
Commerce & Labor Committee

HB 1917

Brief Description: Changing the regulation of plumbing to also include HVAC/R.

Sponsors: Representatives Grant, Chandler, Condotta and O'Brien.

Brief Summary of Bill

- Requires contractors in the business of performing heating, ventilating, air conditioning, and refrigeration (HVAC/R) work to employ a certified HVAC/R administrator.
- Expands an existing advisory board and the purposes of an existing dedicated account.

Hearing Date: 2/16/07

Staff: Jill Reinmuth (786-7134).

Background:

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

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

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

In 2004, the Legislature directed the Joint Legislative Audit and Review Committee (JLARC) to conduct a study to evaluate the state's rules relating to the licensing and testing requirements for

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HVAC contractors and installers, and to develop recommendations for modifications in licensing and testing requirements.

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

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

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

Summary of Bill:

Provisions governing the plumbing industry are amended to also govern certain aspects of the heating, ventilating, air conditioning, and refrigeration (HVAC/R) industry. Requirements for HVAC/R administrator certification are established.

Definitions

HVAC/R means the craft involved in installing, maintaining, repairing, or servicing HVAC/R equipment, such as furnaces, air conditioning equipment, and ducting, ventilation, and refrigeration equipment.

Contractors

No person may do the work of an HVAC/R contractor unless the person is an HVAC/R contractor or is employed by an HVAC/R contractor. This provision applies after December 31, 2007.

HVAC/R contractors must be registered contractors under the Contractor Registration Act. They must notify the Department of Labor and Industries (Department) that they install, maintain, repair, or service HVAC/R equipment. In addition, they must designate a supervisory employee or member of the firm to take the master electrician's or administrator's examination, and to be the contractor's HVAC/R administrator.

Administrators

HVAC/R administrators must be certified as such by the Department. They must pass an examination to ensure that they are competent to engage in and supervise HVAC mechanic work. Their certificate is valid for 2 years, and generally may be renewed without examination.

There are two exceptions to the examination requirement. A grandfather clause allows a person that has been an HVAC/R contractor or doing HVAC/R work for 8,000 hours or more in the past 6 years to obtain a certificate without examination. Another provision allows the Department, with the consent of the Plumbing and HVAC/R Advisory Board, to recognize a certificate issued by a nationally recognized organization.

HVAC/R administrators must ensure that HVAC work complies with HVAC installation laws and rules, proper permits are required and inspections are made, and corrective notices issued by inspectors are complied with. They must be members of the firm or supervisory employees.

Mechanics

Persons doing HVAC/R work for HVAC/R contractors are not required to be certified mechanics to perform HVAC/R work.

Exemptions

There are several exemptions to the contractor licensure and administrator certification requirements. A person is not required to be or work for an HVAC/R contractor to do HVAC/R work at his residence, farm, place of business or other property. A person is not required to have a certificate of competency or apprentice permit to perform HVAC/R work on a farm. The requirements also do not apply to any farm, business, industrial plant, or corporation doing HVAC/R work on premises it owns or operates.

Advisory Board

The seven-member Advisory Board of Plumbers is changed to a 14-member Plumbing and HVAC/R Advisory Board (Advisory Board). New members are three journeyman HVAC/R mechanics, three persons conducting an HVAC/R business, and one public member familiar with the HVAC/R trade and business. New members must include representation from eastern Washington.

The Advisory Board may, upon a two-thirds majority vote, organize itself into two subboards, one for plumbing and the other for HVAC/R. Decisions of the subboards are deemed to be decisions of the Advisory Board unless rejected within 90 days a two-thirds majority vote of the Advisory Board.

Rules Authority: The Director of the Department of Labor and Industries is authorized to adopt rules to implement and enforce plumbing and HVAC/R laws after consulting with and receiving recommendations from the Plumbing and HVAC/R Advisory Board.

Appropriation: None.

Fiscal Note: Requested on February 8, 2007.

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