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**Commerce & Labor Committee**

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**HB 1876**

**Brief Description:** Providing for the certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work.

**Sponsors:** Representatives Conway, Wood, O'Brien and Ormsby.

**Brief Summary of Bill**

- Requires persons performing heating, ventilating, air conditioning, and refrigeration (HVAC/R) work and gas piping work to be certified by the Department of Labor and Industries (Department).
- Establishes a governing board and a dedicated account.

**Hearing Date:** 2/16/07

**Staff:** Jill Reinmuth (786-7134).

**Background:**

State laws require registration or licensure for construction, electrical, and plumbing contractors, and certification for electrical administrators, electricians, and plumbers. These laws are administered and enforced by the Department of Labor and Industries (Department).

Depending on the type of heating, ventilating, air conditioning, and refrigeration (HVAC/R) work that a contractor performs, state law may require that the contractor be registered as a general or specialty construction contractor or licensed as an electrical contractor or both. If the contractor performs electrical work, the contractor must be licensed as an electrical contractor, and employ a certified electrical administrator and certified electricians. The electricians may be certified as journeyman electricians or as HVAC/R specialty electricians.

Local ordinances in a number of cities require persons performing HVAC/R work to obtain additional certification. Some require certification for mechanical work and gas fitting work. Others require certification for heating oil and air conditioning/refrigeration work.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 2004, the Legislature directed the Joint Legislative Audit and Review Committee (JLARC) to conduct a study to evaluate the state's rules relating to the licensing and testing requirements for HVAC contractors and installers, and to develop recommendations for modifications in licensing and testing requirements.

In 2005, the JLARC issued the study, which included the following recommendation:

"Based on JLARC's survey of contractors, and our review of certification requirements of Washington cities and models of other states, certifying other aspects of HVAC/R work may be an option for the state to consider. To provide policy makers and industry with a better sense of possible options, [the Department] should provide fiscal and public safety estimates of scenarios that would certify other aspects of HVAC work."

In 2006, the Department organized the HVAC/R Task Force, which consisted of business and labor representatives from the HVAC/R, electrical, plumbing, and sheet metal industries. A regulatory alternatives subcommittee considered various options for regulation of the HVAC/R industry. The subcommittee was not able to reach consensus on a single option, but agreed to include five options in a final report.

### **Summary of Bill:**

Provisions governing the heating, ventilating, air conditioning, and refrigeration (HVAC/R) industry are enacted. Requirements for certification of HVAC/R mechanics and gas piping mechanics are established. These requirements are to be administered by the Department of Labor and Industries (Department).

### Definitions

HVAC/R work means to design, fabricate, construct, install, modify, or repair HVAC/R equipment. The equipment must be necessary for a system that heats, cools, conditions, ventilates, filters, humidifies, dehumidifies environmental air. The equipment includes oil furnaces, propane furnaces, gas fireplaces, and heating ducts.

Gas piping work means to install, alter, repair, renovate, remove, or replace gas piping. Gas piping means pipes, valves, or fittings used to convey fuel gas on a premise or in a building.

### Contractors

Persons in the business of performing HVAC/R work or gas piping work must register as a contractor under the Contractor Registration Act with the Department. A single registration/licensing document for contractors who qualify for two or more registrations or licenses under state laws governing construction contractors and electrical contractors must be established by the Department.

### Mechanics

Persons doing HVAC/R work or gas piping work must be certified by the Department. There are four types of certificates: residential HVAC/R mechanic, commercial HVAC/R mechanic, gas piping mechanic I, and gas piping mechanic II.

A residential HVAC/R mechanic is qualified to perform HVAC/R work, but only in a residential structure. To be eligible to take the examination to become a residential HVAC/R mechanic, a person must:

- perform 4,000 hours of HVAC/R work; or
- complete an apprenticeship program for residential HVAC/R work.

A commercial HVAC/R mechanic is qualified to perform any HVAC/R work. To be eligible to take the examination to become a commercial HVAC/R mechanic, a person must:

- perform 8,000 hours of HVAC/R work; or
- complete an apprenticeship program for commercial HVAC/R work.

A gas piping mechanic I is qualified to perform gas piping work without supervision on gas piping utilizing less than 500,000 BTUs per hour. Under the direct supervision of a gas piping mechanic II, a gas piping mechanic I may perform any gas piping work. To be eligible to take the examination to become a gas piping mechanic I, a person must:

- be eligible to take the examination to be come either a residential or a commercial HVAC/R mechanic; or
- perform 1,000 hours of gas piping work and complete an approved 60-hour training program; or
- complete an apprenticeship program for gas piping I work.

A gas piping mechanic II is qualified to perform any gas piping work. To be eligible to take the examination to become a gas piping mechanic I, a person must:

- be eligible to take the examination to be come a commercial HVAC/R mechanic; or
- hold a gas piping I mechanic certificate and perform 5,000 additional hours of gas piping work; or
- hold a gas piping I mechanic certificate and complete an apprenticeship program for gas piping II work.

A specified number of hours of a technical college program may be substituted for hours of work experience. Similarly, hours of armed forces work experience may be substituted for hours of work experience.

There are several exceptions to the examination requirement. One grandfather clause allows a person who has specified work experience performed after January 1, 1996, to obtain a certificate without examination. Another grandfather clause allows a person who was licensed as a gas piping fitter, installer, or mechanic by Kennewick, Seattle, Spokane, Tacoma, Vancouver, or Yakima to obtain a gas piping mechanic certificate without examination. (Applications for certification under these grandfather clauses must be submitted before July 1, 2008.) A reciprocity provision allows the Department to enter into agreements with other states whose certification requirements are equal to these standards.

### Trainees

Apprentices and other persons learning to perform HVAC/R work or gas piping work must obtain training certificates. The certificates permit holders to learn to perform HVAC/R work or gas piping work while working under the direct supervision of a certified mechanic. Supervision

requirements which specify the percentage of the working day that a mechanic must be on the same job site as a trainee are established. Ratio requirements which specify the ratio of trainees to mechanics on the same job site are also established.

### Exemptions

There are a number of exemptions from the licensing and certification requirements. The requirements do not apply to:

- persons doing electrical work at their residences, farms, places of business, or on other property owned by them;
- regularly employed employees working on their employers' premises (unless they are working on a new building intended for rent, sale, or lease);
- persons doing work on or behalf of gas companies, including gas piping work that is incidental to delivering natural gas to a premise;
- architects and engineers who are designing HVAC/R systems or gas piping systems; and
- persons making like-in-kind replacements of household appliances.

### Governing Board

A seven-member HVAC/R Board (Board) is established. Members of the Board consist of three mechanics, three contractors, and one public member familiar with HVAC/R work. Members must include representation from eastern Washington.

The Board conducts proceedings for denying applications, suspending or revoking certificates, and imposing penalties. The Board also reviews and makes recommendations on rules, approves expenditures from the dedicated account, and generally advises the Department on HVAC/R matters.

### Trade Coordination Panel

A four-member Trade Coordination Panel (Panel) is established. Members of the Panel consist of the director of the Department of Labor and Industries, the chair of the Plumbing Advisory Board, the chair of the Electrical Board, and the chair of the HVAC/R Board. The Panel is required to review conflicts regarding the scope of work of plumbing contractors and plumbers, electrical contractors and electricians, and HVAC/R contractors and mechanics. The Panel must consider alternatives for resolving any conflicts, and make findings and recommendations related to the preferred alternative.

### Other

Proceedings for denying applications, suspending or revoking certificates, and imposing civil penalties are governed by the Administrative Procedures Act.

A dedicated account is created. Interest earnings are retained in the dedicated account.

**Rules Authority:** The Director of the Department of Labor and Industries is authorized to adopt rules necessary to administer HVAC/R mechanic certification requirements, but not until the HVAC/R Board has conducted its review and made its recommendations. The HVAC/R Board is required to review and make recommendations to adopt amend, or repeal any rules.

**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 2007.

**Effective Date:** The bill takes effect on January 1, 2008.