

ESSB 5831 - H AMD 1518

By Representative Conway

ADOPTED AS AMENDED 03/07/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1)(a) A joint legislative task force on
4 heating, ventilating, air conditioning, and refrigeration is
5 established, with members as provided in this subsection.

6 (i) The chair and ranking minority member of the senate labor,
7 commerce, research and development committee;

8 (ii) The chair and ranking minority member of the house commerce
9 and labor committee;

10 (iii) Four members representing the heating, ventilating, air
11 conditioning, and refrigeration industry, selected from nominations
12 submitted by statewide business organizations representing a cross-
13 section of industries and appointed jointly by the president of the
14 senate and the speaker of the house of representatives; and

15 (iv) Four members representing labor, selected from nominations
16 submitted by statewide labor organizations representing a cross-section
17 of industries and appointed jointly by the president of the senate and
18 the speaker of the house of representatives.

19 (b) In addition, the department of labor and industries shall
20 cooperate with the joint legislative task force and maintain a liaison
21 representative, who shall be a nonvoting member. The department shall
22 cooperate with the joint legislative task force and provide information
23 as the joint legislative task force may reasonably request.

24 (c) The joint legislative task force shall choose its chair from
25 among its membership.

26 (2) The joint legislative task force shall review the following:

27 (a) Requirements for registering, certifying, and licensing
28 heating, ventilating, air conditioning, and refrigeration mechanics;

29 (b) Methods of registering or licensing contractors who qualify for
30 two or more registrations or licenses;

1 (c) Levels of mechanic certification and types of mechanic
2 specialties;

3 (d) On-the-job experience requirements for levels of mechanic
4 certification;

5 (e) Methods by which apprentices and other persons learning to
6 perform heating, ventilating, air conditioning, and refrigeration work
7 obtain trainee certificates;

8 (f) Exemptions to registration, certification, and licensing
9 requirements;

10 (g) Implementation of chapter 18.-- RCW (the new chapter created in
11 section 40 of this act); and

12 (h) Such other factors the joint legislative task force deems
13 necessary.

14 (3) Legislative members of the joint legislative task force shall
15 be reimbursed for travel expenses in accordance with RCW 44.04.120.
16 Nonlegislative members, except those representing an employer or
17 organization, are entitled to be reimbursed for travel expenses in
18 accordance with RCW 43.03.050 and 43.03.060.

19 (4) The expenses of the joint legislative task force shall be paid
20 jointly by the senate and the house of representatives.

21 (5) The joint legislative task force shall report its findings and
22 recommendations to the legislature by January 1, 2009.

23 (6) This section expires July 1, 2009.

24 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
25 section apply throughout this chapter unless the context clearly
26 requires otherwise.

27 (1) "Applicant" means a person who has submitted the appropriate
28 form or forms to be considered for an HVAC/R mechanic certificate, a
29 temporary HVAC/R mechanic certificate, a trainee certificate, or an
30 HVAC/R operator certificate, as required by the department.

31 (2) "Board" means the HVAC/R board established in section 28 of
32 this act.

33 (3) "Boiler" means a closed vessel in which water is heated, steam
34 is generated, steam is superheated, or a combination thereof, under
35 pressure or vacuum by the application of heat, electricity, or nuclear
36 energy. "Boiler" also includes fired units for heating or vaporizing

1 liquids other than water where these systems are complete within
2 themselves.

3 (4) "BTUH" means British thermal units per hour.

4 (5) "Certified HVAC/R mechanic" means a person who has been issued
5 a valid HVAC/R mechanic certificate under section 17 of this act.

6 (6) "Certified specialty mechanic" means a person who has been
7 issued one or more valid specialty mechanic certificates under section
8 17 of this act.

9 (7) "CFM" means cubic feet per minute.

10 (8) "Department" means the department of labor and industries.

11 (9) "Director" means the director of the department or the
12 director's designee.

13 (10) "Gas company" has the same meaning as in RCW 80.04.010.

14 (11) "Gas company service piping" means gas piping that is owned by
15 or under the control of a gas company and used for transmission or
16 distribution of fuel to the point of contact at the premises or
17 property supplied or to be supplied, including service connections,
18 meters, or other apparatus or appliance used in the measurement of the
19 consumption of fuel by the customer. For the purposes of this
20 subsection, "point of contact" means the outlet of the meter or the
21 connection to the customer's gas piping, whichever is farther
22 downstream.

23 (12) "Gas piping" means pipes, valves, or fittings used to convey
24 fuel gas installed on a premise or in a building. "Gas piping" does
25 not include gas company service piping or any gas piping used directly
26 in the generation of electricity by an electric utility or a
27 commercial-scale nonutility generator of electricity.

28 (13) "Gas piping work" means to install, replace, or service gas
29 piping and venting related to gas piping. Solely for accruing hours of
30 HVAC/R work, "gas piping" also means to design, fabricate, and
31 construct gas piping and venting related to gas piping.

32 (14) "Hearth products" means any fuel gas or oil-fueled appliance
33 that has a visual presence in a living space of a residence or any
34 outdoor fuel gas barbecue or fireplace that is listed to the
35 appropriate underwriters laboratories, American national standards
36 institute, or ASTM international product safety standard.

37 (15) "Hours of HVAC/R work" means any combination of accrued hours
38 of HVAC/R work performed while:

1 (a) Employed by an HVAC/R contractor or a person exempt from the
2 requirements of chapter 18.27 RCW, chapter 19.28 RCW, or this chapter;
3 (b) Employed by a registered or licensed general or specialty
4 contractor, or the equivalent, in another state or country; or
5 (c) Serving in the United States armed forces.

6 (16) "HVAC" means heating, ventilating, and air conditioning.
7 (17)(a) "HVAC equipment and systems" means equipment necessary for
8 any system that heats, cools, conditions, ventilates, filters,
9 humidifies, or dehumidifies environmental air for residential,
10 industrial, or commercial use, including all related ventilation and
11 ducting systems.

12 (b) "HVAC equipment and systems" does not include: (i) Solid fuel
13 burning devices, such as wood stoves and coal stoves; (ii) gas company
14 service piping; (iii) gas piping other than that necessary to deliver
15 fuel; or (iv) boilers.

16 (18) "HVAC work" means to install, replace, service, test, or
17 adjust and balance HVAC equipment and systems. Solely for accruing
18 hours of HVAC/R work, "HVAC work" also means to design, fabricate, and
19 construct HVAC equipment and systems.

20 (19) "HVAC/R" means heating, ventilating, air conditioning, and
21 refrigeration.

22 (20) "HVAC/R contractor" means any person who:
23 (a) Advertises for, offers to perform, submits a bid for, or
24 performs any HVAC/R work covered by the provisions of this chapter;
25 (b) Employs anyone, or offers or advertises to employ anyone, to
26 perform any HVAC/R work that is subject to the provisions of this
27 chapter; or
28 (c) Is registered under section 3(1)(b) of this act.

29 (21) "HVAC/R equipment and systems" means HVAC equipment and
30 systems, refrigeration systems, and gas piping.

31 (22) "HVAC/R mechanic certificate" means any of the certificates
32 identified under section 8 of this act.

33 (23) "HVAC/R operator certificate" means the certificate identified
34 under section 11 of this act.

35 (24) "HVAC/R work" means all HVAC work, refrigeration work, and gas
36 piping work not otherwise exempted by this chapter.

37 (25) "Person" or "company," used interchangeably throughout this

1 chapter, means any individual, corporation, partnership, limited
2 partnership, organization, or any other entity whatsoever, whether
3 public or private.

4 (26) "Property management company" means a company that is
5 operating in compliance with state real estate licensing rules and is
6 under contract with a property owner to manage the buildings.

7 (27) "Refrigeration system" means a combination of interconnected
8 refrigerant-containing parts constituting one closed refrigerant
9 circuit in which a refrigerant is circulated for the purpose of
10 extracting heat and includes systems in which a secondary coolant,
11 cooled or heated by the refrigeration system, is circulated to the air
12 or other substance to be cooled or heated.

13 (28) "Refrigeration work" means to design, fabricate, construct,
14 install, replace, or service refrigeration systems. Solely for
15 accruing hours of HVAC/R work, "refrigeration work" also means to
16 design, fabricate, and construct refrigeration systems.

17 (29) "Service" means to repair, modify, or perform other work
18 required for the normal continued performance of HVAC/R equipment and
19 systems.

20 (30) "Specialty certificate" means any of the certificates
21 identified under section 7 of this act.

22 (31) "Technical college" means a public community or technical
23 college, or a not-for-profit nationally accredited technical or trade
24 school licensed by the workforce training and education coordinating
25 board under chapter 28C.10 RCW.

26 (32) "Temporary certificate" means any of the certificates issued
27 under section 9 of this act.

28 (33) "Trainee" means a person who has been issued a trainee
29 certificate by the department under section 10 of this act.

30 (34) "Trainee certificate" means any certificate issued under
31 section 10 of this act.

32 (35) "Valid" means not expired, revoked, or suspended.

33 NEW SECTION. **Sec. 3.** CONTRACTOR REGISTRATION--CONCURRENT
34 REGISTRATION--REQUIREMENTS. (1) Except as provided in this chapter, it
35 is unlawful for:

36 (a) Any person to engage in business as an HVAC/R contractor,

1 within the state, without having been issued a valid registration as a
2 contractor under chapter 18.27 RCW;

3 (b) Any person, on or after July 1, 2009, to engage in business as
4 an HVAC/R contractor, within the state, without having been issued a
5 valid registration as an HVAC/R contractor from the department; and

6 (c) Any person, on and after July 1, 2010, to employ a person to
7 perform or offer to perform HVAC/R work who has not been issued a valid
8 HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R
9 mechanic certificate, trainee certificate, or HVAC/R operator
10 certificate issued by the department under this chapter.

11 (2) The department shall prescribe an application form to be used
12 to apply for an HVAC/R contractor registration under this chapter, and
13 shall ensure that the person applying for an HVAC/R contractor
14 registration is also a registered general or specialty contractor under
15 chapter 18.27 RCW before it issues that person an HVAC/R contractor
16 registration.

17 (3) For a person who may be issued two or more registrations or
18 licenses provided for in chapter 18.27 RCW, chapter 19.28 RCW, or this
19 chapter, the department shall establish on or before July 1, 2011, a
20 single registration/licensing document. The document shall list all of
21 the person's registrations and licenses.

22 (4) Regardless of when the HVAC/R contractor registration is
23 issued, it shall become suspended, revoked, expired, or renewed at the
24 same time as the registration issued under chapter 18.27 RCW.

25 (5) No bond or security in addition to that required of
26 contractors under chapter 18.27 RCW shall be required of an HVAC/R
27 contractor under this chapter.

28 (6) This section does not apply to:

29 (a) A person who is contracting for HVAC/R work on his or her own
30 residence;

31 (b) A person whose employees perform only HVAC/R work exempted
32 under section 5 of this act; or

33 (c) A person who is specifically exempted under RCW 18.27.090 from
34 contractor registration requirements.

35 NEW SECTION. **Sec. 4.** CERTIFICATE REQUIRED--LOCAL PREEMPTION. (1)
36 Except as provided in this chapter, it is unlawful for any person, on
37 and after July 1, 2010, to perform or offer to perform HVAC/R work

1 without having been issued a valid HVAC/R mechanic certificate,
2 specialty certificate, temporary HVAC/R mechanic certificate, or
3 trainee certificate under this chapter.

4 (2) Except as provided in section 5(1)(o) of this act, no political
5 subdivision of the state shall require a person possessing a valid
6 HVAC/R certificate, specialty certificate, temporary HVAC/R mechanic
7 certificate, trainee certificate issued by the department under this
8 chapter, or any person who is exempted under this chapter to
9 demonstrate any additional proof of competency in, obtain any license
10 for, or pay any fee to perform HVAC/R work in that political
11 subdivision.

12 NEW SECTION. **Sec. 5. EXEMPTIONS FROM CERTIFICATION.** (1) The
13 provisions of section 4(1) of this act do not apply to a person:

14 (a) Cleaning or replacing air filters, lubricating bearings,
15 replacing fan belts, cleaning evaporators or condensers, cleaning
16 cooling towers, or equipment logging on any HVAC/R equipment or
17 systems;

18 (b) Performing HVAC/R work on HVAC/R equipment or systems that:
19 (i) Contain six pounds or less of any refrigerant and is actuated by a
20 motor or engine having a standard rating of one-quarter horsepower or
21 less; or (ii) are an absorption system that has a rating of one-quarter
22 ton or less refrigeration effect;

23 (c) Setting oil tanks and related piping to a furnace;

24 (d) Setting propane tanks and related piping outside a building;

25 (e) Performing gas piping work on a fuel burning appliance with a
26 maximum capacity of five hundred thousand BTUH while holding a valid
27 journeyman plumber certificate issued under chapter 18.106 RCW or a
28 valid specialty plumber certificate issued under chapter 18.106 RCW for
29 performing services in RCW 18.106.010(10)(a);

30 (f) Performing HVAC/R work at his or her residence, farm, place of
31 business, or on other property owned by him or her, unless the HVAC/R
32 work is performed in the construction of a new building intended for
33 rent, sale, or lease;

34 (g) Performing HVAC/R work on his or her own property or to
35 regularly employed persons working on the premises of their employer,
36 unless the HVAC/R work is performed in the construction of a new
37 building intended for rent, sale, or lease. However, in a city with a

1 population of five hundred thousand or more, it is unlawful for any
2 person to perform or offer to perform the scope of work described in
3 section 11(3) of this act without having been issued a valid HVAC/R
4 operator certificate under this chapter;

5 (h) Performing HVAC/R work for or on behalf of a gas company when
6 such work is (i) incidental to the business of delivering fuel gas to
7 the premises or (ii) performed pursuant to any tariff on file with the
8 state utilities and transportation commission;

9 (i) Licensed under chapter 18.08 or 18.43 RCW who is designing
10 HVAC/R equipment or systems, but who is not otherwise performing HVAC/R
11 work;

12 (j) Making a like-in-kind replacement of a household appliance;

13 (k) Installing wood or pellet stoves, including directly related
14 venting such as a chimney or flue;

15 (l) Performing minor flexible ducting repairs in a single-family
16 residential structure;

17 (m) Performing cleaning, repair, or replacement of fuel oil filters
18 and nozzles of an oil heat burner assembly;

19 (n) Making like-in-kind replacement of an oil heat furnace in a
20 single-family residential structure and the associated fittings
21 necessary to connect the replacement oil heat furnace to existing
22 ductwork in a single-family residential structure; or

23 (o) Installing, replacing, and servicing hearth products. As used
24 in this subsection, "installing and replacing" means removing and
25 setting the hearth product pursuant to manufacturer instructions and
26 specifications, connecting a hearth product with or disconnecting the
27 hearth product from an approved flexible gas supply line not to exceed
28 thirty-six inches in length, and installing or uninstalling venting
29 that is directly related to the hearth product and that has been
30 provided in the same packaging of the hearth product by the
31 manufacturer.

32 (2) Nothing in this section precludes any person who is exempted
33 under this section from obtaining an HVAC/R mechanic certificate,
34 specialty certificate, temporary HVAC/R mechanic certificate, trainee
35 certificate, or HVAC/R operator certificate if they otherwise meet the
36 requirements of this chapter.

1 NEW SECTION. **Sec. 6.** TEMPORARY EXEMPTION FROM CERTIFICATION. (1)

2 Except for persons performing refrigeration work in a city with a
3 population of five hundred thousand or more, the provisions of section
4 4(1) of this act do not apply to a person performing refrigeration work
5 on a refrigeration system:

6 (a) Using only class A1 refrigerants;

7 (b) Used primarily for the refrigeration of food products; and

8 (c) Physically located in an establishment whose North American
9 industry classification system code is within "445."

10 (2) Nothing in this section precludes any person exempted under
11 this section from obtaining any of the certificates provided for in
12 this chapter if he or she otherwise meets the requirements of this
13 chapter.

14 (3) This section expires June 30, 2013.

15 NEW SECTION. **Sec. 7.** SPECIALTY CERTIFICATES--SCOPE OF WORK. The

16 department may issue the following specialty certificates to an
17 applicant who has successfully met the requirements under this chapter
18 for a specialty certificate, and the scope of work that may be
19 performed by a person under each of the specialty certificates is as
20 follows:

21 (1) Gas piping specialty mechanic I/II. A person issued a gas
22 piping specialty mechanic I/II certificate may perform gas piping work
23 on a fuel burning appliance with a maximum capacity of five hundred
24 thousand BTUH.

25 (2) Refrigeration specialty mechanic I. A person issued a
26 refrigeration specialty mechanic I certificate may perform
27 refrigeration work on a refrigeration system that contains less than
28 thirty pounds of class A1 refrigerants.

29 (3) HVAC specialty mechanic I. A person issued an HVAC specialty
30 mechanic I certificate may perform HVAC work on HVAC equipment and
31 systems of seven and one-half tons or less or HVAC equipment and
32 systems of three thousand three hundred seventy-five CFM or less.

33 (4) Refrigeration specialty mechanic II. A person issued a
34 refrigeration specialty mechanic II certificate may perform
35 refrigeration work on a refrigeration system that contains less than
36 seventy pounds of class A1 refrigerants.

1 (5) HVAC specialty mechanic II. A person issued an HVAC specialty
2 mechanic II certificate may perform:

3 (a) HVAC work authorized to be performed by an HVAC specialty
4 mechanic I; and

5 (b) HVAC work on HVAC equipment and systems of twenty tons or less
6 or HVAC equipment and systems of nine thousand CFM or less.

7 (6) Gas piping specialty mechanic III. A person issued a gas
8 piping specialty mechanic III certificate may perform all gas piping
9 work on any fuel burning appliance.

10 (7) Refrigeration specialty mechanic III. A person issued a
11 refrigeration specialty mechanic III certificate may perform
12 refrigeration work on any refrigeration system using any refrigerant.

13 (8) HVAC specialty mechanic III. A person issued an HVAC specialty
14 mechanic III certificate may perform all HVAC work on HVAC equipment
15 and systems.

16 NEW SECTION. **Sec. 8.** HVAC/R MECHANIC CERTIFICATES--SCOPE OF WORK.

17 The department may issue the following HVAC/R mechanic certificates to
18 an applicant who has successfully met the requirements under this
19 chapter for an HVAC/R certificate, and the scope of work that may be
20 performed by a person under each of the HVAC/R mechanic certificates is
21 as follows:

22 (1) HVAC/R mechanic I. A person issued an HVAC/R mechanic I
23 certificate may perform:

24 (a) Gas piping work authorized to be performed by a gas piping
25 specialty mechanic I/II;

26 (b) Refrigeration work authorized to be performed by a
27 refrigeration specialty mechanic I; and

28 (c) HVAC work authorized to be performed by an HVAC specialty
29 mechanic I.

30 (2) HVAC/R mechanic II. A person issued an HVAC/R mechanic II
31 certificate may perform:

32 (a) Gas piping work authorized to be performed by a gas piping
33 specialty mechanic I/II;

34 (b) Refrigeration work authorized to be performed by a
35 refrigeration specialty mechanic II; and

36 (c) HVAC work authorized to be performed by an HVAC specialty
37 mechanic II.

1 (3) HVAC/R mechanic III. A person issued an HVAC/R mechanic III
2 certificate may perform:

3 (a) Gas piping work authorized to be performed by a gas piping
4 specialty mechanic III;

5 (b) Refrigeration work authorized to be performed by a
6 refrigeration specialty mechanic III; and

7 (c) HVAC work authorized to be performed by an HVAC specialty
8 mechanic III.

9 NEW SECTION. **Sec. 9.** TEMPORARY HVAC/R CERTIFICATE--APPLICATION--
10 EXAMINATION REQUIRED. (1) On and after July 1, 2010, a person who has
11 performed HVAC/R work in other states or countries may, in a form and
12 manner prescribed by the department, apply for a temporary HVAC/R
13 mechanic certificate to perform HVAC/R work in this state. The
14 application shall contain evidence of the person's hours of HVAC/R work
15 in the other states or countries that is verifiable by the department.

16 (2) Upon review of the application provided in subsection (1) of
17 this section, the department may:

18 (a) If the applicant has accrued less than two thousand hours of
19 HVAC/R work, not issue a temporary HVAC/R mechanic certificate;

20 (b) If the applicant has accrued two thousand hours or more, but
21 less than four thousand hours of HVAC/R work, issue a temporary HVAC/R
22 mechanic I certificate;

23 (c) If the applicant has accrued four thousand hours or more, but
24 less than eight thousand hours of HVAC/R work, issue a temporary HVAC/R
25 mechanic II certificate; or

26 (d) If the applicant has accrued eight thousand hours or more of
27 HVAC/R work, issue a temporary HVAC/R mechanic III certificate.

28 (3) The temporary HVAC/R mechanic certificate issued under this
29 section shall clearly indicate on the document that it is temporary in
30 nature and contain the period for which it is valid.

31 (4) A person issued a temporary HVAC/R mechanic certificate shall
32 have that certificate in his or her possession when performing any
33 HVAC/R work and shall show the certificate to any authorized
34 representative of the department upon request.

35 (5) A person issued a temporary HVAC/R mechanic certificate under
36 this section may only perform the scope of work authorized under

1 section 8 of this act for the equivalent HVAC/R mechanic certificate
2 and may not supervise any person with a trainee certificate issued
3 under this chapter.

4 (6) A temporary HVAC/R mechanic certificate issued under this
5 section shall be valid for ninety days from the date the department
6 issues a certificate or until the date the department furnishes to the
7 applicant the results of their examination for the equivalent HVAC/R
8 mechanic certificate, whichever is later. The applicant must take the
9 examination provided under this chapter for the equivalent HVAC/R
10 mechanic certificate within the ninety-day period granted under this
11 subsection.

12 NEW SECTION. **Sec. 10.** TRAINEE CERTIFICATE. (1) A person may, in
13 a form and manner prescribed by the department, apply for a trainee
14 certificate to perform HVAC/R work in the state.

15 (2) Upon receipt of the application, the department shall issue a
16 trainee certificate to the applicant.

17 (3) The HVAC/R work performed under a trainee certificate issued
18 pursuant to this section must be:

19 (a) Within the scope of work authorized under that certificate;

20 (b) On the same job site and under the direction of an
21 appropriately certified HVAC/R mechanic or an appropriately certified
22 specialty mechanic; and

23 (c) Under the applicable supervision ratios required in section 18
24 of this act.

25 (4) A trainee shall have his or her certificate in his or her
26 possession when performing any HVAC/R work and shall show the
27 certificate to any authorized representative of the department upon
28 request.

29 (5) A trainee certificate shall be valid for a maximum of two years
30 from the date of issuance. The certificate shall include the
31 expiration date.

32 (6) The department may only renew a training certificate when the
33 trainee provides the department with:

34 (a) An accurate list of the persons who employed the trainee in
35 HVAC/R work for the previous two-year period and the number of hours of
36 HVAC/R work performed under each employer; and

1 (b) Evidence that the trainee has met the continuing education
2 requirements in section 20 of this act.

3 (7) If a person applies for a trainee certificate under this
4 section and electrical trainee status under chapter 19.28 RCW, the
5 department shall create, on or before July 1, 2011, a single document
6 for that person that represents this concurrent trainee status.

7 (8) A trainee who has not successfully passed any portion of the
8 examinations provided for in section 14 of this act is prohibited from
9 performing HVAC/R work in excess of two thousand hours beyond the
10 amount of hours required to become eligible under the requirements of
11 section 15(2)(c) of this act to take the examination for an HVAC/R
12 mechanic III certificate.

13 NEW SECTION. **Sec. 11.** HVAC/R OPERATOR CERTIFICATION. (1) An
14 HVAC/R operating engineer may, in a form and manner prescribed by the
15 department, apply for an HVAC/R operator certificate. For the purposes
16 of this subsection, "HVAC/R operating engineer" means a full-time
17 employee who spends a substantial portion of time in the maintenance
18 and operation of HVAC/R equipment and systems in a building, or portion
19 thereof, used for occupant comfort, manufacturing, processing, or
20 storage of materials or products including, but not limited to,
21 chemicals, food, candy, and ice cream factories, ice-making plants,
22 meat packing plants, refineries, perishable food warehouses, hotels,
23 hospitals, restaurants, and similar occupancies and equipped with a
24 refrigeration system and whose duty it is to operate, maintain, and
25 keep safe and in serviceable condition all of the employer's HVAC/R
26 equipment and systems.

27 (2) The department may issue an HVAC/R operator certificate to an
28 applicant who has successfully passed the examination provided for in
29 subsection (8) of this section.

30 (3) The scope of work that may be performed by a person under an
31 HVAC/R operator certificate is as follows:

32 (a) Cleaning or replacing air filters, lubricating bearings,
33 replacing fan belts, cleaning evaporators or condensers, cleaning
34 cooling towers, or equipment logging on any HVAC/R equipment or
35 systems; or

36 (b) Performing minor HVAC/R equipment and systems repair and HVAC/R
37 work on sealed HVAC/R equipment and systems.

1 (4) A person who performs HVAC/R work on HVAC/R equipment or
2 systems that: (a) Contain six pounds or less of any refrigerant and is
3 actuated by a motor or engine having a standard rating of one-quarter
4 horsepower or less; or (b) are an absorption system that has a rating
5 of one-quarter ton or less refrigeration effect, is not required to
6 obtain a certificate under this section.

7 (5) Any person issued a valid refrigeration operating engineer
8 license by the city of Seattle shall be issued an HVAC/R operator
9 certificate without meeting any additional requirements.

10 (6) A person issued a valid HVAC/R operator certificate under this
11 section shall have his or her certificate in his or her possession when
12 performing any HVAC/R work and shall show the certificate to any
13 authorized representative of the department upon request.

14 (7) An HVAC/R operator certificate issued under this section shall
15 be valid for a maximum of three years and shall expire on the holder's
16 birthdate. The certificate shall include the expiration date.

17 (8) The department shall develop an examination that an applicant
18 must pass before they can be issued an HVAC/R operator certificate
19 under this section. The exam shall be comparable to the current
20 refrigeration operating engineer license test used by the city of
21 Seattle.

22 (9) The hours accrued as an HVAC/R operating engineer under this
23 section may accrue towards the hours required to be eligible to take an
24 examination for an HVAC/R mechanic certificate under section 15 of this
25 act only if the HVAC/R operating engineer is supervised by an
26 appropriately certified HVAC/R mechanic or appropriately supervised
27 specialty mechanic and was issued a trainee certificate under section
28 10 of this act.

29 NEW SECTION. **Sec. 12.** HVAC/R MECHANIC CERTIFICATION WITHOUT
30 EXAMINATION. (1) From July 1, 2009, until June 30, 2010, a person who
31 has performed HVAC/R work may, in a form and manner prescribed by the
32 department, apply for an HVAC/R mechanic certificate without
33 examination. The application shall contain evidence of the person's
34 hours of HVAC/R work or other required information that is verifiable
35 by the department.

36 (2) Upon review of the application provided in subsection (1) of
37 this section, the department shall:

1 (a) If the applicant has, since January 1, 1988, accrued less than
2 two thousand hours of HVAC/R work, not issue any HVAC/R mechanic
3 certificate;

4 (b) If the applicant has, since January 1, 1988, accrued two
5 thousand hours or more, but less than four thousand hours of HVAC/R
6 work, issue an HVAC/R mechanic I certificate;

7 (c) If the applicant has, since January 1, 1988, accrued four
8 thousand hours or more, but less than eight thousand hours of HVAC/R
9 work, issue an HVAC/R mechanic II certificate; or

10 (d) If the applicant has, since January 1, 1988:

11 (i) Accrued eight thousand hours or more of HVAC/R work;

12 (ii) Completed an appropriately related apprenticeship program
13 approved under chapter 49.04 RCW; or

14 (iii) Completed an appropriately related apprenticeship program in
15 another state or country equivalent to that provided in chapter 49.04
16 RCW, issue an HVAC/R mechanic III certificate.

17 (3) Once the appropriate level of HVAC/R mechanic certificate is
18 issued to a person under this section, that person shall become subject
19 to the other provisions of this chapter for any additional
20 certifications.

21 (4) This section expires July 1, 2010.

22 NEW SECTION. **Sec. 13.** SPECIALTY CERTIFICATION WITHOUT
23 EXAMINATION. (1) From July 1, 2009, until June 30, 2010, a person who
24 has performed HVAC/R work may, in a form and manner prescribed by the
25 department, apply for specialty certificates without examination. The
26 application shall contain evidence of the person's hours of HVAC/R work
27 or other required information that is verifiable by the department.

28 (2) Upon review of the application provided in subsection (1) of
29 this section, the department shall:

30 (a) If the applicant holds a valid journey refrigeration mechanic
31 license issued by the city of Seattle, issue a refrigeration specialty
32 mechanic III certificate and an HVAC specialty mechanic III
33 certificate;

34 (b) If the applicant has, since January 1, 1988, accrued one
35 thousand hours of gas piping work, issue a gas piping specialty
36 mechanic I/II certificate;

1 (c) If the applicant was licensed in any local jurisdiction to
2 perform gas piping work on a fuel burning appliance with a maximum
3 capacity of five hundred thousand BTUH or less, issue a gas piping
4 specialty mechanic I/II certificate; and

5 (d) If the applicant was licensed in any local jurisdiction to
6 perform all gas piping work on any fuel burning appliance, issue a gas
7 piping specialty mechanic III certificate.

8 (3) The specialty certificates provided for in subsection (2) of
9 this section shall be in addition to any HVAC/R mechanic certificate
10 issued by the department under section 12 of this act.

11 (4) Once the appropriate level of specialty certificate is issued
12 to a person under this section, that person shall become subject to the
13 other provisions of this chapter for any additional certifications.

14 (5) This section expires July 1, 2010.

15 NEW SECTION. **Sec. 14.** EXAMINATION. (1) The department, with
16 advice from the board, shall prepare three separate examinations for
17 the assessment of each level of HVAC/R mechanic certification created
18 in section 8 of this act. Within each examination, there shall be a
19 distinct portion that assesses the competency of the applicant in the
20 appropriate level of gas piping work, refrigeration work, and HVAC
21 work. The department shall adopt rules necessary to implement this
22 section.

23 (2) The examinations provided for under this section shall be
24 constructed to determine:

25 (a) Whether the applicant possesses general knowledge of the
26 technical information and practical procedures that are identified
27 within the relevant scope of work; and

28 (b) Whether the applicant is familiar with the applicable laws and
29 administrative rules of the department pertaining to the relevant scope
30 of work.

31 (3) The department, with advice from the board, may enter into a
32 contract with a professional testing agency to develop, administer, and
33 score the examinations provided for in this section. The department
34 may set the examination fee by contract with the professional testing
35 agency. However, the examination fee the department charges must
36 cover, but not exceed, the costs of preparing and administering the
37 examination.

1 (4) The department must administer, at least four times annually,
2 each examination provided under this section to applicants who are
3 eligible for examination under this chapter.

4 (5) The department must certify the results of each examination
5 administered under this section upon the terms and after such a period
6 of time as the department, with the advice of the board, deems
7 necessary and proper.

8 (6) A person may be given the appropriate level of examination they
9 are eligible to take as many times as necessary without limit.
10 However, each time an examination is given, the applicant must first
11 pay the required examination fee.

12 (7) The department, with the advice of the board, may adopt
13 policies and procedures to make examinations available in alternative
14 languages or formats to accommodate all applicants who are eligible for
15 examination under this chapter.

16 NEW SECTION. **Sec. 15.** APPLICATION FOR EXAMINATION--ELIGIBILITY.

17 (1) A person with a valid temporary HVAC/R mechanic certificate or
18 trainee certificate may, in a form and manner prescribed by the
19 department, apply for any of the examinations provided for in section
20 14 of this act. The application shall contain evidence of the person's
21 hours of HVAC/R work or other required information that is verifiable
22 by the department.

23 (2) Upon receipt of an application for examination under this
24 section, the department shall review the application and determine
25 whether the applicant is eligible to take an examination for an HVAC/R
26 mechanic certificate using the following criteria:

27 (a) HVAC/R mechanic I certificate. To be eligible to take the
28 examination for an HVAC/R mechanic I certificate, the applicant must
29 have:

30 (i) Performed a minimum of one thousand hours of HVAC/R work and
31 the entire amount of those hours must be supervised;

32 (ii) Performed two thousand hours of HVAC/R work and seventy-five
33 percent of those hours must be supervised; or

34 (iii) Successfully completed an appropriately related
35 apprenticeship program approved under chapter 49.04 RCW that meets the
36 requirements of this level of certification.

1 (b) HVAC/R mechanic II certificate. To be eligible to take the
2 examination for an HVAC/R mechanic II certificate, the applicant must
3 have:

4 (i) Performed a minimum of four thousand hours of HVAC/R work and
5 seventy-five percent of those hours must be supervised; or

6 (ii) Successfully completed an appropriately related apprenticeship
7 program approved under chapter 49.04 RCW that meets the requirements of
8 this level of certification.

9 (c) HVAC/R mechanic III certificate. To be eligible to take the
10 examination for an HVAC/R mechanic III certificate, the applicant must
11 have:

12 (i) Performed under appropriate supervision levels the amount of
13 HVAC/R work required for an HVAC/R mechanic II certificate under (b)(i)
14 of this subsection plus an additional two thousand hours and the entire
15 amount of the additional hours required under this subsection must be
16 supervised;

17 (ii) Performed HVAC/R work for a minimum of eight thousand hours
18 and seventy-five percent of those hours must be supervised; or

19 (iii) Successfully completed an appropriately related
20 apprenticeship program under chapter 49.04 RCW that meets the
21 requirements of this level of certification.

22 (3) For the purposes of this section, "supervised" means:

23 (a) A person has performed HVAC/R work on the same job site and
24 under the direction of an appropriately certified HVAC/R mechanic or an
25 appropriately certified specialty mechanic; and

26 (b) The appropriate supervision ratios required in section 18 of
27 this act were followed.

28 (4) If any of an applicant's certificates issued prior to the
29 current application have been revoked, the department may deny the
30 current application for up to two years.

31 (5) Upon determining that the applicant is eligible to take an
32 examination under this section, the department shall so notify the
33 applicant, indicating the time and place for taking the examination.

34 (6) Work hours being accrued by an applicant as hours of HVAC/R
35 work under this chapter or towards electrical certification under
36 chapter 19.28 RCW may be credited for both the hours of HVAC/R work
37 required under this chapter and the hours of work required under
38 chapter 19.28 RCW.

1 (7) If an applicant is eligible for an examination under this
2 section and an examination under chapter 19.28 RCW, the department may
3 administer all such examinations at the same examination session.
4 However, upon request of the applicant, the department may administer
5 each examination at the time required in statute or rule for each
6 examination.

7 NEW SECTION. **Sec. 16.** ALTERNATIVES TO WORK EXPERIENCE. (1) A
8 person who has applied for an examination under section 15 of this act
9 and who has successfully completed a board-approved program in HVAC/R
10 work at a technical college, may substitute technical college program
11 hours for hours of HVAC/R work as follows:

	Type of Certificate	Substitution for Hours of HVAC/R Work	
12			
13	(a)	HVAC/R Mechanic I	Up to 1,000 hours of technical college program may be substituted for up to 1,000 hours of HVAC/R work.
14			
15	(b)	HVAC/R Mechanic II	Up to 2,000 hours of technical college program may be substituted for up to 2,000 hours of required HVAC/R work.
16			
17			
18	(c)	HVAC/R Mechanic III	Up to 4,000 hours of technical college program may be substituted for up to 4,000 hours of HVAC/R work.
19			

20 (2) A person who has applied for an examination under section 15 of
21 this act and who has received training in HVAC/R work in the United
22 States armed forces may substitute those training hours for hours of
23 HVAC/R work subject to approval of the department.

24 (3) The department shall determine whether program hours accrued
25 under subsection (1) of this section or the training hours accrued
26 under subsection (2) of this section are in HVAC/R work and are
27 appropriate as a substitute for hours of HVAC/R work.

28 NEW SECTION. **Sec. 17.** ISSUANCE OF CERTIFICATES--RENEWAL. (1) If
29 an applicant passes all portions of the examination administered to him
30 or her under this chapter, that person:

31 (a) Is entitled to be issued the appropriate level of HVAC/R
32 mechanic certificate; and

1 (b) Is subject to the other provisions of this chapter for
2 additional certifications.

3 (2) If an applicant fails to pass one or more portions of an
4 examination administered to him or her under this chapter, that person:

5 (a) Is still entitled to be issued the appropriate specialty
6 certificate for each portion of the examination that was passed; and

7 (b) Is subject to the other provisions of this chapter for
8 additional certifications.

9 (3)(a) If an applicant demonstrates that he or she has passed
10 required modules of a national certification program and, as a result,
11 has been issued an equivalent level of certification by the national
12 propane gas association, that person is entitled to be issued a gas
13 piping specialty mechanic I/II certificate.

14 (b) A person certified as a gas piping specialty mechanic I/II
15 under (a) of this subsection is subject to the requirements of this
16 chapter to obtain any additional certificates.

17 (c) Nothing in this subsection (3) shall be construed to prohibit
18 a person from obtaining any of the other certificates provided for in
19 this chapter if they otherwise meet the requirements of this chapter.

20 (4) An HVAC/R mechanic certificate or specialty certificates shall
21 be valid for a maximum of three years and shall expire on the holder's
22 birthdate. All certificates shall include the expiration date.

23 (5) A person issued an HVAC/R mechanic certificate or specialty
24 certificate may only perform the scope of work authorized under
25 sections 7 and 8 of this act for the certificate.

26 (6) A person issued an HVAC/R mechanic certificate or specialty
27 certificate shall have the certificate in his or her possession when
28 performing any HVAC/R work and shall show the certificate to any
29 authorized representative of the department upon request.

30 (7) The department shall renew an HVAC/R mechanic certificate or
31 specialty certificate if the person issued the certificate:

32 (a) Applies for renewal of his or her certificate not more than
33 ninety days after the certificate expires; and

34 (b) Has complied with the continuing education requirement in
35 section 20 of this act.

36 (8) The department may not renew a certificate that has been
37 revoked or suspended.

1 (9) The department may deny renewal of a certificate if the person
2 seeking renewal owes outstanding penalties for a final judgment under
3 this chapter.

4 (10) The department shall, on or before July 1, 2011, create a
5 single document and establish a single expiration date for a person who
6 holds two or more certificates or specialty certificates under chapter
7 18.106 RCW, chapter 19.28 RCW, and this chapter. The document shall
8 list all of the person's certificates and specialty certificates.

9 NEW SECTION. **Sec. 18.** SUPERVISION RATIOS--SUPERVISION. (1) The
10 ratio of trainees to appropriately certified HVAC/R mechanics or
11 appropriately certified specialty mechanics on the same job site must
12 not be greater than:

13 (a) For trainees not in a technical college program, two trainees
14 to each appropriately certified HVAC/R mechanic or appropriately
15 certified specialty mechanic; or

16 (b) For trainees in a technical college program, four trainees to
17 each appropriately certified HVAC/R mechanic or appropriately certified
18 specialty mechanic.

19 (2) When the ratio of trainees to appropriately certified HVAC/R
20 mechanics or appropriately certified specialty mechanics on a job site
21 is one appropriately certified HVAC/R mechanic or appropriately
22 certified specialty mechanic to one or two trainees, the appropriately
23 certified HVAC/R mechanic or appropriately certified specialty mechanic
24 must be on the same job site as the trainees for a minimum of seventy-
25 five percent of each working day.

26 (3) When the ratio of trainees to appropriately certified HVAC/R
27 mechanics or appropriately certified specialty mechanics on a job site
28 is one appropriately certified HVAC/R mechanic or appropriately
29 certified specialty mechanic to three or four trainees, the
30 appropriately certified HVAC/R mechanic or appropriately certified
31 specialty mechanic must:

32 (a) Directly supervise and instruct the trainees and may not
33 directly make or engage in HVAC/R work; and

34 (b) Be on the same job site as the trainees for one hundred percent
35 of each working day.

36 (4) Hours of HVAC/R work that are performed when the supervision

1 ratios are not in compliance with this section do not qualify as
2 supervised hours when accruing hours of HVAC/R work under this chapter.

3 (5) Notwithstanding any other provision of this chapter, a person:

4 (a) Who has successfully completed, or is currently enrolled in, an
5 approved appropriately related apprenticeship program or an HVAC/R
6 program at a technical college may perform, unsupervised, the remaining
7 six months of the experience requirements of this chapter;

8 (b) Determined to be eligible for examination under section
9 15(2)(a)(i) of this act and who passes all portions of that
10 examination, may perform, unsupervised, the remaining one thousand
11 hours of HVAC/R work required under this chapter for an HVAC/R mechanic
12 I certificate. However, all HVAC/R work performed by this person must
13 be within the scope of work for an HVAC/R mechanic I certificate and
14 this person may not supervise other trainees until they have completed
15 the full two thousand hours of HVAC/R work required by this chapter;

16 (c) Determined to be eligible for examination under section
17 15(2)(c)(i) of this act and who passes all portions of that
18 examination, may perform, unsupervised, the remaining two thousand
19 hours of HVAC/R work required under this chapter for an HVAC/R mechanic
20 III certificate. However, all HVAC/R work performed by this person
21 must be within the scope of work for an HVAC/R mechanic III certificate
22 and this person may not supervise other trainees until they have
23 completed the full eight thousand hours of HVAC/R work required by this
24 chapter.

25 NEW SECTION. **Sec. 19.** CONTRACTOR REPORTING--AUDIT OF RECORDS.

26 (1) Every person who employs a trainee performing HVAC/R work shall
27 report to the department:

28 (a) The names and certificate numbers of any trainee who performed
29 HVAC/R work for them and the hours of HVAC/R work performed by each
30 trainee; and

31 (b) The names and certificate numbers of the appropriately
32 certified HVAC/R mechanics or appropriately certified specialty
33 mechanics who supervised the trainees identified in (a) of this
34 subsection.

35 (2) Every person who reported hours of HVAC/R work performed by
36 trainees under subsection (1) of this section shall attest that all of

1 the reported hours of HVAC/R work performed by trainees was in
2 compliance with the supervision ratio requirements in section 18 of
3 this act.

4 (3) The department may audit the records of a person who reported
5 hours of HVAC/R work performed by trainees under subsection (1) of this
6 section in the following circumstances: (a) Excessive hours were
7 reported; (b) hours were reported outside the normal course of the
8 HVAC/R contractor's business; (c) the type of hours reported do not
9 reasonably match the type of permits purchased; or (d) for other
10 similar circumstances in which the department demonstrates a likelihood
11 of excessive hours being reported. The department shall limit the audit
12 to records necessary to verify hours.

13 (4) Information obtained by the department from any person under
14 this section is confidential and exempt from public disclosure under
15 chapter 42.56 RCW.

16 NEW SECTION. **Sec. 20.** CONTINUING EDUCATION. (1) A person issued
17 an HVAC/R mechanic certificate or any specialty certificates under this
18 chapter must, prior to the renewal date on their certificate,
19 demonstrate satisfactory completion of twenty-four hours of continuing
20 education.

21 (2) The department, with the advice of the board, shall determine
22 the contents of the continuing education courses required in subsection
23 (1) of this section and establish the requirements for satisfactory
24 completion of such courses. If the department determines that a
25 continuing education course offered in another state is comparable to
26 courses offered in Washington, the department shall accept proof of
27 satisfactory completion of the out-of-state course as meeting the
28 continuing education requirement in this section.

29 (3) A trainee must, prior to the renewal date on their certificate,
30 demonstrate satisfactory completion of sixty hours of related
31 supplemental instruction or equivalent training courses, or courses
32 taken as part of an appropriately related apprenticeship program
33 approved under chapter 49.04 RCW.

34 (4) The department, with the advice of the board, shall determine
35 the contents of the related supplemental instruction or equivalent
36 training courses, or courses taken as part of an appropriately related

1 apprenticeship program approved under chapter 49.04 RCW required under
2 subsection (3) of this section, and establish the requirements for
3 satisfactory completion of such courses.

4 (5) All hours required under this section shall be accrued
5 concurrently and shall not exceed sixty hours for any person in any
6 certificate renewal period.

7 (6) Hours of approved continuing education required under this
8 section and hours of approved continuing education required under
9 chapter 19.28 RCW may be accrued concurrently. However, nothing in
10 this subsection shall be construed to relieve any person from having to
11 complete any continuing education mandated by the department by rule
12 pursuant to this chapter or pursuant to chapter 19.28 RCW.

13 NEW SECTION. **Sec. 21.** RECIPROCITY. The department may enter into
14 a reciprocity agreement with another state whose certification
15 requirements are equal to the standards set under this chapter. The
16 reciprocity agreement shall provide for the acceptance of Washington
17 and the other state's certification program or its equivalent by
18 Washington and the other state.

19 NEW SECTION. **Sec. 22.** SUSPENSION AND REVOCATION. (1) The
20 department may revoke any certificate issued under this chapter if the
21 department determines that the recipient: (a) Obtained the certificate
22 through error or fraud; (b) is incompetent to perform HVAC/R work; or
23 (c) committed a violation of this chapter or rules adopted under this
24 chapter that presents imminent danger to the public.

25 (2) The department shall immediately suspend the certificates of
26 any person who has been certified pursuant to RCW 74.20A.320 by the
27 department of social and health services as a person who is not in
28 compliance with a support order. If the person has continued to meet
29 all other requirements for reinstatement during the suspension,
30 reissuance of the certificate shall be automatic upon the department's
31 receipt of a release issued by the department of social and health
32 services stating that the person is in compliance with the order.

33 NEW SECTION. **Sec. 23.** CIVIL PENALTIES. Any person found in
34 violation of this chapter shall be assessed a penalty not to exceed
35 five thousand dollars. The department shall set by rule a schedule of

1 penalties for violating this chapter. Each day that a person violates
2 this chapter is a separate violation. Any penalties collected by the
3 department under this chapter shall be deposited into the plumbing and
4 HVAC/R certificate fund.

5 NEW SECTION. **Sec. 24.** APPLICATION OF ADMINISTRATIVE PROCEDURE
6 ACT. The proceedings for denying applications, suspending or revoking
7 certificates, and imposing civil penalties or other remedies issued
8 pursuant to this chapter and any appeal from those proceedings or
9 review of those proceedings shall be governed by the provisions of the
10 administrative procedure act, chapter 34.05 RCW.

11 NEW SECTION. **Sec. 25.** FEES. (1) The department shall charge fees
12 for the issuance, renewal, and reinstatement of all certificates and
13 examinations required by this chapter. The department shall set the
14 fee amounts by rule.

15 (2) The fees collected under this section shall cover the full
16 costs of issuing the registrations and the certificates required by
17 this chapter, devising and administering the examinations required by
18 this chapter, and administering and enforcing this chapter and chapter
19 18.106 RCW.

20 NEW SECTION. **Sec. 26.** DEPOSITS. All moneys received by the
21 department from certificates, examinations, or any other sources under
22 this chapter shall be paid to the state treasurer as ex officio
23 custodian thereof and placed in a special fund designated as the
24 "plumbing and HVAC/R certificate fund." The treasurer shall pay out
25 upon vouchers duly and regularly issued therefor and approved by the
26 director. The treasurer shall keep an accurate record of payments into
27 the fund, and of all disbursements from the fund. The fund shall be
28 charged with its pro rata share of the cost of administering the fund.

29 NEW SECTION. **Sec. 27.** LIABILITY. (1) This chapter may not be
30 construed to relieve from or lessen the responsibility or liability of
31 any person for injury or damage to person or property caused by or
32 resulting from any HVAC/R work performed by the person.

33 (2) The state of Washington and its officers, agents, and

1 employees may not be held liable for any acts performed pursuant to
2 this chapter.

3 NEW SECTION. **Sec. 28.** HVAC/R BOARD. (1) An HVAC/R board is
4 established.

5 (2) The board shall consist of thirteen members to be appointed by
6 the governor with the advice of the director.

7 (a) Except as provided in this subsection, four members shall be
8 certified HVAC/R mechanics, of which at least one, but not more than
9 two, shall be a certified HVAC/R mechanic performing HVAC/R work east
10 of the crest of the Cascade mountains. Any members appointed before
11 July 1, 2010, shall be persons who are eligible to be certified without
12 examination under section 12 or 13 of this act or to take an
13 examination for certification under section 15 of this act.

14 (b) Except as provided in this subsection, four members shall be
15 HVAC/R contractors, of which at least one, but not more than two, shall
16 be an HVAC/R contractor doing business east of the crest of the Cascade
17 mountains. Any members appointed before July 1, 2009, shall be persons
18 who are engaged in business as HVAC/R contractors and registered as
19 contractors under chapter 18.27 RCW.

20 (c) One member shall be from the general public and be familiar
21 with HVAC/R work.

22 (d) One member shall be a building operator representing the
23 commercial property management industry.

24 (e) One member shall be from the stationary operating engineers.

25 (f) One member shall be from a technical college or an approved
26 apprenticeship training program.

27 (g) One member shall be a building official familiar with
28 enforcement of HVAC/R work.

29 (3) Except as provided in this subsection, the term of each member
30 shall be three years. The term of each initial member shall expire as
31 follows: (a) The terms of the first certified HVAC/R mechanic and the
32 first HVAC/R contractor shall expire July 1, 2009; (b) the terms of the
33 second certified HVAC/R mechanic, the second HVAC/R contractor, and the
34 public member shall expire July 1, 2010; and (c) the terms of the third
35 certified HVAC/R mechanic and the third certified HVAC/R contractor
36 shall expire July 1, 2011. To ensure that the board may continue to
37 act, a member whose term expires shall continue to serve until his or

1 her replacement is appointed. In the case of any vacancy on the board
2 for any reason, the governor shall appoint a new member to serve out
3 the term of the person whose position has become vacant.

4 (4) The board shall, at its first meeting, elect one of its members
5 to serve as chair.

6 (5) The board shall meet at least quarterly in accordance with a
7 schedule established by the board.

8 (6) The board shall:

9 (a) Conduct proceedings for denying applications, suspending or
10 revoking certificates, and imposing civil penalties or other remedies.
11 Such proceedings shall be conducted in accordance with chapter 34.05
12 RCW;

13 (b) Review and make recommendations to adopt, amend, or repeal any
14 rules under this chapter. The director may not adopt, amend, or repeal
15 any rules until the board has conducted its review and made its
16 recommendations;

17 (c) Establish an alternative method or methods for persons to
18 attest for hours of HVAC/R work when applying for certificates under
19 this chapter, but only when all traditional methods allowing for
20 verification of hours of HVAC/R work have been exhausted;

21 (d) Approve expenditures from the plumbing and HVAC/R certificate
22 fund; and

23 (e) Advise the department on all other matters relative to this
24 chapter.

25 (7) The members of the board are entitled to be reimbursed for
26 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

27 NEW SECTION. **Sec. 29.** ADMINISTRATION. (1) The director may adopt
28 rules necessary for the administration of this chapter.

29 (2) The department shall administer this chapter in conjunction
30 with its administration of chapter 18.106 RCW.

31 (3) In the administration of this chapter, the department shall not
32 enter any controversy arising over work assignments with respect to the
33 trades involved in the construction industry.

34 NEW SECTION. **Sec. 30.** EFFECT ON OTHER LAWS. With the exception
35 of sections 3(3), 10(7), 15 (6) and (7), 17(10), and 20(6) of this act,
36 nothing in this chapter shall be construed to:

- 1 (1) Modify, amend, or supersede chapter 18.106 or 19.28 RCW;
- 2 (2) Prohibit or restrict an individual who is certified under
- 3 chapter 18.106 or 19.28 RCW from engaging in the trade in which he or
- 4 she is certified; or
- 5 (3) Regulate or include plumbing work defined in chapter 18.106 RCW
- 6 and its applicable rules or electrical work defined in chapter 19.28
- 7 RCW and its applicable rules.

8 NEW SECTION. **Sec. 31.** COMPLIANCE AGENTS. (1) The director shall
9 appoint compliance agents to investigate alleged or apparent violations
10 of this chapter. The director, or authorized compliance agent, upon
11 presentation of appropriate credentials, may inspect and investigate
12 job sites at which an HVAC/R contractor had bid or presently is working
13 to determine whether the HVAC/R contractor is registered and their
14 employees are certified and working in accordance with this chapter or
15 the rules adopted under this chapter or whether there is a violation of
16 this chapter. Upon request of the compliance agent, an HVAC/R
17 contractor or an employee of the HVAC/R contractor shall provide
18 information identifying the HVAC/R contractor and those employees
19 working on-site.

20 (2) If the employee of an unregistered HVAC/R contractor is cited
21 by a compliance agent, that employee is cited as the agent of the
22 employer, and issuance of the infraction to the employee is notice to
23 the unregistered HVAC/R contractor that the contractor is in violation
24 of this chapter. An employee who is cited by a compliance agent shall
25 not be liable for any of the alleged violations contained in the
26 citation unless the employee is also the unregistered HVAC/R contractor
27 or the employee is performing HVAC/R work that requires a certification
28 under this chapter without proper proof of the certification.

29 NEW SECTION. **Sec. 32.** NOTICE OF INFRACTION. The department may
30 issue a notice of infraction if the department reasonably believes that
31 a person has committed an infraction under this chapter. A notice of
32 infraction issued under this section shall be personally served on the
33 person named in the notice by the department's compliance agents or
34 service can be made by certified mail directed to the person named in
35 the notice of infraction at the last known address as provided to the
36 department.

1 NEW SECTION. **Sec. 33.** NOTICE OF INFRACTION FORM. The form of the
2 notice of infraction issued under this chapter shall include the
3 following:

4 (1) A statement that the notice represents a determination that the
5 infraction has been committed by the person named in the notice and
6 that the determination shall be final unless contested as provided in
7 this chapter;

8 (2) A statement that the infraction is a noncriminal offense for
9 which imprisonment shall not be imposed as a sanction;

10 (3) A statement of the violation that necessitated issuance of the
11 infraction;

12 (4) A statement of penalty involved if the infraction is
13 established;

14 (5) A statement of the options provided in this chapter for
15 responding to the notice and the procedures necessary to exercise these
16 options;

17 (6) A statement that at any hearing to contest the notice of
18 infraction the state has the burden of proving, by a preponderance of
19 the evidence, that the infraction was committed; and that the person
20 may subpoena witnesses, including the compliance agent of the
21 department who issued and served the notice of infraction;

22 (7) A statement that, at any hearing to contest the notice of
23 infraction against a person who is not properly registered or certified
24 as required under this chapter, the person given the infraction has the
25 burden of proving that the infraction did not occur;

26 (8) A statement that the person named on the notice of infraction
27 must respond to the notice in one of the ways provided in this chapter;
28 and

29 (9) A statement that the person's failure to timely select one of
30 the options for responding to the notice of infraction after receiving
31 a statement of the options provided in this chapter for responding to
32 the notice of infraction and the procedures necessary to exercise these
33 options is guilty of a gross misdemeanor and may be punished by a fine
34 or imprisonment in jail.

35 NEW SECTION. **Sec. 34.** VIOLATIONS. A violation designated as an
36 infraction under this chapter shall be heard and determined by an
37 administrative law judge of the office of administrative hearings. If

1 a person desires to contest the notice of infraction, the person shall
2 file a notice of appeal with the department specifying the grounds of
3 the appeal within twenty days of service of the infraction in a manner
4 provided by this chapter. The appeal must be accompanied by a
5 certified check for two hundred dollars, which shall be returned to the
6 assessed person if the decision of the department is not sustained
7 following the final decision in the appeal. If the final decision
8 sustains the decision of the department, the department must apply the
9 two hundred dollars to the payment of the expenses of the appeal,
10 including costs charged by the office of administrative hearings. The
11 administrative law judge shall conduct hearings in these cases at
12 locations in the county where the infraction occurred.

13 NEW SECTION. **Sec. 35.** RESPONSE TO NOTICE OF INFRACTION. (1) A
14 person who is issued a notice of infraction shall respond within twenty
15 days of the date of issuance of the notice of infraction.

16 (2) If the person named in the notice of infraction does not elect
17 to contest the notice of infraction, then the person shall pay to the
18 department, by check or money order, the amount of the penalty
19 prescribed for the infraction. When a response that does not contest
20 the notice of infraction is received by the department with the
21 appropriate penalty, the department shall make the appropriate entry in
22 its records.

23 (3) If the person named in the notice of infraction elects to
24 contest the notice of infraction, the person shall respond by filing
25 with the department specifying the appeal to the department in the
26 manner specified in this chapter.

27 (4) If any person issued a notice of infraction fails to respond
28 within the prescribed response period, the person shall be guilty of a
29 misdemeanor and prosecuted in the county where the infraction occurred.

30 (5) After final determination by an administrative law judge that
31 an infraction has been committed, a person who fails to pay a monetary
32 penalty within thirty days, that is not waived pursuant to this
33 chapter, and who fails to file an appeal shall be guilty of a
34 misdemeanor and be prosecuted in the county where the infraction
35 occurred.

36 (6) A person who fails to pay a monetary penalty within thirty days

1 after exhausting appellate remedies shall be guilty of a misdemeanor
2 and be prosecuted in the county where the infraction occurred.

3 (7) If a person who is issued a notice of infraction is a person
4 who has failed to register or be certified as required under this
5 chapter, the person is subject to a monetary penalty per infraction as
6 provided in the schedule of penalties established by the department,
7 and each day the person works without becoming registered or certified
8 is a separate infraction.

9 **Sec. 36.** RCW 18.106.125 and 1983 c 124 s 17 are each amended to
10 read as follows:

11 The department shall charge fees for issuance, renewal, and
12 reinstatement of all certificates and permits and for examinations
13 required by this chapter. The department shall set the fees by rule.

14 The fees collected under this chapter and chapter 18.-- RCW (the
15 new chapter created in section 40 of this act) shall cover the full
16 cost of issuing the certificates and permits, devising and
17 administering the examinations, and administering and enforcing this
18 chapter and chapter 18.-- RCW (the new chapter created in section 40 of
19 this act). The costs shall include travel, per diem, and
20 administrative support costs.

21 **Sec. 37.** RCW 18.106.130 and 1973 1st ex.s. c 175 s 13 are each
22 amended to read as follows:

23 All moneys received from certificates, permits, or other
24 sources(~~(r)~~) shall be paid to the state treasurer as ex officio
25 custodian thereof and (~~by him~~) placed in a special fund designated as
26 the (~~(u)~~)plumbing and HVAC/R certificate fund(~~(u)~~). (~~He~~) The
27 treasurer shall pay out upon vouchers duly and regularly issued
28 therefor and approved by the director. The treasurer shall keep an
29 accurate record of payments into (~~said~~) the fund(~~(r)~~) and of all
30 disbursement (~~therefrom~~) from the fund. (~~Said~~) The fund shall be
31 charged with its pro rata share of the cost of administering (~~said~~)
32 the fund.

33 **Sec. 38.** RCW 43.84.092 and 2007 c 514 s 3 and 2007 c 356 s 9 are
34 each reenacted and amended to read as follows:

1 (1) All earnings of investments of surplus balances in the state
2 treasury shall be deposited to the treasury income account, which
3 account is hereby established in the state treasury.

4 (2) The treasury income account shall be utilized to pay or receive
5 funds associated with federal programs as required by the federal cash
6 management improvement act of 1990. The treasury income account is
7 subject in all respects to chapter 43.88 RCW, but no appropriation is
8 required for refunds or allocations of interest earnings required by
9 the cash management improvement act. Refunds of interest to the
10 federal treasury required under the cash management improvement act
11 fall under RCW 43.88.180 and shall not require appropriation. The
12 office of financial management shall determine the amounts due to or
13 from the federal government pursuant to the cash management improvement
14 act. The office of financial management may direct transfers of funds
15 between accounts as deemed necessary to implement the provisions of the
16 cash management improvement act, and this subsection. Refunds or
17 allocations shall occur prior to the distributions of earnings set
18 forth in subsection (4) of this section.

19 (3) Except for the provisions of RCW 43.84.160, the treasury income
20 account may be utilized for the payment of purchased banking services
21 on behalf of treasury funds including, but not limited to, depository,
22 safekeeping, and disbursement functions for the state treasury and
23 affected state agencies. The treasury income account is subject in all
24 respects to chapter 43.88 RCW, but no appropriation is required for
25 payments to financial institutions. Payments shall occur prior to
26 distribution of earnings set forth in subsection (4) of this section.

27 (4) Monthly, the state treasurer shall distribute the earnings
28 credited to the treasury income account. The state treasurer shall
29 credit the general fund with all the earnings credited to the treasury
30 income account except:

31 (a) The following accounts and funds shall receive their
32 proportionate share of earnings based upon each account's and fund's
33 average daily balance for the period: The capitol building
34 construction account, the Cedar River channel construction and
35 operation account, the Central Washington University capital projects
36 account, the charitable, educational, penal and reformatory
37 institutions account, the Columbia river basin water supply development
38 account, the common school construction fund, the county criminal

1 justice assistance account, the county sales and use tax equalization
2 account, the data processing building construction account, the
3 deferred compensation administrative account, the deferred compensation
4 principal account, the department of retirement systems expense
5 account, the developmental disabilities community trust account, the
6 drinking water assistance account, the drinking water assistance
7 administrative account, the drinking water assistance repayment
8 account, the Eastern Washington University capital projects account,
9 the education construction fund, the education legacy trust account,
10 the election account, the emergency reserve fund, the energy freedom
11 account, The Evergreen State College capital projects account, the
12 federal forest revolving account, the freight congestion relief
13 account, the freight mobility investment account, the freight mobility
14 multimodal account, the health services account, the public health
15 services account, the health system capacity account, the personal
16 health services account, the state higher education construction
17 account, the higher education construction account, the highway
18 infrastructure account, the high-occupancy toll lanes operations
19 account, the plumbing and HVAC/R certificate fund, the industrial
20 insurance premium refund account, the judges' retirement account, the
21 judicial retirement administrative account, the judicial retirement
22 principal account, the local leasehold excise tax account, the local
23 real estate excise tax account, the local sales and use tax account,
24 the medical aid account, the mobile home park relocation fund, the
25 multimodal transportation account, the municipal criminal justice
26 assistance account, the municipal sales and use tax equalization
27 account, the natural resources deposit account, the oyster reserve land
28 account, the pension funding stabilization account, the perpetual
29 surveillance and maintenance account, the public employees' retirement
30 system plan 1 account, the public employees' retirement system combined
31 plan 2 and plan 3 account, the public facilities construction loan
32 revolving account beginning July 1, 2004, the public health
33 supplemental account, the public works assistance account, the Puyallup
34 tribal settlement account, the real estate appraiser commission
35 account, the regional mobility grant program account, the resource
36 management cost account, the rural Washington loan fund, the site
37 closure account, the small city pavement and sidewalk account, the
38 special wildlife account, the state employees' insurance account, the

1 state employees' insurance reserve account, the state investment board
2 expense account, the state investment board commingled trust fund
3 accounts, the supplemental pension account, the Tacoma Narrows toll
4 bridge account, the teachers' retirement system plan 1 account, the
5 teachers' retirement system combined plan 2 and plan 3 account, the
6 tobacco prevention and control account, the tobacco settlement account,
7 the transportation infrastructure account, the transportation
8 partnership account, the traumatic brain injury account, the tuition
9 recovery trust fund, the University of Washington bond retirement fund,
10 the University of Washington building account, the volunteer
11 firefighters' and reserve officers' relief and pension principal fund,
12 the volunteer firefighters' and reserve officers' administrative fund,
13 the Washington fruit express account, the Washington judicial
14 retirement system account, the Washington law enforcement officers' and
15 firefighters' system plan 1 retirement account, the Washington law
16 enforcement officers' and firefighters' system plan 2 retirement
17 account, the Washington public safety employees' plan 2 retirement
18 account, the Washington school employees' retirement system combined
19 plan 2 and 3 account, the Washington state health insurance pool
20 account, the Washington state patrol retirement account, the Washington
21 State University building account, the Washington State University bond
22 retirement fund, the water pollution control revolving fund, and the
23 Western Washington University capital projects account. Earnings
24 derived from investing balances of the agricultural permanent fund, the
25 normal school permanent fund, the permanent common school fund, the
26 scientific permanent fund, and the state university permanent fund
27 shall be allocated to their respective beneficiary accounts. All
28 earnings to be distributed under this subsection (4)(a) shall first be
29 reduced by the allocation to the state treasurer's service fund
30 pursuant to RCW 43.08.190.

31 (b) The following accounts and funds shall receive eighty percent
32 of their proportionate share of earnings based upon each account's or
33 fund's average daily balance for the period: The aeronautics account,
34 the aircraft search and rescue account, the county arterial
35 preservation account, the department of licensing services account, the
36 essential rail assistance account, the ferry bond retirement fund, the
37 grade crossing protective fund, the high capacity transportation
38 account, the highway bond retirement fund, the highway safety account,

1 the motor vehicle fund, the motorcycle safety education account, the
2 pilotage account, the public transportation systems account, the Puget
3 Sound capital construction account, the Puget Sound ferry operations
4 account, the recreational vehicle account, the rural arterial trust
5 account, the safety and education account, the special category C
6 account, the state patrol highway account, the transportation 2003
7 account (nickel account), the transportation equipment fund, the
8 transportation fund, the transportation improvement account, the
9 transportation improvement board bond retirement account, and the urban
10 arterial trust account.

11 (5) In conformance with Article II, section 37 of the state
12 Constitution, no treasury accounts or funds shall be allocated earnings
13 without the specific affirmative directive of this section.

14 **Sec. 39.** RCW 43.84.092 and 2007 c 514 s 3, 2007 c 513 s 1, and
15 2007 c 356 s 9 are each reenacted and amended to read as follows:

16 (1) All earnings of investments of surplus balances in the state
17 treasury shall be deposited to the treasury income account, which
18 account is hereby established in the state treasury.

19 (2) The treasury income account shall be utilized to pay or receive
20 funds associated with federal programs as required by the federal cash
21 management improvement act of 1990. The treasury income account is
22 subject in all respects to chapter 43.88 RCW, but no appropriation is
23 required for refunds or allocations of interest earnings required by
24 the cash management improvement act. Refunds of interest to the
25 federal treasury required under the cash management improvement act
26 fall under RCW 43.88.180 and shall not require appropriation. The
27 office of financial management shall determine the amounts due to or
28 from the federal government pursuant to the cash management improvement
29 act. The office of financial management may direct transfers of funds
30 between accounts as deemed necessary to implement the provisions of the
31 cash management improvement act, and this subsection. Refunds or
32 allocations shall occur prior to the distributions of earnings set
33 forth in subsection (4) of this section.

34 (3) Except for the provisions of RCW 43.84.160, the treasury income
35 account may be utilized for the payment of purchased banking services
36 on behalf of treasury funds including, but not limited to, depository,
37 safekeeping, and disbursement functions for the state treasury and

1 affected state agencies. The treasury income account is subject in all
2 respects to chapter 43.88 RCW, but no appropriation is required for
3 payments to financial institutions. Payments shall occur prior to
4 distribution of earnings set forth in subsection (4) of this section.

5 (4) Monthly, the state treasurer shall distribute the earnings
6 credited to the treasury income account. The state treasurer shall
7 credit the general fund with all the earnings credited to the treasury
8 income account except:

9 The following accounts and funds shall receive their proportionate
10 share of earnings based upon each account's and fund's average daily
11 balance for the period: The aeronautics account, the aircraft search
12 and rescue account, the capitol building construction account, the
13 Cedar River channel construction and operation account, the Central
14 Washington University capital projects account, the charitable,
15 educational, penal and reformatory institutions account, the Columbia
16 river basin water supply development account, the common school
17 construction fund, the county arterial preservation account, the county
18 criminal justice assistance account, the county sales and use tax
19 equalization account, the data processing building construction
20 account, the deferred compensation administrative account, the deferred
21 compensation principal account, the department of licensing services
22 account, the department of retirement systems expense account, the
23 developmental disabilities community trust account, the drinking water
24 assistance account, the drinking water assistance administrative
25 account, the drinking water assistance repayment account, the Eastern
26 Washington University capital projects account, the education
27 construction fund, the education legacy trust account, the election
28 account, the emergency reserve fund, the energy freedom account, the
29 essential rail assistance account, The Evergreen State College capital
30 projects account, the federal forest revolving account, the ferry bond
31 retirement fund, the freight congestion relief account, the freight
32 mobility investment account, the freight mobility multimodal account,
33 the grade crossing protective fund, the health services account, the
34 public health services account, the health system capacity account, the
35 personal health services account, the high capacity transportation
36 account, the state higher education construction account, the higher
37 education construction account, the highway bond retirement fund, the
38 highway infrastructure account, the highway safety account, the high-

1 occupancy toll lanes operations account, the plumbing and HVAC/R
2 certificate fund, the industrial insurance premium refund account, the
3 judges' retirement account, the judicial retirement administrative
4 account, the judicial retirement principal account, the local leasehold
5 excise tax account, the local real estate excise tax account, the local
6 sales and use tax account, the medical aid account, the mobile home
7 park relocation fund, the motor vehicle fund, the motorcycle safety
8 education account, the multimodal transportation account, the municipal
9 criminal justice assistance account, the municipal sales and use tax
10 equalization account, the natural resources deposit account, the oyster
11 reserve land account, the pension funding stabilization account, the
12 perpetual surveillance and maintenance account, the pilotage account,
13 the public employees' retirement system plan 1 account, the public
14 employees' retirement system combined plan 2 and plan 3 account, the
15 public facilities construction loan revolving account beginning July 1,
16 2004, the public health supplemental account, the public transportation
17 systems account, the public works assistance account, the Puget Sound
18 capital construction account, the Puget Sound ferry operations account,
19 the Puyallup tribal settlement account, the real estate appraiser
20 commission account, the recreational vehicle account, the regional
21 mobility grant program account, the resource management cost account,
22 the rural arterial trust account, the rural Washington loan fund, the
23 safety and education account, the site closure account, the small city
24 pavement and sidewalk account, the special category C account, the
25 special wildlife account, the state employees' insurance account, the
26 state employees' insurance reserve account, the state investment board
27 expense account, the state investment board commingled trust fund
28 accounts, the state patrol highway account, the supplemental pension
29 account, the Tacoma Narrows toll bridge account, the teachers'
30 retirement system plan 1 account, the teachers' retirement system
31 combined plan 2 and plan 3 account, the tobacco prevention and control
32 account, the tobacco settlement account, the transportation 2003
33 account (nickel account), the transportation equipment fund, the
34 transportation fund, the transportation improvement account, the
35 transportation improvement board bond retirement account, the
36 transportation infrastructure account, the transportation partnership
37 account, the traumatic brain injury account, the tuition recovery trust
38 fund, the University of Washington bond retirement fund, the University

1 of Washington building account, the urban arterial trust account, the
2 volunteer firefighters' and reserve officers' relief and pension
3 principal fund, the volunteer firefighters' and reserve officers'
4 administrative fund, the Washington fruit express account, the
5 Washington judicial retirement system account, the Washington law
6 enforcement officers' and firefighters' system plan 1 retirement
7 account, the Washington law enforcement officers' and firefighters'
8 system plan 2 retirement account, the Washington public safety
9 employees' plan 2 retirement account, the Washington school employees'
10 retirement system combined plan 2 and 3 account, the Washington state
11 health insurance pool account, the Washington state patrol retirement
12 account, the Washington State University building account, the
13 Washington State University bond retirement fund, the water pollution
14 control revolving fund, and the Western Washington University capital
15 projects account. Earnings derived from investing balances of the
16 agricultural permanent fund, the normal school permanent fund, the
17 permanent common school fund, the scientific permanent fund, and the
18 state university permanent fund shall be allocated to their respective
19 beneficiary accounts. All earnings to be distributed under this
20 subsection (4)(a) shall first be reduced by the allocation to the state
21 treasurer's service fund pursuant to RCW 43.08.190.

22 (5) In conformance with Article II, section 37 of the state
23 Constitution, no treasury accounts or funds shall be allocated earnings
24 without the specific affirmative directive of this section.

25 NEW SECTION. **Sec. 40.** CODIFICATION. Sections 2 through 35 of
26 this act constitute a new chapter in Title 18 RCW.

27 NEW SECTION. **Sec. 41.** CAPTIONS. Captions used in this act are
28 not any part of the law.

29 NEW SECTION. **Sec. 42.** SEVERABILITY. If any provision of this act
30 or its application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 43.** EFFECTIVE DATE. Except for section 39 of
34 this act, this act takes effect July 1, 2008.

1 NEW SECTION. **Sec. 44.** Section 38 of this act expires July 1,
2 2009.

3 NEW SECTION. **Sec. 45.** Section 39 of this act takes effect July 1,
4 2009.

5 NEW SECTION. **Sec. 46.** If specific funding for the purposes of
6 this act, referencing this act by bill or chapter number, is not
7 provided by June 30, 2008, in the omnibus appropriations act, this act
8 is null and void."

9 Correct the title.

EFFECT: TASK FORCE

(1) Specifies that task force members include the chair and ranking minority member of the Senate Labor, Commerce, Research and Development Committee (instead of the Senate Economic Development, Trade and Management Committee).

(2) Directs the task force to review implementation of contractor registration and mechanic certification requirements.

DEFINITIONS

(1) Defines numerous terms including HVAC/R work, HVAC work, refrigeration work, and gas piping work.

(2) Defines "HVAC/R work" as all HVAC work, refrigeration work, and gas piping work that is not exempt from regulation.

(3) Defines "HVAC work" as to install, replace, service, test, or adjust and balance HVAC equipment and systems. Specifies that "HVAC equipment and systems" does not include solid fuel burning devices (e.g., wood stoves and coal stoves), gas company service piping, gas piping other than that necessary to deliver fuel, or boilers.

(4) Defines "refrigeration work" as to install, replace, or service refrigeration systems.

(5) Defines "gas piping work" as to install, replace, or service gas piping and venting related to gas piping. Specifies that "gas piping" does not include gas company service piping or any gas piping used directly in the generation of electricity by an electric utility or a commercial-scale nonutility generator of electricity.

(6) Defines certain types of work as meaning to design, fabricate, and construct certain types of systems only for accruing hours of work.

HVAC/R BOARD

(1) Establishes a 13-member HVAC/R Board (Board). Specifies that members of the Board consist of four mechanics, four contractors, one public member familiar with HVAC/R work, one building operator representing the commercial property management industry, one member from the stationary operating engineers, one member from a technical college or an apprenticeship training program, and one building official familiar with enforcement of HVAC/R work. Specifies that, for members appointed before registration and certification requirements apply, contractor members are persons engaged in business as HVAC/R contractors and registered as contractors under the Contractor Registration Act, and mechanic members are persons who are eligible to be certified without examination or to take the examination for certification.

(2) Requires the Board to conduct proceedings for denying applications, suspending or revoking certificates, and imposing penalties. Also requires the Board to approve expenditures, and advise the Department on HVAC/R matters.

CONTRACTOR REGISTRATION

(1) Specifies that, on and after July 1, 2009, persons may not engage in business as HVAC/R contractors without being registered as contractors under the Contractor Registration Act and as HVAC/R contractors. Also specifies that, on and after July 1, 2010, persons may not employ persons to perform HVAC/R work who are not certified to do so.

(2) Contains three exemptions from the HVAC/R contractor registration requirement. Specifies that this requirement does not apply to:

- (a) Persons contracting for HVAC/R work on their own residences;
- (b) Persons whose employees perform only HVAC/R work that is exempt from the mechanic certification requirement; and
- (c) Persons who are exempt from contractor registration under the Contractor Registration Act.

MECHANIC CERTIFICATION

(1) Specifies that, on and after July 1, 2010, persons may not perform HVAC/R work without being issued an HVAC/R mechanic certificate, a specialty certificate, a temporary certificate, or a trainee certificate by the Department. Establishes the following types of certificates and their scopes of work:

(a) HVAC/R Mechanics. A Mechanic I may perform gas piping, refrigeration, and HVAC work performed by a specialty mechanic I. A Mechanic II may perform gas piping work performed by a specialty mechanic I, and refrigeration and HVAC work performed by a specialty mechanic II. A Mechanic III may perform gas piping, refrigeration, and HVAC work performed by a specialty mechanic III.

(b) Gas Piping Specialty Mechanics. A Mechanic I/II may perform gas piping work on fuel burning appliances and systems with a maximum capacity of 500,000 British thermal units per hour (BTUH). A Mechanic III may perform all gas piping work on any fuel burning appliances and systems.

(c) Refrigeration Specialty Mechanics. A Mechanic I may perform refrigeration work on refrigeration systems that contain less than 30 pounds of class A1 refrigerants. A Mechanic II may perform refrigeration work performed by a Mechanic I, and refrigeration work on

refrigeration systems that contain less than 70 pounds of class A1 refrigerants. A Mechanic III may perform refrigeration work on any refrigeration systems using any refrigerants.

(d) HVAC Specialty Mechanics. A Mechanic I may perform HVAC work on HVAC equipment and systems of 7.5 tons or less or 3,375 cubic feet per minute (CFM) or less. A Mechanic II may perform HVAC work performed by a Mechanic I, and HVAC work on HVAC equipment and systems of 20 tons or less or 9,000 CFM or less. A Mechanic III may perform all HVAC work on HVAC equipment and systems.

(2) Contains fifteen exemptions from the HVAC/R mechanic certification requirement. Specifies that this requirement does not apply to persons who are: (a) Cleaning or performing certain routine maintenance work on HVAC/R equipment and systems; (b) performing HVAC/R work on HVAC/R equipment or systems that contain small amounts of refrigerant and are actuated by small motors or engines, or that are absorption systems with low ratings of refrigeration effect; (c) setting oil tanks and related piping to furnaces; (d) setting propane tanks and related piping outside of buildings; (e) performing gas piping work on certain fuel burning appliances and systems pursuant to valid plumbing certificates; (f) performing HVAC/R work on their own property, unless on new buildings intended for rent, sale, or lease; (g) performing HVAC/R work on their own property or regularly employed persons working on their employers' premises, but not if they are working on new buildings intended for rent, sale, or lease, or performing HVAC/R operator work in the City of Seattle; (h) performing work for gas companies that is incidental to natural gas deliveries or pursuant to a tariff on file with the Utilities and Transportation Commission; (i) licensed architects, engineers, and land surveyors who are designing HVAC/R equipment or systems; (j) replacing household appliances; (k) installing wood or pellet stoves, including directly related venting; (l) performing minor flexible ducting repairs in single-family, residential structures; (m) performing cleaning, repair, or replacement of fuel oil filters and nozzles of an oil heat burner assembly; (n) making like-in-kind replacements of oil heat furnaces in single-family residential structures; and (o) installing, replacing, and servicing hearth products.

(3) Contains a temporary exemption from the HVAC/R mechanic certification requirement for persons performing refrigeration work on certain refrigeration systems used primarily for food products in food and beverage stores, except for persons performing such work in a city with a population of 500,000 or more. Specifies that this exemption expires June 30, 2013.

OPERATOR CERTIFICATION

Permits HVAC/R operating engineers to apply for and take examinations to obtain HVAC/R operator certificates. Specifies that the scope of work is cleaning or performing certain routine maintenance work on HVAC/R equipment and systems, and performing minor repairs on HVAC/R equipment and systems and HVAC/R work on sealed HVAC/R equipment and systems. Does not require persons licensed by the City of Seattle as refrigeration operating engineers to meet additional requirements to be issued HVAC/R operator certificates.

CERTIFICATION WITH EXAMINATION

(1) Requires that examinations for HVAC/R mechanic certificates contain distinct portions that assess competency in gas piping, refrigeration, and HVAC work. Specifies that applicants who pass all portions of examinations are entitled to be issued HVAC/R mechanic certificates. Specifies that those who pass some portions are entitled to be issued specialty mechanic certificates for those portions.

(2) Establishes the following qualifications to take examinations:

(a) HVAC/R Mechanic I. A person must have: (i) Performed 1,000 hours of HVAC/R work, all of which must be supervised; (ii) performed 2,000 hours of HVAC/R work, 75 percent of which must be supervised; or (iii) completed an appropriate apprenticeship program.

(b) HVAC/R Mechanic II. A person must have: (i) Performed 4,000 hours of HVAC/R work, 75 percent of which must be supervised; or (ii) completed an appropriate apprenticeship program.

(c) HVAC/R Mechanic III. A person must have: (i) Performed 4,000 hours of HVAC/R work, 75 percent of which must be supervised, plus an additional 2,000 hours, all of which must be supervised; (ii) performed 8,000 hours of HVAC/R work, 75 percent of which must be supervised; or (iii) completed an appropriate apprenticeship program.

(3) Provides that persons who have an equivalent certification from the National Propane Gas Association are entitled to be certified as a Gas Piping Specialty Mechanic I/II.

(4) Provides that hours of a technical college program may be substituted for hours of work experience. Also provides that hours of armed forces work experience may be substituted for hours of work experience.

(5) Requires that examinations for HVAC/R operators be comparable to the City of Seattle's test to obtain refrigeration operating engineer licenses.

CERTIFICATION WITHOUT EXAMINATION; "GRANDFATHER" CLAUSE

(1) Specifies that, from July 1, 2009, to June 30, 2010, persons who have performed HVAC/R work may apply for HVAC/R mechanic certificates without examination. Requires that applications include evidence of hours of HVAC/R work performed since January 1, 1988.

(2) Establishes the following qualifications to become certified without examination:

(a) HVAC/R Mechanics. For Mechanic I, a person must have performed at least 2,000 hours of HVAC/R work. For Mechanic II, a person must have performed at least 4,000 hours of HVAC/R work. For Mechanic III, a person must have performed at least 8,000 hours of HVAC/R work, or completed an appropriate apprenticeship program.

(b) Gas Piping Specialty Mechanics. For Mechanic I/II, a person must have performed at least 1,000 hours of gas piping work or hold a local license to perform gas piping work on fuel burning appliances and systems with a maximum capacity of 500,000 BTUH. For Mechanic III, a person must hold a local license to perform all gas piping work on any fuel burning appliances and systems.

(c) Refrigeration Specialty Mechanics. For Mechanic III, a person must hold a City of Seattle journey refrigeration mechanic license.

(d) HVAC Specialty Mechanics. For Mechanic III, a person must hold a City of Seattle journey refrigeration mechanic license.

CERTIFICATION WITHOUT EXAMINATION; RECIPROCITY PROVISION

Authorizes the Department to enter into reciprocity agreements with other states whose certification requirements are equal to Washington's standards. Requires that the agreements provide for acceptance of Washington and the other state's certification program by Washington and the other states.

SUPERVISION REQUIREMENTS

(1) Permits mechanics to supervise two trainees not in a technical college program or four trainees in a technical college program. When the ratio of mechanics to trainees on a job site is one mechanic to one or two trainees, requires mechanics be on the same job site as trainees at least 75 percent of each working day. When the ratio is one mechanic to three or four trainees, requires that mechanics directly supervise and instruct trainees and not directly make or engage in HVAC/R work. Also requires them to be on the same job site as trainees all of each working day.

(2) Creates exceptions to the supervision requirements for persons who have performed certain hours of work and passed certain portions of examinations. Permits these persons to perform, unsupervised, the remaining hours required for certification.

OTHER

(1) Contains various provisions addressing enforcement activities, including investigations, notices of infraction, and civil and criminal penalties.

(2) Contains other provisions requiring mechanics to complete 24 hours of continuing education and trainees to complete 60 hours of related supplemental instruction or equivalent training.

(3) Requires the Department to charge fees for certificates and examinations, and to set a fee schedule by rule. Requires that fees cover program costs.

(4) Requires the Department to set a civil penalty schedule by rule.

(5) Provides that all moneys received from certificates, examinations, penalties, and other sources be deposited in the Plumbing and HVAC/R Certificate Fund, and that this fund retain its share of interest earnings.

(6) Specifies that, with certain exceptions, nothing in state HVAC/R laws shall be construed to: (a) Modify state plumbing or electrical laws; (b) prohibit or restrict certified plumbers or electricians from engaging in their trades; or (c) regulate or include electrical or plumbing work. These exceptions include provisions relating to concurrent registration and certification, as well as concurrent work experience, examination, and continuing education.

(7) Specifies that the bill takes effect on July 1, 2008.

(8) Includes a null and void clause.

--- END ---