

1 AN ACT relating to the licensure of heating, ventilation, and air conditioning
2 professionals.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 198B.656 is amended to read as follows:

5 Except as otherwise provided in KRS 198B.650 to 198B.689:

6 (1) A person shall not claim to be or advertise as being a master heating, ventilation,
7 and air conditioning contractor or assume or use any title, designation, or
8 abbreviation likely to create the impression of this licensure, unless that person is
9 the holder of a valid master heating, ventilation, and air conditioning contractor's
10 license issued in accordance with KRS 198B.650 to 198B.689. The holder of a valid
11 master heating, ventilation, and air conditioning contractor's license shall be entitled
12 to practice heating, ventilation, and air conditioning contracting, including the
13 obtaining of any necessary permits in connection with the practice of heating,
14 ventilation, and air conditioning contracting, and shall be primarily responsible for
15 the heating, ventilation, and air conditioning work performed;

16 (2) A person shall not claim to be or advertise as being a journeyman heating,
17 ventilation, and air conditioning mechanic or assume or use any title, designation, or
18 abbreviation likely to create the impression of this licensure, unless that person is
19 the holder of a valid journeyman heating, ventilation, and air conditioning
20 mechanic's license issued in accordance with KRS 198B.650 to 198B.689; and

21 ~~(3) [A person shall not claim to be or advertise as being an apprentice heating,~~
22 ~~ventilation, and air conditioning mechanic or assume or use any title, designation, or~~
23 ~~abbreviation likely to create the impression of certification, unless that person is the~~
24 ~~holder of a valid apprentice heating, ventilation, and air conditioning mechanic's~~
25 ~~certificate issued in accordance with KRS 198B.650 to 198B.689; and~~

26 ~~(4)~~ A person shall not practice heating, ventilation, and air conditioning contracting,
27 unless that person has met the requirements of KRS 198B.650 to 198B.689.

1 ➔Section 2. KRS 198B.658 is amended to read as follows:

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

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

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

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

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

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

20 (e) Have paid a fee as established in administrative regulations promulgated by
21 the department.

22 (2) An applicant for a journeyman heating, ventilation, and air conditioning mechanic's
23 license shall:

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

25 (b) Be a citizen of the United States or be a resident alien who is authorized to do
26 work in the United States:

27 (c) 1. Have been regularly and principally employed or engaged in heating,

- 1 ventilation, and air conditioning trades for not less than two (2) years
2 under the direction and supervision of a master heating, ventilation, and
3 air conditioning contractor; or
- 4 2. Have been regularly and principally employed or engaged in the
5 performance of heating, ventilation, and air conditioning work for not
6 less than four (4) years in a jurisdiction other than Kentucky, as
7 demonstrated by verifiable documentation;
- 8 (d) Have passed an examination prescribed by the department to determine the
9 applicant's competency to install, maintain, and repair heating and cooling
10 systems, heating and cooling service, burner service, and hydronic systems;
11 and
- 12 (e) Have paid a fee as established in administrative regulations promulgated by
13 the department.
- 14 (3) If an applicant has obtained, while exempt from licensure under 198B.674(2), (7),
15 (8), (10), (13), or (14), work experience that the department determines to be
16 equivalent to the requirements of subsection (1)(c) or (2)(c) of this section, that
17 experience may be considered as equivalent to one (1) year of employment toward
18 the licensure requirements for a master heating, ventilation, and air conditioning
19 contractor or journeyman heating, ventilation, and air conditioning mechanic, as
20 applicable, not to exceed one (1) year.
- 21 (4) **Apprenticeship programs in heating, ventilation, and air conditioning shall be**
22 **administered by the Kentucky Labor Cabinet.**~~[(a) The department shall issue an~~
23 ~~apprentice heating, ventilation, and air conditioning mechanic's certificate to any~~
24 ~~person who registers as an apprentice with the department.~~
- 25 ~~(b) The department shall establish by administrative regulation the minimum~~
26 ~~number of hours of experience required by apprentices and shall maintain an~~
27 ~~apprentice register to credit an apprentice for hours worked under the~~

1 ~~supervision of a master heating, ventilation, and air conditioning contractor~~
2 ~~and journeyman heating, ventilation, and air conditioning mechanic.~~
3 ~~}]Experience gained under the supervision of a Kentucky licensed master~~
4 ~~heating, ventilation, and air conditioning contractor while registered as an~~
5 ~~apprentice with the Kentucky Labor Cabinet, Department of Workplace~~
6 ~~Standards, in cooperation with the United States Department of Labor, Office~~
7 ~~{Bureau} of Apprenticeship[and Training]~~ shall be accepted toward the two
8 (2) year experience requirement for a journeyman heating, ventilation, and air
9 conditioning mechanic license.

10 ~~{(c) The apprentice register shall include the name, address, Social Security~~
11 ~~number, employer, and dates of employment of the apprentice.~~

12 ~~(d) The apprentice shall notify the department in writing of any change in address~~
13 ~~or employer.~~

14 ~~(e) Apprentices and pre-apprentices shall not be required to pay a fee to obtain a~~
15 ~~certificate of registration or to renew a registration.]~~

16 (5) The satisfactory completion of one (1) academic year of a department-approved
17 curriculum or one (1) year of professional training in heating, ventilation, and air
18 conditioning work may be considered as equivalent to one (1) year of employment
19 toward the licensure requirements for a journeyman heating, ventilation, and air
20 conditioning mechanic, not to exceed one (1) year.

21 (6) The satisfactory completion of one (1) academic year of teaching experience in a
22 department-approved or state-approved technical education program in heating,
23 ventilation, and air conditioning shall be considered as equivalent to one (1) year of
24 employment, as required by subsection (1)(c) or (2)(c) of this section. No more than
25 one (1) year of approved teaching experience may be used in meeting the
26 requirements of subsection (1)(c) or (2)(c) of this section.

27 ➔Section 3. KRS 198B.674 is amended to read as follows:

1 KRS 198B.650 to 198B.689 shall not apply to:

- 2 (1) Employees of any master heating, ventilation, and air conditioning contractor who
3 are subordinates of the licensee, if those employees are not journeyman heating,
4 ventilation, and air conditioning mechanics~~[- or apprentice heating, ventilation, and~~
5 ~~air conditioning mechanics]~~ and do not engage in heating, ventilation, and air
6 conditioning contracting, except as an employee;
- 7 (2) An employee of the United States government while practicing heating, ventilation,
8 and air conditioning contracting on or within property owned by the United States
9 government.
- 10 (3) An individual owner of real property while practicing heating, ventilation, and air
11 conditioning work on or within property owned and occupied by the individual;
- 12 (4) A person employed in the installation, maintenance, repair, or replacement of
13 residential window air conditioning units;
- 14 (5) A person licensed under KRS Chapter 236, if he is installing, servicing, repairing,
15 or replacing boiler devices;
- 16 (6) A person licensed under KRS Chapter 322, if he is preparing plans or conducting
17 construction inspections;
- 18 (7) A full-time maintenance person or maintenance engineer performing routine
19 maintenance of heating, ventilation, or air conditioning in connection with his
20 employment;
- 21 (8) Contractors or employees while installing or maintaining heating, cooling, air
22 conditioning, ventilation, or burner services on any property or site owned or
23 operated by any entity:
- 24 (a) Subject to the jurisdiction of KRS Chapter 278; or
- 25 (b) Of any municipal electric, water, gas, or sewer utility operating pursuant to
26 any of the provisions of KRS Chapter 96;
- 27 (9) The adjustment of an air flow device performed by any entity specified in

- 1 subsection (8) of this section, if the adjustment is performed in conjunction with the
2 installation, replacement, or repair of a gas distribution line;
- 3 (10) A person licensed or certified pursuant to KRS 227.570, or the administrative
4 regulations promulgated thereunder, upon initial installation of air conditioning
5 units incorporated with the original sale of a manufactured housing unit;
- 6 (11) A general retailer whose primary business is not the practice of heating, ventilation,
7 and air conditioning contracting, if that general retailer uses only licensed
8 subcontractors that comply with the provisions of KRS 198B.650 to 198B.689. The
9 provisions of this subsection shall not exclude or limit the liability of the general
10 retailer, or exempt the general retailer from the insurance requirements as
11 established in KRS 198B.668, if the general retailer is engaging in the practice of
12 heating, ventilation, and air conditioning contracting;
- 13 (12) The installation, service, repair, or replacement of electrical service to~~units on~~ any
14 heating, ventilation, or air conditioning system;
- 15 (13) An employee or agent of the Commonwealth of Kentucky while practicing heating
16 and ventilation contracting in connection with weatherization assistance for low
17 income persons pursuant to 903 KAR 6:020;
- 18 (14) A person conducting routine maintenance of heating, ventilation, or air conditioning
19 as a volunteer for any church or religious organization, provided he receives no
20 compensation for the services rendered; or
- 21 (15) The installation, service, repair, or replacement of liquefied petroleum gas units on
22 any heating, ventilation, or air conditioning system by an employee of any person
23 licensed under the provisions of KRS 234.120(1)(a).
- 24 ➔Section 4. KRS 198B.676 is amended to read as follows:
- 25 (1) The department shall establish by administrative regulation and collect the
26 following fees, not to exceed the cost of the licensing program:
- 27 (a) Initial application fee for:

- 1 1. Master heating, ventilation, and air conditioning contractor; and
- 2 2. Journeyman heating, ventilation, and air conditioning mechanic;
- 3 (b) Examination fee for:
- 4 1. Master heating, ventilation, and air conditioning contractor; and
- 5 2. Journeyman heating, ventilation, and air conditioning mechanic; ~~and~~
- 6 3. ~~Apprentice heating, ventilation, and air conditioning mechanic;~~
- 7 (c) License renewal fee;
- 8 (d) Certificate renewal fee;
- 9 (e) Duplicate license or certificate fee;
- 10 (f) Inactive status fee;
- 11 (g) Restoration fee;
- 12 (h) Reactivation fee; and
- 13 (i) Change of information fee.
- 14 (2) All fees and charges collected by the department under the provisions of this section
- 15 shall be paid into a trust and agency account in the State Treasury. All expenses
- 16 incurred by the department under the provisions of KRS 198B.650 to 198B.689
- 17 shall be paid out of this account, subject to approval of the department.
- 18 ➔Section 5. KRS 198B.702 is amended to read as follows:
- 19 KRS 198B.700 to 198B.738 shall apply to an individual who conducts home inspections
- 20 for compensation, but shall not apply to the following:
- 21 (1) An individual who is acting within the scope of the individual's employment as:
- 22 (a) A code enforcement official for the state or a political subdivision of the state;
- 23 or
- 24 (b) A representative of a state or local housing agency or an individual acting
- 25 under the authority of the United States Department of Housing and Urban
- 26 Development;
- 27 (2) An individual who is acting within the scope of the individual's license as a

- 1 licensed:
- 2 (a) Architect under KRS Chapter 323;
- 3 (b) Professional engineer under KRS Chapter 322;
- 4 (c) Plumbing contractor or journeyman plumber under KRS Chapter 318;
- 5 (d) Electrician, master electrician, or electrical contractor under KRS Chapter
- 6 227A;
- 7 (e) Liquefied petroleum gas dealers under KRS Chapter 234;
- 8 (f) Master heating, ventilation, and air conditioning contractor, or journeyman
- 9 heating, ventilation, and air conditioning mechanic~~[, or an apprentice heating,~~
- 10 ~~ventilation, and air conditioning mechanic under this chapter];~~ or
- 11 (g) Fire protection sprinkler contractor, fire protection system certificate holder,
- 12 or certified fire sprinkler inspector under this chapter;
- 13 (3) An individual licensed under KRS Chapter 324 as a real estate broker, broker-
- 14 salesperson, or salesperson and is acting within the scope of the individual's license;
- 15 (4) An individual who is licensed under KRS Chapter 324A as a real estate appraiser
- 16 and is acting within the scope of the individual's license;
- 17 (5) An individual who holds a license under KRS Chapter 304 as an insurance adjuster
- 18 and is acting within the scope of the individual's license;
- 19 (6) An individual who holds a permit, certificate, or license to:
- 20 (a) Use and apply pesticides; or
- 21 (b) Make diagnostic inspections and reports for wood destroying pests and fungi
- 22 under KRS Chapter 217B and is acting within the scope of the individual's
- 23 certificate or license;
- 24 (7) An individual who holds a license from a political subdivision as a tradesperson or
- 25 home builder and is acting within the scope of the individual's license;
- 26 (8) An individual who holds a current and valid license, certificate, or permit under
- 27 KRS 227.550 to 227.660 and is acting within the scope of the individual's license,

- 1 certificate, or permit as a:
- 2 (a) Manufactured home retailer;
- 3 (b) Manufactured home certified retailer; or
- 4 (c) Manufactured home certified installer; or
- 5 (9) A person not subject to licensure by the Commonwealth who is engaged in
- 6 providing estimates for remodeling or repair to a residential dwelling.