18.27
7 RCW.

8 (b) A person who has accrued at least four thousand five hundred
9 hours of verifiable work experience since January 1, 1995, in the
10 repair, replacement, maintenance, and installation of equipment with a
11 licensed general or specialty HVAC/R contractor, or the equivalent,
12 which was accrued in another state or province.

13 (c) A person who has accrued at least four thousand five hundred
14 hours of verifiable work experience in the repair, replacement,
15 maintenance, and installation of equipment in the United States armed
16 forces.

17 (d) A person who has a combination of at least four thousand five
18 hundred hours of verifiable work experience as listed in (a) through
19 (c) of this subsection.

20 (3) HVAC/R specialty cardholders are eligible to perform HVAC/R
21 work on equipment within their classification as determined by the
22 department and approved by the board. This section allows for the
23 development of less than four-year classifications as determined by the
24 department and approved by the board.

25 NEW SECTION. **Sec. 8.** (1) To obtain an HVAC/R trainee card, an
26 individual must register with the department and verify their work
27 experience with a licensed HVAC/R contractor or their work experience
28 through a work force accredited training school or apprenticeship
29 program specializing in heating, ventilation, air conditioning, and
30 refrigeration, as approved by the board, on an annual basis.

31 (2) Upon accrual of nine thousand hours of work experience with
32 heating, ventilation, air conditioning, and refrigeration equipment, an
33 HVAC/R trainee cardholder or HVAC/R specialty cardholder may obtain an
34 HVAC/R journeyman certificate of competency card by meeting the
35 requirements of section 6 of this act.

36 (3) Upon accrual of four thousand five hundred hours, or less, of
37 work experience with heating, ventilation, air conditioning, and

1 refrigeration equipment, an HVAC/R trainee cardholder may obtain an
2 HVAC/R specialty card, as determined by the board, by meeting the
3 requirements of section 7 of this act.

4 NEW SECTION. **Sec. 9.** (1) To obtain an HVAC/R administrator
5 certificate of competency card, an individual must register with the
6 department and apply for and pass a certificate of competency
7 examination given by the department.

8 (2) Before December 1, 2006, the following persons may obtain an
9 HVAC/R administrator certificate of competency card without
10 examination: A person who has at least five years of verifiable work
11 experience as an owner, supervisor, or administrator in heating,
12 ventilation, air conditioning, and refrigeration.

13 NEW SECTION. **Sec. 10.** This chapter does not limit the authority
14 or power of any city or town to enact and enforce a law, ordinance,
15 rule, or regulation that requires an equal or higher standard of
16 construction or mechanical code. A city or town's HVAC/R inspectors
17 must meet the same qualifications as required for state HVAC/R
18 inspectors. State permits and inspections are required where local
19 jurisdictions and inspections do not exist. No political subdivision
20 of the state may require or issue any licenses or bonds or charge any
21 fee for the same or a similar purpose as provided in this chapter.

22 NEW SECTION. **Sec. 11.** (1) It is unlawful for a person, firm,
23 partnership, corporation, or other entity to repair, replace, install,
24 or maintain equipment in violation of this chapter.

25 (2) A person, firm, partnership, corporation, or other entity found
26 to be in violation of this chapter is subject to a civil penalty. The
27 department must adopt a schedule of penalties by rule.

28 (3)(a) The department has the authority to revoke, suspend, or
29 reissue certificates of competency issued under sections 6 through 8 of
30 this act, as approved by the board.

31 (b) The department must immediately suspend the license or
32 certificate of a person who has been certified by the department of
33 social and health services under RCW 74.20A.320 as not in compliance
34 with a support order. If the person has continued to meet all other
35 requirements for reinstatement during the suspension, reissuance of the

1 license or certificate is automatic upon the department's receipt of a
2 release issued by the department of social and health services stating
3 that the licensee is in compliance with the support order.

4 (4) The department, as approved by the board, may allow journeymen
5 and specialty reciprocity between states.

6 NEW SECTION. **Sec. 12.** The department, subject to the
7 recommendations and approval of the board, shall set by rule a schedule
8 of license and HVAC/R work permit fees that will cover the costs of
9 administration and enforcement of this chapter. The rules must be
10 adopted in accordance with the administrative procedure act, chapter
11 34.05 RCW. Certain work performed on HVAC/R equipment may be exempted
12 from work permits required under this chapter, as determined by the
13 department and approved by the board.

14 NEW SECTION. **Sec. 13.** The heating, ventilation, air conditioning,
15 and refrigeration licensure account is created in the custody of the
16 state treasurer. All receipts from revenues generated by this chapter
17 must be deposited into the account. Expenditures from the account may
18 be used only for costs associated with this chapter. Only the director
19 of the department or the director's designee may authorize expenditures
20 from the account. The account is subject to allotment procedures under
21 chapter 43.88 RCW, but an appropriation is not required for
22 expenditures.

23 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act
24 constitute a new chapter in Title 18 RCW.

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