

2015

COMMONWEALTH OF KENTUCKY

HEATING, VENTILATION, AND AIR CONDITIONING

LAW & REGULATIONS

ISSUED BY:

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

DIVISION OF HVAC
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INFORMATIONAL COPY

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**DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION**

GARY FECK, COMMISSIONER
JACK COLEMAN, DEPUTY COMMISSIONER

DIVISION OF HVAC

Roger Banks, Director

HVAC Board Members

NAME	REPRESENTING
Jack Coleman	Kentucky Department of Housing, Buildings and Construction
David Moore	Public At Large
Glen Perkins	Home Builders Association of Kentucky
Rudy Hawkins	Local Government Official
Jim McBee	Heating, Ventilation, and Air Conditioning Contractor
Jerry Price	Kentucky Association of Master Contractors
John Mason	Kentucky Society of Professional Engineers
Michael Mahoney	Mechanical Contractors Association

Department of Housing, Buildings & Construction

DIVISION OF HVAC

GENERAL INFORMATION AND PROCEDURES

In accordance with KRS 198B.650-689, HVAC licensing has been effect in Kentucky since July 1, 1995. Heating and air conditioning contractors must hold a Kentucky Master HVAC Contractor License and other mechanics must hold a Journeyman HVAC Mechanic License or be registered with the this Department as a registered Apprentice. The following information is provided to assist persons in obtaining a license or registering. Applications must be thoroughly completed and the fee attached. Incomplete application will require additional submissions before a license can be issued.

This information may not address every situation and you are encouraged to contact the Division at the following address if you have any questions or need application forms or further information.

Department of Housing, Buildings & Construction
Division of HVAC
101 Sea Hero Road, Ste. 100
Frankfort, Kentucky 40601-5412
Telephone: 502-573-0395
Fax: 502-573-1401

Statutory authority and administrative regulations identify two (2) criteria by which you may obtain a license and provisions for registering as an apprentice. The two (2) criteria are experience and examination. Tests required to obtain either a Master HVAC Contractor License or Journeyman HVAC Mechanic License will be administered by International Code Council. You must apply directly to International Code Council and not the Division if you are required to take a test.

CHAPTER 198B

Heating, Ventilation, and Air Conditioning Contractors

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198B.650 Definitions for KRS 198B.650 to 198B.689.

As used in KRS 198B.650 to 198B.689, unless the context requires otherwise:

- (1) "Air conditioning or cooling system" means a system in which heat is removed from air, surrounding surfaces, or both;
- (2) "Apprentice heating, ventilation, and air conditioning mechanic" means an individual in the process of learning the heating, ventilation, and air conditioning trade who assists and is under the supervision of a master heating, ventilation, and air conditioning contractor and a journeyman heating, ventilation, and air conditioning mechanic;
- (3) "Board" means the Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors;
- (4) "Burner service" means the servicing of oil or gas burners used for heating air or water for purposes other than the transmission of heat;
- (5) "Certificate" means a document issued by the board to an apprentice heating, ventilation, and air conditioning mechanic to assist a master heating, ventilation, and air conditioning contractor or a journeyman heating, ventilation, or air conditioning mechanic;
- (6) "Commissioner" means the commissioner of the Department of Housing, Buildings and Construction;
- (7) "Department" means the Department of Housing, Buildings and Construction;
- (8) "Heating system" means a system in which heat is transmitted by radiation, conduction, convection, or a combination of any of these methods to air, surrounding surfaces, or both. "Heating system" does not include fireplaces and free-standing stoves not incorporated into a primary heating system, electric thermal storage units, electric ceiling cable heating systems, or electric baseboard heating units;
- (9) "Hydronic system" means a heating and cooling system using liquids to transmit or remove heat;
- (10) "Initial heating, ventilation, or air conditioning system" means the first or original heating, ventilation, or air conditioning system installed in a building;
- (11) "Journeyman heating, ventilation, and air conditioning mechanic" means an individual who is licensed by the board to perform heating, ventilation, and air conditioning work under the supervision, direction, and responsibility of a master heating, ventilation, and air conditioning contractor;
- (12) "Maintenance person or maintenance engineer" means a person who is a regular and bona fide full-time employee or agent of a property owner, property lessor, property management company, or firm, not in the heating, ventilating, and air conditioning business that has jurisdiction of property where the routine maintenance of heating, ventilating, and air conditioning is being performed, provided the maintenance shall not include replacement of heating, ventilation, or air conditioning systems;
- (13) "Major repair" means the complete replacement of any of the following heating, ventilation, or air conditioning equipment:
 - (a) Furnaces;
 - (b) Condensing units;
 - (c) Heat pumps;
 - (d) Fan coil units;
 - (e) Chiller systems; or
 - (f) Heating boiler systems not covered by KRS Chapter 236;

- (14) "Master heating, ventilation, and air conditioning contractor" means a heating, ventilation, and air conditioning contractor who is licensed by the board to advertise and practice heating, ventilation, and air conditioning contracting in this Commonwealth;
- (15) "Permit" means a document issued by the department or its authorized agent allowing the installation of an original heating, ventilation, or air conditioning system;
- (16) "Practice of heating, ventilation, and air conditioning contracting" means the installation, maintenance, altering, remodeling, or repair of heating systems, ventilation systems, hydronic systems, burner service, or cooling systems;
- (17) "Routine maintenance of heating, ventilation, or air conditioning" means the routine and periodic servicing of heating, ventilation, and air conditioning systems, including cleaning, inspection, and adjustments to ensure the proper operation, and the removal and replacement of component parts. "Routine maintenance of heating, ventilation, or air conditioning" shall not include the installation of complete new heating, ventilation, or air conditioning systems; and
- (18) "Ventilation system" means a natural or mechanical system of supplying air to or removing air from any space.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, secs. 286 and 287, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 86, sec. 9, effective July 1, 2008. -- Created 1994 Ky. Acts ch. 59, sec. 1, effective July 15, 1994.

Legislative Research Commission Note (7/15/2010). This section, in the version effective until July 1, 2010, was amended by 2010 Ky. Acts ch. 24, sec. 286, but that version expired prior to the July 15, 2010, effective date of the legislation. The version of this section which was set to take effect July 1, 2010, was also amended during the 2010 Regular Session of the General Assembly by 2010 Ky. Acts ch. 24, sec. 287, and that version, as amended, is set forth above.

Legislative Research Commission Note (4/18/2008). This statute was created by 2007 Ky. Acts ch. 86, sec. 9, to be effective July 1, 2008, pursuant to sec. 12 of that Act. However, 2008 Ky. Acts ch. 127 (2008 HB 406, the State/Executive Branch Budget) provided in Part I, F.,16., (2) HVAC Permitting and Inspecting, that notwithstanding the delayed effective date provided in 2007 Ky. Acts ch. 86, sec. 12, the effective date of this statute shall be July 1, 2010.

198B.652 Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors.

- (1) The Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors is hereby created, which shall be attached to the Department of Housing, Buildings and Construction for administrative purposes. The board shall consist of eight (8) members, one (1) of whom shall be a member of the Home Builders Association of Kentucky; one (1) of whom shall be a member of the Kentucky Society of Professional Engineers; one (1) of whom shall be a member of the Kentucky Association of Plumbing-Heating-Cooling Contractors; one (1) of whom shall be a member of the Mechanical Contractors Association of Kentucky; one (1) of whom shall be a heating, ventilation, or air conditioning contractor; one (1) of whom shall represent the public and shall not be associated with or financially interested in heating, ventilation, and air conditioning

- contracting; one (1) of whom shall be the commissioner of the Department of Housing, Buildings and Construction or his or her designee; and one (1) of whom shall be a local government official or employee, who shall have a background in the heating, ventilation, or air conditioning industry. Each member of the board shall be a citizen and resident of the Commonwealth of Kentucky.
- (2) All members of the board, except those who represent the public, local government, the Department of Housing, Buildings and Construction, and the Kentucky Society of Professional Engineers, shall have been actively engaged in the heating, ventilation, and air conditioning contracting business as a master heating, ventilation, and air conditioning contractor for not less than five (5) years immediately preceding the date of the appointment to the board and shall hold a valid license or certificate for that status.
 - (3) Except for the commissioner, who shall serve for so long as he or she holds his or her appointment as commissioner, the terms of the board members shall be as follows. The remaining seven (7) board members shall be appointed by the Governor with initial appointments for three (3) members for terms of three (3) years, two (2) members for terms of two (2) years, and two (2) members for terms of one (1) year. All appointments shall expire on June 30 of the last year of the terms. Thereafter, these members shall be appointed by the Governor for terms of three (3) years. No person shall serve more than two (2) full consecutive terms. Members shall serve until their successors are appointed.
 - (4) The commissioner of the Department of Housing, Buildings and Construction, or his or her designee, shall serve as chairman of the board. A majority of the board shall constitute a quorum to conduct business. The board shall meet at least once each calendar quarter in a location designated by the chairman or commissioner. The board may meet upon special call by the chairman, the commissioner, or a majority of the board.
 - (5) Each member of the board, except the commissioner, shall receive twenty-five dollars (\$25) per day for attending each meeting and shall be reimbursed for all necessary expenses incurred in the performance of his or her official duties.
 - (6) Vacancies in the membership of the board for any cause shall be filled by appointment by the Governor for the balance of the unexpired term.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 288, effective July 15, 2010. --

Created 1994 Ky. Acts ch. 59, sec. 2, effective July 15, 1994.

198B.654 Powers and duties of board -- Authority for administrative regulations.

- (1) The board shall promulgate administrative regulations to administer, coordinate, and enforce the provisions of KRS 198B.650 to 198B.689; conduct examinations; maintain a list of all licensees and certificate holders; keep minutes of board meetings and a record of its proceedings; and register and keep records of all apprentices.
- (2) The board, or its designee, may issue subpoenas, administer oaths, examine witnesses, conduct disciplinary proceedings, investigate allegations of wrongdoing under KRS 198B.650 to 198B.689, issue licenses and certificates, and seek injunctive relief to enforce the provisions of KRS 198B.650 to 198B.689. In seeking injunctive relief, the board shall not be required to post any bond.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 3, effective July 15, 1994.

198B.656 Practice as and assumption and use of title master contractor, journeyman, or apprentice without a license prohibited.

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

- (1) No person shall hold himself out as a master heating, ventilation, and air conditioning contractor or assume or use any title, designation, or abbreviation likely to create the impression of this licensure, unless he is the holder of a valid master heating, ventilation, and air conditioning contractor's license issued in accordance with the provisions of KRS 198B.650 to 198B.689. The holder of a valid master heating, ventilation, and air conditioning contractor's license shall be entitled to practice heating, ventilation, and air conditioning contracting, including the obtaining of any necessary permits in connection with the practice of heating, ventilation, and air conditioning contracting, and shall be primarily responsible for the heating, ventilation, and air conditioning work performed;
- (2) No person shall hold himself out as a journeyman heating, ventilation, and air conditioning mechanic or assume or use any title, designation, or abbreviation likely to create the impression of this licensure, unless he is the holder of a valid journeyman heating, ventilation, and air conditioning mechanic's license issued in accordance with the provisions of KRS 198B.650 to 198B.689;
- (3) No person shall hold himself out as an apprentice heating, ventilation, and air conditioning mechanic or assume or use any title, designation, or abbreviation likely to create the impression of certification, unless he is the holder of a valid apprentice heating, ventilation, and air conditioning mechanic's certificate issued in accordance with the provisions of KRS 198B.650 to 198B.689; and
- (4) No person shall practice heating, ventilation, and air conditioning contracting, unless he is otherwise qualified according to the provisions of KRS 198B.650 to 198B.689.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 4, effective July 15, 1994.

198B.658 Qualifications for licensure and certification.

- (1) An applicant for a master heating, ventilation, and air conditioning contractor's license shall:
 - (a) Be at least eighteen (18) years of age;
 - (b) Be a citizen of the United States or be a resident alien who is authorized to do 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 board to determine the applicant's competency to practice heating, ventilation, and air conditioning contracting; and

- (e) Have paid a fee as established in administrative regulations promulgated by the board.
- (2) An applicant for a journeyman heating, ventilation, and air conditioning mechanic's license shall:
- (a) Be at least eighteen (18) years of age;
 - (b) Be a citizen of the United States or be a resident alien who is authorized to do work in the United States;
 - (c)
 - 1. Have been regularly and principally employed or engaged in heating, ventilation, and air conditioning trades 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 performance of heating, ventilation, and air conditioning work for not less than four (4) years in a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;
 - (d) Have passed an examination prescribed by the board to determine the applicant's competency to install, maintain, and repair heating and cooling systems, heating and cooling service, burner service, and hydronic systems; and
 - (e) Have paid a fee as established in administrative regulations promulgated by the board.
- (3) If an applicant has obtained, while exempt from licensure under 198B.674(2), (7), (8), (10), (13), or (14), work experience that the board determines to be equivalent to the requirements of subsection (1)(c) or (2)(c) of this section, such experience may be considered as equivalent to one (1) year of employment toward the licensure requirements for a master heating, ventilation, and air conditioning contractor or journeyman heating, ventilation, and air conditioning mechanic, as applicable, not to exceed one (1) year.
- (4)
- (a) The board shall issue an apprentice heating, ventilation, and air conditioning mechanic's certificate to any person who is registered with the board.
 - (b) The board shall establish by administrative regulation the minimum number of hours of experience required by apprentices and shall maintain an apprentice register to credit an apprentice for hours worked under the supervision of a master heating, ventilation, and air conditioning contractor and journeyman heating, ventilation, and air conditioning mechanic. Experience gained under the supervision of a Kentucky licensed master heating, ventilation, and air conditioning contractor while registered as an apprentice with the Kentucky Labor Cabinet, Department of Workplace Standards, in cooperation with the United States Department of Labor, Bureau of Apprenticeship and Training shall be accepted toward the two (2) year experience requirement for a journeyman heating, ventilation, and air conditioning mechanic license.
 - (c) The apprentice register shall include the name, address, Social Security number, employer, and dates of employment of the apprentice.
 - (d) The apprentice shall notify the board in writing of any change in address or employer.
 - (e) Apprentices and pre-apprentices shall not be required to pay fees for a certificate of registration or a registration renewal fee.

- (5) The satisfactory completion of one (1) academic year of a board-approved curriculum or one (1) year of professional training in heating, ventilation, and air conditioning work may be considered as equivalent to one (1) year of employment toward the licensure requirements for a journeyman heating, ventilation, and air conditioning mechanic, not to exceed one (1) year.
- (6) The satisfactory completion of one (1) academic year of teaching experience in a board-approved or state-approved technical education program in heating, ventilation, and air conditioning shall be considered as equivalent to one (1) year of employment, as required by subsection (1)(c) or (2)(c) of this section. No more than one (1) year of approved teaching experience may be used in meeting the requirements of subsection (1)(c) or (2)(c) of this section.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 93, sec. 3, effective July 15, 2014. --

Amended 2010 Ky. Acts ch. 24, sec. 289, effective July 15, 2010. --

Amended 1998 Ky. Acts ch. 579, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 105, sec. 1, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 59, sec. 5, effective July 15, 1994.

Legislative Research Commission Note (7/15/2014). In codification, the Reviser of Statutes has altered the internal numbering of subsection (4) of this statute from the way it appeared in 2014 Ky. Acts ch. 93, sec. 3 under the authority of KRS 7.136(1)(a).

198B.659 Military training and experience satisfies requirements of KRS 198B.658(1) or (2).

If an applicant for a master heating, ventilation, and air conditioning contractor's license or journeyman heating, ventilation, and air conditioning mechanic's license presents the board with proof of training and experience equivalent to the training and experience requirements of KRS 198B.658(1) or (2), whichever is applicable, acquired while serving as a member of the United States Armed Forces, Reserves, or National Guard, and actively engaged in that occupation as part of his or her military duties for not less than two (2) years as annotated on the Department of Defense Form DD 214, the board shall accept that training and experience. The applicant shall meet the remaining applicable qualification requirements set forth in KRS 198B.658(1) or (2).

Effective: July 15, 2014

History: Created 2014 Ky. Acts ch. 93, sec. 1, effective July 15, 2014.

198B.660 Examinations -- Application -- Procedures.

- (1) Applications for examination shall be in writing and shall contain all information required by the board. Applications shall be filed not less than forty-five (45) days prior to the examination date.
- (a) Not less than ten (10) days prior to an examination date, the board shall send written notice of the date, hour, and place of the examination to each applicant for licensure or certification.
- (b) Each application for licensure or certification shall be accompanied by a nonrefundable application fee.

- (2) Examinations shall be given at least two (2) times during each calendar year at those times and places within the Commonwealth prescribed by the board. No applicant may take an examination until the examination fee is paid.
- (3) Notice of passing or failing an examination shall be provided to each applicant as soon as practicable.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 6, effective July 15, 1994.

198B.662 Repealed, 2014.

Catchline at repeal: Qualifications for journeyman heating, ventilation, and air conditioning mechanic's license.

History: Repealed 2014 Ky. Acts ch. 93, sec. 4, effective July 15, 2014. --

Amended 2011 Ky. Acts ch. 97, sec. 1, effective June 8, 2011. -- Created 1994 Ky. Acts ch. 59, sec. 7, effective July 15, 1994.

198B.664 Renewal and restoration of license -- Grace Period -- Inactive status -- Reactivation.

- (1) Every license issued by the board may be renewed annually, on or before the last day of the licensee's birth month, upon payment of a renewal fee as established in administrative regulations promulgated by the board. Failure to renew shall cause the license to expire.
- (2) A sixty (60) day grace period shall be allowed after the expiration of the license during which time the licensee may continue to practice and may apply to restore his or her license upon payment of the renewal fee plus a restoration fee as established in administrative regulations promulgated by the board, and upon the provision of applicable proof of insurance as required by KRS 198B.668.
- (3) A license that is not restored before the end of the sixty (60) day grace period shall immediately terminate. Upon termination of the license, the former licensee shall be ineligible to practice in the Commonwealth until he or she thereafter satisfies all applicable licensing requirements in accordance with this chapter.
- (4) After the sixty (60) day grace period, a former licensee with a terminated license may apply to have the license reinstated upon payment of the renewal fee plus a reinstatement fee as established in administrative regulations promulgated by the board. An applicant for reinstatement shall not be required to submit to any examination as a condition of reinstatement if the reinstatement application is made within three (3) years from the date of termination.
- (5) Notwithstanding the requirements of this section, an applicant for renewal, restoration, or reinstatement shall satisfy all other applicable qualifications for licensure as required by this chapter and the administrative regulations promulgated hereunder.
- (6) Those persons licensed by the board and not engaged in the practice of heating, ventilating, and air conditioning in the Commonwealth may apply for and be granted inactive status by the board in accordance with administrative regulations promulgated by the board. A licensee granted inactive status shall not retain the right to statewide practice of heating, ventilation, and air conditioning. An inactive license shall not be a valid license. A licensee on inactive status may petition the board for restoration of a license to practice actively. The petitioner shall pay a reactivation fee, satisfy all other

requirements as established in administrative regulations promulgated by the board, and, if applicable, obtain the insurance as required by KRS 198B.668.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 93, sec. 2, effective July 15, 2014. --

Amended 2000 Ky. Acts ch. 386, sec. 2, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 59, sec. 8, effective July 15, 1994.

198B.666 Reciprocity for licensees of other states.

Any person who has been issued a license in another state which has licensing, educational, and experience requirements substantially equal to or greater than those of this state and which grants equal licensing privileges to persons licensed in this state, may be issued an equivalent license in this state upon terms and conditions determined by the board.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 9, effective July 15, 1994.

198B.6671 Permit required for installation of initial system -- Contents of application and permit -- Exemptions.

- (1) Notwithstanding KRS 198B.030 to the contrary, any person who installs an initial heating, ventilation, or air conditioning system shall apply for a permit prior to beginning the installation. No installation shall begin before the application for the permit has been filed. In no event, however, shall a person exempt under KRS 198B.674 be required to possess or show proof of a heating, ventilation, or air conditioning license in order to obtain the permit required by this section.
- (2) The applicant for a heating, ventilation, and air conditioning permit, by the act of applying for the permit, shall be deemed to consent to inspection of the installation by authorized inspectors of the Commonwealth of Kentucky and of the relevant city, county, urban-county, charter county, unified local government, or consolidated local government.
- (3) The permit shall give:
 - (a) The name of the person performing the work;
 - (b) The full extent of the work to be performed;
 - (c) The name of the owner or owners of the property where the work is to be performed;
 - (d) The location of the property where the work is to be performed, including county and street address; and
 - (e) The master license number, if the work is required to be performed by a master heating, ventilation, and air conditioning contractor.
- (4) No permit shall be required for any installation performed on a manufactured home as defined by KRS 227.550(7), by a manufactured home retailer licensed pursuant to KRS 227.610, or by a manufacturer as defined by KRS 227.550(9).
- (5) No permit or inspection shall be required for the installation of window unit air conditioners or space heaters.
- (6) No permit or inspection shall be required for the installation of a heating, ventilation, or air conditioning system except in buildings designed for human occupancy.

Effective: July 1, 2008

History: Created 2007 Ky. Acts ch. 86, sec. 1, effective July 1, 2008.

Legislative Research Commission Note (4/18/2008). This statute was created by 2007 Ky. Acts ch. 86, sec. 1, to be effective July 1, 2008, pursuant to sec. 12 of that Act. However, 2008 Ky. Acts ch. 127 (2008 HB 406, the State/Executive Branch Budget) provided in Part I, F., 16., (2) HVAC Permitting and Inspecting, that notwithstanding the delayed effective date provided in 2007 Ky. Acts ch. 86, sec. 12, the effective date of this statute shall be July 1, 2010.

2008-2010 Budget Reference. See State/Executive Branch Budget, 2008 Ky. Acts ch. 127, Pt. I, F, 16, (2) at 513; and State/Executive Branch Budget Memorandum, 2008 Ky. Acts ch. 188, at 1477 (Final Budget Memorandum, Vol. III, at F-66).

198B.6672 Prohibition on use of system not installed in compliance with applicable codes -- Inspection scheduling.

- (1) No person, firm, or corporation shall use, continue to use, or permit the use of any heating, ventilation, or air conditioning system that an authorized inspector or the inspector's employee or agent determines was not installed in accordance with the Uniform State Building Code, the Uniform State Residential Code, and the referenced standards contained in the respective codes.
- (2) If a permit is required by KRS 198B.6671 for the installation of a heating, ventilation, or air conditioning system, no firm, person, or corporation shall use, continue to use, or permit the use of the heating, ventilation, or air conditioning system unless the permit has been obtained or applied for.
- (3) Any inspection required by KRS 198B.6671 shall be scheduled with the property owner or owners or their agent or agents at least one (1) business day in advance and shall be completed within three (3) business days of the scheduled inspection.

Effective: January 1, 2009

History: Created 2007 Ky. Acts ch. 86, sec. 2, effective January 1, 2009.

Legislative Research Commission Note (4/18/2008). This statute was created by 2007 Ky. Acts ch. 86, sec. 2, to be effective January 1, 2009, pursuant to sec. 12 of that Act. However, 2008 Ky. Acts ch. 127 (2008 HB 406, the State/Executive Branch Budget) provided in Part I, F., 16., (2) HVAC Permitting and Inspecting, that notwithstanding the delayed effective date provided in 2007 Ky. Acts ch. 86, sec. 12, the effective date of this statute shall be January 1, 2011.

2008-2010 Budget Reference. See State/Executive Branch Budget, 2008 Ky. Acts ch. 127, Pt. I, F, 16, (2) at 513; and State/Executive Branch Budget Memorandum, 2008 Ky. Acts ch. 188, at 1477 (Final Budget Memorandum, Vol. III, at F-66).

198B.6673 Administrative regulations -- Fees -- Qualifications for and compensation of local government's inspectors -- Local governments prohibited from establishing additional permitting or inspection programs.

- (1) The board shall promulgate administrative regulations to establish a reasonable schedule of fees to implement the program. The fees shall not exceed the actual costs for the administration of the program. The board shall also establish heating, ventilation,

- and air conditioning inspection protocols that ensure timely inspections and minimal interruption to the construction process.
- (2) The department, with the approval of the board, upon the request of any individual local governing entity or combination of entities with existing heating, ventilation, and air conditioning permitting and inspection programs as of January 1, 2007, shall authorize them to administer, carry out, and enforce the rules and regulations of the department relating to heating, ventilation, and air conditioning installations, issue permits, and make inspections within their respective boundaries, or perform any portion of these functions. Nothing in KRS 198B.6671 to 198B.6678 shall prohibit these entities from continuing to include major repairs or substantial alterations to a heating, ventilation, or air conditioning system within their permitting and inspection program in the absence of a state requirement, if major repairs or substantial alterations were included in the entities' inspection program prior to January 1, 2007. The department, with the approval of the board, may authorize any other individual local government entities or combination of entities to administer, carry out, and enforce the rules and regulations of the department relating to heating, ventilation, and air conditioning installations, issue permits, and make inspections within their respective boundaries, or perform any portion of those functions. When authorization is granted, the department shall enter into contractual arrangements with the local governing entities, which shall remain in effect as long as the local entity continues to operate its program pursuant to guidelines adopted by the board. A heating, ventilation, and air conditioning permit issued by an authorized local governing entity shall be considered a permit issued by the department, and all fees collected by the authorized local government related to the same shall be retained by that local government.
- (3) Any local governing entity enforcing the permitting and inspection requirements of KRS 198B.650 to 198B.689 pursuant to subsection (2) of this section may appoint and fix the compensation of the local governing entity's heating, ventilation, and air conditioning inspectors. No person shall perform the duties of a heating, ventilation, and air conditioning inspector unless he or she has at least six (6) years' experience as a licensed heating, ventilation, and air conditioning journeyman mechanic or a licensed master heating, ventilation, and air conditioning contractor, unless he or she is a certified building inspector who has successfully passed the examinations relating to heating, ventilation, and air conditioning systems. At the time of employment, the heating, ventilation, and air conditioning inspector shall be licensed or certified in accordance with the provisions of KRS 198B.650 to 198B.689.
- (4) No local governing entity may impose any other additional heating, ventilation, and air conditioning inspection or permit requirements, or establish any local inspection or permitting program, unless those provisions were in place before January 1, 2007.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch.24, sec.290, effective July 15, 2010. --
Created 2007 Ky. Acts ch.86, sec.3, effective July 1, 2008.

Legislative Research Commission Note (4/18/2008). This statute was created by 2007 Ky. Acts ch.86, sec.3, to be effective July 1, 2008, pursuant to sec.12 of that Act. However, 2008 Ky. Acts ch.127 (2008 HB 406, the State/Executive Branch Budget) provided in Part I, F.,16., (2) HVAC Permitting and Inspecting, that notwithstanding the delayed effective date

provided in 2007 Ky. Acts ch.86, sec.12, the effective date of this statute shall be July 1, 2010.

198B.6674 Trust and agency account to be used for enforcement of KRS 198B.650 to 198B.689.

All fees and fines collected and paid into the State Treasury shall be credited to a revolving trust and agency account and shall be used only for the administration and enforcement of KRS 198B.650 to 198B.689 and the repayment of moneys borrowed from surplus trust and agency accounts of the department. The moneys in the account are hereby appropriated by the General Assembly for the purposes set forth in KRS 198B.650 to 198B.689, and shall not lapse at the close of the fiscal year.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 291, effective July 15, 2010. -- Created 2007 Ky. Acts ch. 86, sec. 4, effective July 1, 2008.

Legislative Research Commission Note (4/18/2008). This statute was created by 2007 Ky. Acts ch. 86, sec. 4, to be effective July 1, 2008, pursuant to sec. 12 of that Act. However, 2008 Ky. Acts ch. 127 (2008 HB 406, the State/Executive Branch Budget) provided in Part I, F.,16., (2) HVAC Permitting and Inspecting, that notwithstanding the delayed effective date provided in 2007 Ky. Acts ch. 86, sec. 12, the effective date of this statute shall be July 1, 2010.

198B.6675 Powers of department and of authorized local governments to inspect systems -- Powers to restrain and enjoin violations of KRS 198B.650 to 198B.689 -- Representation of department by state and local prosecutors.

- (1) For the purpose of enforcing the provisions of KRS 198B.650 to 198B.689, officers, agents, and inspectors of the department or an authorized local government shall have the power and authority to enter upon permitted premises at all reasonable times with the consent of the property owner in order to make inspections, interview all persons, and request proof of heating, ventilation, and air conditioning licenses, installation permits, and other evidence of compliance. Officers, agents, and inspectors of the department or an authorized local government shall have the authority to issue a stop-work order to any owner, agent, or occupant of real property whenever the heating, ventilation, and air conditioning system under inspection is found to be in violation of KRS 198B.650 to 198B.689 or the Uniform State Building Code's heating, ventilation, and air conditioning mechanical sections.
- (2) Notwithstanding the existence or pursuit of any other civil or criminal penalties, the department and its officers, agents, and inspectors are authorized to institute and maintain actions to restrain and enjoin any violation of KRS198B.650 to 198B.689, the Uniform State Building Code, the Uniform State Residential Code, or the rules or the administrative regulations of the department relating thereto.
- (3) City and county attorneys, Commonwealth's attorneys, and the Attorney General may, within their respective jurisdictions, represent the department and its officers, agents, and inspectors in the enforcement of provisions of KRS 198B.650 to 198B.689, the Uniform State Residential Code, and the Uniform State Building Code.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch.24, sec.292, effective July 15, 2010. --

Created 2007 Ky. Acts ch.86, sec.5, effective January 1, 2009.

Legislative Research Commission Note (4/18/2008). This statute was created by 2007 Ky. Acts ch.86, sec.5, to be effective January 1, 2009, pursuant to sec.12 of that Act. However, 2008 Ky. Acts ch.127 (2008 HB 406, the State/Executive Branch Budget) provided in Part I, F.,16., (2) HVAC Permitting and Inspecting, that notwithstanding the delayed effective date provided in 2007 Ky. Acts ch.86, sec.12, the effective date of this statute shall be January 1, 2011.

198B.6676 Jurisdiction and venue in civil, injunctive, and criminal actions for enforcement of KRS 198B.650 to 198B.689.

- (1) The Circuit Court where a violation occurs shall have jurisdiction and venue in all civil and injunctive actions instituted by the department for the enforcement of the provisions of KRS 198B.650 to 198B.689 and orders issued thereunder.
- (2) The District Court where a violation occurs shall have jurisdiction and venue in all criminal actions for the enforcement of the provisions of KRS 198B.650 to 198B.689, the Uniform State Building Code, the Uniform State Residential Code, and orders issued thereunder.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch.24, sec.293, effective July 15, 2010. --

Created 2007 Ky. Acts ch.86, sec.6, effective July 1, 2008.

Legislative Research Commission Note (4/18/2008). This statute was created by 2007 Ky. Acts ch.86, sec.6, to be effective July 1, 2008, pursuant to sec.12 of that Act. However, 2008 Ky. Acts ch.127 (2008 HB 406, the State/Executive Branch Budget) provided in Part I, F.,16., (2) HVAC Permitting and Inspecting, that notwithstanding the delayed effective date provided in 2007 Ky. Acts ch.86, sec.12, the effective date of this statute shall be July 1, 2010.

198B.6677 Power of inspector to refuse to approve work covered by permit --Power of department or authorized local government to prohibit continued use of system -- Aggrieved applicant's right to hearing.

- (1) If an installation for which a permit is required does not meet the requirements of the Uniform State Building Code or the Uniform State Residential Code, whichever is applicable, or if the property owner refuses to allow an inspection, the inspector shall refuse to approve the work covered by the permit. The department or authorized local government may prohibit the continued use of a heating, ventilation, and air conditioning system that an authorized inspector determines was improperly installed or altered if continued use threatens human life or if the property owner refused to allow an inspection.
- (2) An applicant aggrieved by an action of an inspector or the department may request a hearing in accordance with KRS Chapter 13B.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch.24, sec.294, effective July 15, 2010. --

Created 2007 Ky. Acts ch.86, sec.7, effective January 1, 2009.

Legislative Research Commission Note (4/18/2008). This statute was created by 2007 Ky. Acts ch.86, sec.7, to be effective January 1, 2009, pursuant to

sec.12 of that Act. However, 2008 Ky. Acts ch.127 (2008 HB 406, the State/Executive Branch Budget) provided in Part I, F.,16., (2) HVAC Permitting and Inspecting, that notwithstanding the delayed effective date provided in 2007 Ky. Acts ch.86, sec.12, the effective date of this statute shall be January 1, 2011.

198B.6678 Department to appoint and assign qualified inspectors to counties.

- (1) The department shall appoint and assign heating, ventilation, and air conditioning inspectors to each county subject to the provisions of KRS 198B.650 to 198B.689 and in numbers sufficient to implement the provisions of KRS 198B.650 to 198B.689.
- (2) No person shall be appointed as a heating, ventilation, and air conditioning inspector unless he or she has at least six (6) years' experience as a licensed heating ventilation, and air conditioning journeyman mechanic or a licensed master heating, ventilation, and air conditioning contractor, unless he or she is a certified building inspector who has successfully passed the examinations relating to heating, ventilation, and air conditioning systems. At the time of his or her appointment, the inspector shall be licensed or certified in accordance with the provisions of KRS 198B.650 to 198B.689.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch.24, sec.295, effective July 15, 2010. --
Created 2007 Ky. Acts ch.86, sec.8, effective July 1, 2008.

Legislative Research Commission Note (4/18/2008). This statute was created by 2007 Ky. Acts ch.86, sec.8, to be effective July 1, 2008, pursuant to sec.12 of that Act. However, 2008 Ky. Acts ch.127 (2008 HB 406, the State/Executive Branch Budget) provided in Part I, F.,16., (2) HVAC Permitting and Inspecting, that notwithstanding the delayed effective date provided in 2007 Ky. Acts ch.86, sec.12, the effective date of this statute shall be January 1, 2011.

198B.668 Insurance requirements.

- (1) No person, firm, or corporation shall practice heating, ventilation, and air conditioning contracting unless that person, firm, or corporation maintains general liability insurance in an amount not less than five hundred thousand dollars (\$500,000) and property damage insurance in an amount not less than three hundred thousand dollars (\$300,000) underwritten by an insurance carrier licensed and approved by the Kentucky Department of Insurance.
- (2) Proof of insurance shall be submitted to the board prior to issuance or renewal of a license.
- (3) Proof of insurance, as required by subsection (1) of this section, shall exempt licensees from the requirement of obtaining separate insurance in local jurisdictions under any local licensing laws.
- (4) No license shall be valid without insurance as provided in this section. Insurance carriers shall notify the board upon cancellation of the insurance of any licensee required to maintain insurance.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch.24, sec.296, effective July 15, 2010. --
Created 1994 Ky. Acts ch.59, sec.10, effective July 15, 1994.

198B.670 Advertising.

No person shall advertise or hold himself out as a master heating, ventilation, and air conditioning contractor, unless he is licensed as such by the board according to the provisions of KRS 198B.650 to 198B.689. The license number shall appear in all advertising and on all vehicles used by the licensee for heating, ventilation, and air conditioning contracting work.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 11, effective July 15, 1994.

198B.672 Sanctions -- Reasons for sanctions.

Subject to a hearing conducted in accordance with KRS Chapter 13B, the board may revoke, suspend, place on probation, or restrict the license or certificate of any licensee or certificate holder; refuse to issue or renew a license or certificate; or reprimand, censure, or fine a licensee or certificate holder for any of the following reasons:

- (1) Fraud or deceit in obtaining licensure or certification;
- (2) Transfer of the authority granted by the license or certificate to another person;
- (3) Unfair or deceptive trade practices;
- (4) Willful or deliberate disregard and violation of building codes, electrical codes, or related laws and ordinances of this Commonwealth or any city, county, or urban-county government;
- (5) Aiding or abetting any person attempting to evade the provisions of KRS 198B.650 to 198B.689;
- (6) Conspiracy or knowingly combining with any person, to allow a license or certificate to be used by an unlicensed or uncertified person, firm, or corporation with intent to evade the provisions of KRS 198B.650 to 198B.689. Allowing a license or certificate to be used by more than one (1) person shall be prima facie evidence of intent to evade the provisions of KRS 198B.650 to 198B.689;
- (7) Willful or deliberate disregard of disciplinary actions taken by the board, or of a city, county, or urban-county government;
- (8) Negligence or incompetence in compliance with applicable codes and standards of practice;
- (9) Violation of any of the provisions of KRS 198B.650 to 198B.689 or any administrative regulation promulgated by the board; or
- (10) Conviction of a felony or of any crime an element of which is dishonesty or fraud, under the laws of any state or of the United States.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 88, effective July 15, 1996.
Created 1994 Ky. Acts ch. 59, sec. 12, effective July 15, 1994.

198B.674 Exemptions.

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

- (1) Employees of any master heating, ventilation, and air conditioning contractor who are subordinates of the licensee, if those employees are not journeyman heating, ventilation, and air conditioning mechanics or apprentice heating, ventilation, and air conditioning mechanics and do not engage in heating, ventilation, and air conditioning contracting, except as an employee;

- (2) An employee of the United States government while practicing heating, ventilation, and air conditioning contracting on or within property owned by the United States government.
- (3) An individual owner of real property while practicing heating, ventilation, and air conditioning work on or within property owned and occupied by the individual;
- (4) A person employed in the installation, maintenance, repair, or replacement of residential window air conditioning units;
- (5) A person licensed under KRS Chapter 236, if he is installing, servicing, repairing, or replacing boiler devices;
- (6) A person licensed under KRS Chapter 322, if he is preparing plans or conducting construction inspections;
- (7) A full-time maintenance person or maintenance engineer performing routine maintenance of heating, ventilation, or air conditioning in connection with his employment;
- (8) Contractors or employees while installing or maintaining heating, cooling, air conditioning, ventilation, or burner services on any property or site owned or operated by any entity:
 - (a) Subject to the jurisdiction of KRS Chapter 278; or
 - (b) Of any municipal electric, water, gas, or sewer utility operating pursuant to any of the provisions of KRS Chapter 96;
- (9) The adjustment of an air flow device performed by any entity specified in subsection (8) of this section, if the adjustment is performed in conjunction with the installation, replacement, or repair of a gas distribution line;
- (10) A person licensed or certified pursuant to KRS 227.570, or the administrative regulations promulgated thereunder, upon initial installation of air conditioning units incorporated with the original sale of a manufactured housing unit;
- (11) A general retailer whose primary business is not the practice of heating, ventilation, and air conditioning contracting, if that general retailer uses only licensed subcontractors that comply with the provisions of KRS 198B.650 to 198B.689. The provisions of this subsection shall not exclude or limit the liability of the general retailer, or exempt the general retailer from the insurance requirements as established in KRS 198B.668, if the general retailer is engaging in the practice of heating, ventilation, and air conditioning contracting;
- (12) The installation, service, repair, or replacement of electrical units on any heating, ventilation, or air conditioning system;
- (13) An employee or agent of the Commonwealth of Kentucky while practicing heating and ventilation contracting in connection with weatherization assistance for low income persons pursuant to 903 KAR 6:020;
- (14) A person conducting routine maintenance of heating, ventilation, or air conditioning as a volunteer for any church or religious organization, provided he receives no compensation for the services rendered; or
- (15) The installation, service, repair, or replacement of liquefied petroleum gas units on any heating, ventilation, or air conditioning system by an employee of any person licensed under the provisions of KRS 234.120(1)(a).

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 79, sec. 1, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 59, sec. 13, effective July 15, 1994.

198B.676 Fees.

- (1) The board shall establish by administrative regulation and collect the following fees, not to exceed the cost of the licensing program:
 - (a) Initial application fee for:
 1. Master heating, ventilation, and air conditioning contractor; and
 2. Journeyman heating, ventilation, and air conditioning mechanic.
 - (b) Examination fee for:
 1. Master heating, ventilation, and air conditioning contractor;
 2. Journeyman heating, ventilation, and air conditioning mechanic; and
 3. Apprentice heating, ventilation, and air conditioning mechanic.
 - (c) License renewal fee.
 - (d) Certificate renewal fee.
 - (e) Duplicate license or certificate fee.
 - (f) Inactive status fee.
 - (g) Restoration fee.
 - (h) Reactivation fee.
 - (i) Change of information fee.
- (2) All fees and charges collected by the board under the provisions of this section shall be paid into a trust and agency account in the State Treasury. All expenses incurred by the board under the provisions of KRS 198B.650 to 198B.689, including compensation to the board members, shall be paid out of this account, subject to approval of the board.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 105, sec. 2, effective July 15, 1996. --
Created 1994 Ky. Acts ch. 59, sec. 14, effective July 15, 1994.

2012-2014 Budget Reference. See State/Executive Branch Budget, 2012 Ky. Acts ch. 144, Pt. I, L, 8, (1) at 1139.

198B.678 Responsibilities of master contractor working for company.

- (1) No firm, company, or corporation may engage in the practice of heating, ventilation, and air conditioning contracting in any county of the Commonwealth, unless the person in responsible charge of the heating, ventilation, and air conditioning work is a master heating, ventilation, and air conditioning contractor and is an employee or subcontractor of the firm, company, or corporation.
- (2) Each master heating, ventilation, and air conditioning contractor who is employed by a firm, company, or corporation engaged in the practice of heating, ventilation, and air conditioning contracting shall notify the board of that employment and upon termination of the employment.
- (3) No master heating, ventilation, and air conditioning contractor shall represent more than one (1) firm, company, or corporation.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 15, effective July 15, 1994.

198B.680 Inspector's conflict of interest.

- (1) With the exception of those persons appointed to the board pursuant to KRS 198B.652, no person appointed or employed by the Commonwealth, a county, city, or other jurisdiction to administer, regulate, or inspect heating, ventilation, and air conditioning

work shall have any pecuniary interest in any heating, ventilation, and air conditioning business during the person's employment with the government or other jurisdiction.

- (2) Upon the holder's appointment or employment as an inspector, that person's license or certificate shall become inactive. Upon termination of the appointment or employment as an inspector, the person's license or certificate may be reactivated without examination, by written request to the board and payment of a reactivation fee.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 16, effective July 15, 1994.

198B.682 Continuation of board's jurisdiction -- Notification to local officials of license sanctions.

- (1) The revocation, suspension, restriction, lapse, or voluntary surrender of a license or certificate issued by the board shall not deprive the board of jurisdiction to investigate allegations of wrongdoing under KRS 198B.650 to 198B.689 or conduct disciplinary proceedings against a licensee or certificate holder.
- (2) The board shall, within thirty (30) days of the action, notify all appropriate local building officials, permit offices, or other authorized persons of license and certificate revocations, suspensions, probations, restrictions, and restorations.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 17, effective July 15, 1994.

198B.684 Continuing education requirements.

The board may adopt by administrative regulation standards for continuing education for licensees and certificate holders.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 18, effective July 15, 1994.

198B.686 Criminal penalties.

- (1) Effective July 1, 1995, any person for whom licensure or certification is required who is not licensed or certified by the board and practices heating, ventilation, and air conditioning contracting services shall be guilty of a Class A misdemeanor. Each violation shall be regarded as a separate offense.
- (2) Any person who advertises or otherwise holds himself out as being a licensed master or journeyman heating, ventilation, or air conditioning contractor and is not so licensed shall be guilty of a Class A misdemeanor. Each violation shall be regarded as a separate offense.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 386, sec. 3, effective July 14, 2000. --
Created 1994 Ky. Acts ch. 59, sec. 19, effective July 15, 1994.

198B.688 Conformity with standards of the Uniform State Building Code.

The installation, maintenance, alteration, or repair of heating systems, ventilation systems, hydronic systems, burner service, or cooling systems governed by KRS 198B.650 to 198B.689 shall be made in conformity with applicable standards of the Uniform State Building Code.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 20, effective July 15, 1994.

198B.689 Citation of KRS 198B.650 to 198B.689.

KRS 198B.650 to 198B.689 may be cited as the Heating, Ventilation, and Air Conditioning Contractors' Act.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 21, effective July 15, 1994.

Department of Housing,
Buildings and Construction
Division of HVAC

Heating, Ventilation, and Air Conditioning
Regulations

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- 815 KAR 8:010 Master Heating, Ventilation, and Air Conditioning (HVAC) Contractor Licensing Requirements
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- 815 KAR 8:035 Reciprocal Licensing Requirements
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- 815 KAR 8:045 “Limited” licenses for Journeyman HVAC mechanics
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- 815 KAR 8:050 Continuing education requirements for Heating, Ventilation, and Air Conditioning (HVAC) license holders
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Section (4) HVAC Installation Permit Fees
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- 815 KAR 8:080 Inspections and tests
Section (1) Inspections
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Fees and refunds

Section (1) A fee submitted to the Division of HVAC shall be made payable to the Kentucky State Treasurer

Section (2) Returned payment

Section (3) A refund for an installation permit shall be given if

815 KAR 8:100

Criteria for local jurisdiction HVAC programs

Section (1) Uniform Criteria for Authorizing HVAC Inspection and Permitting Program existing as of January 1, 2007

Section (2) Uniform Criteria for Authorizing a New HVAC Inspection and Permitting Program

Section (3) Contractual Agreement

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Section (5) HVAC Complaints

Section (6) HVAC Violations

Section (7) Accounting of Fees

Section (8) Record Retention and Audits

Section (9) Procedures for Maintaining Local HVAC Inspection Program

Section (10) Program Deficiencies

Section (11) Incorporation by Reference

815 KAR 8:007. Kentucky Board of Heating, Ventilation, and Air Conditioning (HVAC) Contractors budget review and responsibility.

RELATES TO: KRS 198B.654, 198B.676

STATUTORY AUTHORITY: KRS 198B.654, 198B.676

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 requires the Kentucky Board of Heating, Ventilation, and Air Conditioning (HVAC) Contractors to promulgate administrative regulations to administer the provisions of KRS 198B.650 to 198B.689. Additionally, KRS 198B.676 requires the board to promulgate administrative regulations establishing fees, requires these fees and charges to be collected into a trust and agency account in the State Treasury, and requires that all expenses incurred by the board be paid out of that trust and agency account. This administrative regulation establishes quarterly reviews of the Division of HVAC's budget and fee schedule by the Kentucky Board of HVAC Contractors for the administration of KRS 198B.650 to 198B.689.

Section 1. Budget Review.

(1) The following shall be provided at least quarterly to each member of the Kentucky Board of HVAC Contractors by the Division of HVAC:

- (a) A current fiscal year detailed financial report consisting of current balances;
- (b) A revenue report showing all revenue sources of the division;
- (c) Expenditure summaries showing expenditures including total personnel costs and operating expenses; and
- (d) Any transfers made or scheduled, either to or from the division's trust and agency funds established in KRS 198B.676.

(2) The detailed report shall be delivered to each committee member at least ten (10) business days prior to each quarterly meeting of the Kentucky Board of HVAC Contractors.

Section 2. If the division's trust fund balance exceeds \$500,000:

(1) The Kentucky Board of HVAC Contractors shall:

- (a) Review the division's staffing;
- (b) Review the following fees:
 1. Examination;
 2. License; and
 3. Heating, ventilation, and air conditioning permitting;
- (c) Review the division's current level of service; and
- (d) Recommend changes needed to maintain or improve the division's level of service and accurately balance revenues with expenditures.

(2) The division shall prepare for the Kentucky Board of HVAC Contractors' review:

- (a) A staffing report detailing personnel levels, personnel costs, and personnel goals; and
- (b) Fee proposals with projected effects to the division's balances from each fee. (38 Ky.R. 713; 922; eff. 11-30-2011.)

815 KAR 8:010. Master heating, ventilation, and air conditioning (HVAC) contractor licensing requirements.

RELATES TO: KRS 198B.650, 198B.654, 198B. 656, 198B.658, 198B.659, 198B.660, 198B.664, 198B.668, 198B.672, 198B.676

STATUTORY AUTHORITY: KRS 198B.654(1), 198B.658, 198B.660(1), (2), 198B.664(1), (3), 198B.676(1), 198B.684

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654(1) requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations necessary to enforce the provisions of KRS 198B.650 to 198B.689. KRS 198B.658 requires the board to establish qualifications for licensure and certification. KRS 198B.660(1) and (2) require the board to establish examination requirements. KRS 198B.664 requires the board to establish requirements for license renewal and inactive licenses. KRS 198B.684 authorizes the board to promulgate an administrative regulation with standards for continuing education for licensees and certificate holders. KRS 198B.676(1) requires the board to establish fees by administrative regulation. This administrative regulation establishes the licensure requirements for HVAC contractors.

Section 1. General Requirements.

(1) Continuing education.

(a) Each master HVAC contractor licensee shall complete eight (8) hours of continuing education prior to renewal of the license.

(b) Continuing education shall be conducted in accordance with 815 KAR 8:050.

(2) Supervision. The master HVAC contractor shall supervise and be primarily responsible for all HVAC work performed by the employees and subcontractors of the licensee or the company that the licensee represents, whichever is applicable.

(3) Company license.

(a) A licensee who is an employee of a company and whose license represents the company shall notify the board, in writing, if the licensee ceases to represent the company or if the name of the company changes.

(b) A licensee providing the notice established in paragraph (a) of this subsection shall request a change of information on that license.

(c) A licensee requesting a change of information as established in paragraph (b) of this subsection shall pay the change of information fee established in Section 7(5) of this administrative regulation.

Section 2. Initial Application Requirements.

(1) Filing the application.

(a) An applicant seeking a master HVAC contractor license shall submit to the board:

1. A completed and notarized Master HVAC Contractor License Application on Form HVAC 1;

2. An initial license application fee of \$250 for a twelve (12) month license. The initial license fee may be prorated for not less than seven (7) months or more than eighteen (18) months and shall expire on the final day of the applicant's birth month;

3. Proof of satisfactory completion of the examination required by Section 4 of this administrative regulation;
4. Proof of the applicant's experience as established by KRS 198B.658(1)(c) and this administrative regulation;
5. A passport-sized, color photograph of the applicant taken within the past six (6) months; and
6. Proof of insurance as required by KRS 198B.668.

(b) If the applicant is an employee representing a company, the applicant shall state the company name on the application form. The company may provide the insurance certificates and shall be subject to this administrative regulation.

(2) Termination of application.

(a) The initial application shall remain pending until all requirements are met, up to a period of one (1) year after the date the application is submitted.

(b) At the end of one (1) year, the application shall be void.

Section 3. Inactive License Status.

(1) (a) A licensee may request that a license be placed in inactive status.

(b) A licensee shall not perform HVAC work while the license is inactive.

(2) A master HVAC contractor licensee in inactive status shall not be required to maintain insurance as required by KRS 198B.668 or provide proof to the Department of Housing, Buildings and Construction of compliance with workers' compensation laws.

(3) A certified HVAC inspector may be licensed as a master HVAC contractor, but shall place the license in inactive status while having an active HVAC inspector certification.

(4) Performing HVAC work while holding an inactive license shall be grounds for revocation or suspension of all HVAC licenses and certifications held by the licensee.

Section 4. Examination Requirements. An applicant shall take and pass the examination administered in compliance with this section.

(1) The examination shall be a two (2) part examination and shall test the applicant's knowledge of:

(a) Codes, standards, and current technological and industry recommended practices with respect to the proper installation, maintenance, repair, remodeling, or alteration of all types of HVAC systems; and

(b) Law and regulation relating to HVAC business.

(2) Reasonable accommodations shall be made if necessary to provide accessibility to disabled applicants, upon request.

(3) Except as provided in subsection (8) of this section, an applicant shall complete with a passing score of at least seventy (70) percent the examination known as the Kentucky Master HVAC Contractor Examination, which is developed, administered, and scored by the board or its designee.

(4) (a) A request to sit for the examination shall be made directly to the testing facilities approved by the board.

(b) A list of facilities and contact information shall be provided to applicants upon request.

(5) The examination fee shall not exceed \$160 for the Kentucky Master HVAC Contractor Examination.

(6) The examination shall be provided as set forth in KRS 198B.660.

- (7) A passing score on the examination shall be valid for a period of two (2) years.
- (8) Upon application by a testing agency, a national code group, or by an applicant for licensure, the department shall recognize another examination as equivalent to the examinations administered by the board if the person or group submitting the examination demonstrates that the examination covers the same material and requires the same level of knowledge as the board's examination.

Section 5. Experience Requirements. An applicant for licensure shall meet the requirements of this section.

(1) Minimum experience. An applicant shall have the experience required by KRS 198B.658(1)(c).

(2) Records of experience. An applicant's experience shall be listed on the application form.

(a) Proof of listed experience shall be provided by:

1. A W-2 form;
2. An affidavit by a master HVAC contractor who directed and supervised the applicant;
3. A copy of a current master HVAC contractor license, or equivalent, held by the applicant in a state other than Kentucky, if the state requires licensure or the equivalent;
4. Verifiable documentation demonstrating the nature and extent of HVAC contracting work performed in a state other than Kentucky, if the state does not require licensure or the equivalent; or
5. Department of Defense Form DD 214.

(b) Additional proof of experience shall be requested by the board, prior to or after licensing, if the board has reason to believe that the experience shown is insufficient or nonexistent.

(3) One (1) year of HVAC experience shall consist minimally of 1,500 hours of HVAC work in a contiguous twelve (12) month period.

Section 6. Renewal, Restoration, Reinstatement, and Reactivation Requirements and Procedures.

(1) Filing for renewal. A master HVAC contractor shall submit to the department:

- (a) A completed renewal application card;
- (b) A renewal fee of \$250 made payable to the Kentucky State Treasurer; and
- (c) Proof of annual continuing education attendance in accordance with Section 1 of this administrative regulation; and
- (d) Proof of insurance as required by KRS 198B.668.

(2) (a) Except for a license placed in inactive status in accordance with subsection (6) of this section and Section 7(2) of this administrative regulation, application for license renewal shall be filed by each licensee no later than the last day of the licensee's birth month.

(b) A license shall be renewed each year.

(c) A license that is not timely renewed shall immediately expire.

(3) (a) The renewal fee shall be paid prior to renewal.

(b) The department shall send a renewal application card to each licensee each year to be returned with the required fee.

- (4) A renewal application card filed late, but no more than sixty (60) days after the expiration of the license, shall be accepted, but a restoration fee, as established in Section 7(1) of this administrative regulation, shall be added to the renewal fee.
- (5) (a) A former licensee whose license has terminated as established in KRS 198B.664(3) may have his or her license reinstated if the licensee satisfies the application requirements for renewal as established in Section 6(1) of this administrative regulation and submits a reinstatement fee as established in Section 7(6) of this administrative regulation no later than three (3) years from the date the former license was terminated.
 (b) A former licensee seeking licensure under this administrative regulation, but whose terminated license was not timely reinstated as established in paragraph (a) of this subsection, shall be required to satisfy all requirements applicable to new applicants for initial licensure as established in this administrative regulation.
- (6) (a) A license that is in inactive status shall be exempt from annual renewal.
 (b) An inactive license shall be reactivated upon payment of the annual renewal fee, the reactivation fee, and upon compliance with the continuing education requirements established in 815 KAR 8:050.
- (7) If an initial license is for a period of less than twelve (12) months, the initial license fee shall be reduced on a pro rata basis.
- (8) The application for renewal, restoration, reinstatement, or reactivation of a licensed master HVAC contractor shall be denied if the applicant fails to:
- (a) Pay any applicable department fee;
 - (b) Comply with the continuing education requirements established in Section 1(1) of this administrative regulation; or
 - (c) Provide the current insurance certificate required by KRS 198B.668.
- (9) A licensee who has not previously provided a passport-sized color photograph shall provide one (1) with the licensee's next application for renewal.

Section 7. Special Service Fees. In addition to the other fees required by this administrative regulation, the special fees established in this section shall also be applied.

- (1) Restoration fee. The fee for restoration of an expired license shall be \$125.
- (2) Inactive status fee.
- (a) A licensee may place the license in inactive status. The fee to place a license into inactive status shall be twenty (20) dollars.
 - (b) Inactive status shall be maintained upon annual payment of the inactive status fee by the last day of the licensee's birth month.
 - (c) Inactive status shall be maintained in accordance with this subsection until the licensee requests reactivation in accordance with Section 6(6)(b) of this administrative regulation.
 - (d) An inactive license that is not maintained in accordance with this subsection or reactivated in accordance with Section 6(6)(b) of this administrative regulation shall immediately terminate.
- (3) Reactivation fee. The fee for reactivation of an inactive license shall be twenty (20) dollars.
- (4) Duplicate license fee. A lost or destroyed license shall be replaced upon payment of a twenty (20) dollar fee.
- (5) Change of information fee. The fee for the change of information required by Section 1(3) of this administrative regulation shall be twenty (20) dollars. If a change of information request is simultaneous with license renewal, this fee shall not be applicable.

(6) Reinstatement fee. The fee for reinstatement of a terminated license shall be \$250 for each twelve (12) month period, or additional fraction thereof, following the date the license was terminated, not to exceed \$750.

Section 8. Revocation or Suspension of License. A license issued pursuant to this administrative regulation shall be subject to suspension or revocation by the board for any of the reasons stated in KRS 198B.672.

Section 9. Incorporation by Reference.

(1) "Form HVAC-1, Master HVAC Contractor License Application", July 2014, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, HVAC Division, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m. (21 Ky.R. 1610; eff. 2-10-1995; Am. 22 Ky.R. 792; 1085; eff. 12-7-1995; 2335; 23 Ky.R. 436; eff. 9-11-1996; 24 Ky.R. 950; eff. 12-15-1997; 26 Ky.R. 1705; eff. 5-22-2000; 27 Ky.R. 3368; eff. 8-15-2001; 31 Ky.R. 1902; 32 Ky.R. 79; eff. 7-27-2005; 36 Ky.R. 1347; 1927; eff. 3-5-2010; 41 Ky.R. 1184; eff. 3-6-2015.)

815 KAR 8:020. Journeyman heating, ventilation, and air conditioning (HVAC) mechanic licensing requirements.

RELATES TO: KRS 198B.650, 198B.654, 198B.656, 198B.658, 198B.659, 198B.660, 198B.664, 198B.672, 198B.676

STATUTORY AUTHORITY: KRS 198B.654(1), 198B.658, 198B.660(1), (2), 198B.664(1), (3), 198B.676(1), 198B.684

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654(1) requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations necessary to enforce the provisions of KRS 198B.650 to 198B.689. KRS 198B.658 requires the board to establish qualifications for licensure and certification. KRS 198B.660(1) and (2) require the board to establish examination requirements. KRS 198B.664 requires the board to establish requirements for license renewal and inactive licenses. KRS 198B.684 authorizes the board to promulgate an administrative regulation with standards for continuing education for licensees and certificate holders. KRS 198B.676(1) requires the board to establish fees by administrative regulation. This administrative regulation establishes the licensure requirements for journeyman HVAC mechanics.

Section 1. General Requirements.

(1) Continuing education.

(a) Each journeyman licensee shall complete eight (8) hours of continuing education prior to renewal of the license.

(b) Continuing education shall be conducted in accordance with 815 KAR 8:050.

(2) Supervision. The journeyman shall:

(a) Be physically on site;

- (b) Personally observe and be responsible for each apprentice assigned to the journeyman in carrying out the installation, alteration, and repair of HVAC systems; and
- (c) Otherwise operate under the general direction and supervision of the master HVAC contractor.

Section 2. Initial Application Requirements.

(1) Filing the application. An applicant seeking a journeyman HVAC mechanic license shall submit to the board:

- (a) A completed and notarized Journeyman HVAC Mechanic License Application on Form HVAC 2;
- (b) An initial license application fee of fifty (50) dollars for a twelve (12) month license.
 - 1. The initial license fee may be prorated for not less than seven (7) months or more than eighteen (18) months.
 - 2. The initial license shall expire on the final day of the applicant's birth month;
- (c) Proof of satisfactory completion of the examination required by Section 4 of this administrative regulation;
- (d) Proof of the applicant's experience as established by KRS 198B.658(2)(c) and this administrative regulation; and
- (e) A passport-sized, color photograph of the applicant taken within the past six (6) months.

(2) Termination of application.

- (a) The initial application shall remain pending until all requirements are met, up to a period of one (1) year after the date the application is submitted.
- (b) At the end of one (1) year, the application shall be void.

Section 3. Inactive License Status.

- (1)
 - (a) A licensee may request that a license be placed in inactive status.
 - (b) A licensee shall not perform HVAC work while the license is inactive.
- (2) A certified HVAC inspector may be licensed as a journeyman HVAC mechanic, but shall place the license in inactive status while having an active HVAC inspector certification.
- (3) Performing HVAC work while holding an inactive license shall be grounds for revocation or suspension of all HVAC licenses and certifications held by the licensee.

Section 4. Examination Requirements. An applicant shall take and pass the examination administered in compliance with this section.

- (1) The examination shall test the applicant's basic knowledge of codes, standards, and current technological and industry recommended practices with respect to the proper installation, maintenance, repair, remodeling, or alteration of HVAC systems.
- (2) Reasonable accommodations shall be made if necessary to provide accessibility to disabled applicants, upon request.
- (3) Except as provided by subsection (7) of this section, an applicant shall successfully complete with a passing score of at least seventy (70) percent the examination known as the Kentucky Journeyman HVAC Mechanic Examination, which is developed, administered, and scored by the board or its designee.
- (4)
 - (a) A request to sit for the examination shall be made directly to the testing facilities approved by the board.

- (b) A list of facilities and contact information shall be provided to applicants upon request.
- (5) The examination fee shall not exceed \$100 for the Kentucky Journeyman HVAC Mechanic Examination.
- (6) A passing score on the examination shall be valid for a period of two (2) years.
- (7) Upon application by a testing agency, a national code group, or by an applicant for licensure, the department shall recognize another examination as equivalent to the examinations administered by the board if the person or group submitting the examination demonstrates that the examination covers the same material and requires the same level of knowledge as the board's examination.

Section 5. Experience Requirements. An applicant for licensure shall meet the requirements of this section.

- (1) Minimum experience. An applicant shall have the experience required by KRS 198B.658(2)(c).
- (2) Records of experience. An applicant's experience shall be listed on the application form.
- (a) Proof of listed experience shall be provided by:
1. A W-2 form;
 2. An affidavit from a master HVAC contractor who directed and supervised the applicant;
 3. A copy of a current journeyman HVAC mechanic license, or equivalent, held by the applicant in a state other than Kentucky, if the state requires licensure or the equivalent;
 4. Verifiable documentation demonstrating the nature and extent of journeyman HVAC mechanic work performed in a state other than Kentucky, if the state does not require licensure or the equivalent; or
 5. Department of Defense Form DD 214.
- (b) Additional proof of experience shall be requested by the board, prior to or after licensing, if the board has reason to believe that the experience shown is insufficient or nonexistent.
- (3) One (1) year of HVAC experience shall consist minimally of 1,500 hours of HVAC work in a contiguous twelve (12) month period.

Section 6. Renewal, Restoration, Reinstatement, and Reactivation Requirements and Procedures.

- (1) Filing for renewal. A journeyman HVAC mechanic shall submit to the department:
- (a) A completed renewal application card;
 - (b) A renewal fee of fifty (50) dollars made payable to the Kentucky State Treasurer; and
 - (c) Proof of annual continuing education attendance in accordance with Section 1 of this administrative regulation.
- (2) (a) Except for a license placed in inactive status in accordance with subsection (6) of this section and Section 7(2) of this administrative regulation, application for license renewal shall be filed by each licensee no later than the last day of the licensee's birth month.
- (b) A license shall be renewed each year.
- (c) A license that is not timely renewed shall immediately expire.
- (3) (a) The renewal fee shall be paid prior to renewal.

- (b) The department shall send a renewal application card to each licensee each year to be returned with the required fee.
- (4) A renewal application card filed late, but no more than sixty (60) days after the expiration of the license, shall be accepted, but a restoration fee, as established in Section 7(1) of this administrative regulation, shall be added to the renewal fee.
- (5) (a) A former licensee whose license has terminated as established in KRS 198B.664(3) may have his or her license reinstated if the licensee satisfies the application requirements for renewal as established in Section 6(1) of this administrative regulation and submits a reinstatement fee as established in Section 7(5) of this administrative regulation no later than three (3) years from the date the former license was terminated.
(b) A former licensee seeking licensure under this administrative regulation, but whose terminated license was not timely reinstated as established in paragraph (a) of this subsection, shall be required to satisfy all requirements applicable to new applicants for initial licensure as established in this administrative regulation.
- (6) (a) A license that is in inactive status shall be exempt from annual renewal.
(b) An inactive license shall be reactivated upon payment of the annual renewal fee, the reactivation fee, and upon compliance with the continuing education requirements established in 815 KAR 8:050.
- (7) If an initial license is for a period of less than twelve (12) months, the initial license fee shall be reduced on a pro rata basis.
- (8) The application for renewal, restoration, reinstatement, or reactivation of a licensed journeyman HVAC mechanic shall be denied if the applicant fails to:
- (a) Pay any applicable department fee; or
(b) Comply with the continuing education requirements established in Section 1(1) of this administrative regulation.
- (9) A licensee who has not previously provided a passport-sized color photograph shall provide one (1) with the licensee's next application for renewal.
- (10) Continuing education requirements shall not be required for a licensee's first renewal if the initial license was issued within twelve (12) months of renewal.

Section 7. Special Service Fees. In addition to the other fees required by this administrative regulation, the special fees established in this section shall also be applied.

- (1) Restoration fee. The fee for restoration of an expired license shall be twenty-five (25) dollars.
- (2) Inactive status fee.
(a) A licensee may place the license in inactive status. The fee to place a license into inactive status shall be twenty (20) dollars.
(b) Inactive status shall be maintained upon annual payment of the inactive status fee by the last day of the licensee's birth month.
(c) Inactive status shall be maintained in accordance with this subsection until the licensee requests reactivation in accordance with Section 6(6)(b) of this administrative regulation.
(d) An inactive license that is not maintained in accordance with this subsection or reactivated in accordance with Section 6(6)(b) of this administrative regulation shall immediately terminate.
- (3) Reactivation fee. The fee for reactivation of an inactive license shall be twenty (20) dollars.

(4) Duplicate license fee. A lost or destroyed license shall be replaced upon payment of a twenty (20) dollar fee.

(5) Reinstatement fee. The fee for reinstatement of a terminated license shall be fifty (50) dollars for each twelve (12) month period, or additional fraction thereof, following the date the license was terminated, not to exceed \$150.

Section 8. Revocation or Suspension of License. A license issued pursuant to this administrative regulation shall be subject to suspension or revocation by the board for any of the reasons stated in KRS 198B.672.

Section 9. Incorporation by Reference.

(1) "Form HVAC-2, Journeyman HVAC Mechanic License Application," July 2014, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, HVAC Division, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m. (21 Ky.R. 1612; eff. 2-10-1995; Am. 22 Ky.R. 794; eff. 12-7-1995; 2337; 23 Ky.R. 438; 1396; eff. 9-11-1996; 24 Ky.R. 952; eff. 12-15-1997; 26 Ky.R. 1707; eff. 5-22-2000; 27 Ky.R. 3370; eff. 8-15-2001; 31 Ky.R. 1904; 32 Ky.R. 80; eff. 7-27-2005; 36 Ky.R. 1350; 1928; eff. 3-5-2010; 41 Ky.R. 1187; eff. 3-6-2015.)

815 KAR 8:030. Apprentice heating, ventilation, and air conditioning (HVAC) mechanic registration and certification requirements.

RELATES TO: KRS 198B.650, 198B.656, 198B.658, 198B.662, 198B.664

STATUTORY AUTHORITY: KRS 198B.654(1), 198B.658(3)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654(1) requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations requiring unlicensed persons engaged in heating, ventilation and air conditioning (HVAC) to be registered. This administrative regulation establishes the requirements for registration and certification of apprentices.

Section 1. Registration of Apprentices.

(1) Except for those HVAC apprentices registered with the Division of Employment Standards, Department of Labor, all apprentices defined by KRS 198B.650, shall be registered with the board by complying with this administrative regulation.

(2) Each individual who registers with the board shall be issued an HVAC certificate of apprenticeship pursuant to KRS 198B.658(3) and this administrative regulation.

(3) The HVAC Apprentice Registration form shall be updated by the apprentice and submitted to the board to update change of address or change of employer.

(4) The certificate of registration shall authorize an individual to work in the HVAC trade under:

- (a) The direct supervision of at least one (1) journeyman HVAC mechanic; and
- (b) The general supervision of a master contractor.

(5) The registration application shall include the license number and signature of the supervising master contractor.

Section 2. Initial Application for Apprentice Certificate of Registration.

Registration shall be accomplished by filing a completed HVAC Apprentice Registration Form, Form HVAC 3, with the board including a passport-sized photograph. The photograph shall be taken not more than sixty (60) days prior to submitting the HVAC Apprentice Registration Form.

Section 3. Minimum Number of Hours of Experience.

(1) 3,000 verifiable work hours shall be the minimum number of work hours accepted as the required two (2) years of experience for an HVAC journeyman mechanic license pursuant to 815 KAR 8:020.

(2) The apprentice shall retain personal records of employment hours to verify the experience required for a journeyman HVAC mechanic license.

Section 4. Incorporation by Reference.

(1) "HVAC Apprentice Registration Form", Form HVAC 3, August 2011, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the of Housing, Buildings and Construction, Division of HVAC, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405, Monday through Friday, 8 a.m. to 4:30 p.m. (21 Ky.R. 1614; eff. 2-10-95; Am. 22 Ky.R. 2118; eff. 7-5-96; 31 Ky.R. 1747; 1978; eff. 7-1-2005; 38 Ky.R. 618; eff. 9-28-11.)

815 KAR 8:035. Reciprocal licensing requirements.

RELATES TO: KRS 198B.664, 198B.666, 198B.668.

STATUTORY AUTHORITY: KRS 198B.654, 198B.666.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 and 198B.666 require the Board of Heating, Ventilation and Air Conditioning Contractors to establish requirements for reciprocal licensing of HVAC Master Contractors and HVAC Journeymen. This administrative regulation establishes the application process for obtaining a Kentucky HVAC license through reciprocity.

Section 1. An applicant for reciprocity shall:

(1) Comply with the requirements established in the reciprocity agreement between Kentucky and the state in which the applicant is licensed;

(2)(a) Submit the HVAC Reciprocity Application and the following application fee:

1. For a Master HVAC Contractor license, a nonrefundable application fee of \$250 for a twelve (12) month license. The initial license fee may be prorated for not less than seven (7) months or more than eighteen (18) months and shall expire on the final day of the applicant's birth month; or

2. For an HVAC Journeyman license, a non-refundable application fee of fifty (50) dollars for a twelve (12) month license. The initial license fee may be prorated for not less than seven (7) months or more than eighteen (18) months and shall expire on the final day of the applicant's birth month.

(b) If both licenses are being applied for, an application fee shall be submitted for each license with each HVAC Reciprocity Application.

(3) Submit a completed Reciprocity HVAC Application, Form HVAC-30.

Section 2. Incorporation by Reference.

(1) "HVAC Reciprocity Application", Form HVAC-30, August 2010, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings, and Construction, Division of Heating, Ventilation and Air Conditioning, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405, Monday through Friday, 8 a.m. to 4:30 p.m. (37 Ky.R. 903; Am. 1211; eff. 11-17-2010.)

815 KAR 8:045. Limited licenses for journeyman HVAC mechanics.

RELATES TO: KRS 198B.650, 198B.654, 198B.656, 198B.658, 198B.660, 198B.662, 198B.664, 198B.676, 198B.684

STATUTORY AUTHORITY: KRS 198B.654(1), 198B.658, 198B.660(1), (2), 198B.664(3), 198B.676(1), 198B.684

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654(1) requires the Board of Heating, Ventilation and Air Conditioning (HVAC) Contractors to promulgate administrative regulations to administer, coordinate and enforce KRS 198B.650 to 198B.689. This administrative regulation is a supplement to 815 KAR 8:020, and establishes the requirements for an applicant who seeks to become licensed to perform limited functions pursuant to the journeyman HVAC licensing law. This administrative regulation is necessary to treat qualified persons similarly by allowing applicants to be licensed according to their qualifications, and in order to meet the intention of KRS Chapter 13A as it relates to tiering of administrative regulations.

Section 1. Application for Limited Licenses. Applicants seeking to be licensed as a journeyman mechanic under 815 KAR 8:020, but who choose to use their experience and career goals to function in a limited capacity, shall be granted a limited license upon proof of experience and examination, as follows:

(1) Limited journeyman HVAC duct mechanic - An applicant seeking a limited journeyman HVAC duct mechanic license shall submit to the board:

(a) A completed limited journeyman HVAC duct mechanic license on Form HVAC 4;

(b) A nonrefundable initial license application fee of fifty (50) dollars;

(c) Proof of satisfactory completion of the "Kentucky Limited Journeyman HVAC Duct Mechanics Examination" developed and administered by the International Code Council;

(d) A passport-sized color photograph of the applicant; and

(e) Proof of the applicant's experience as required by KRS 198B.658(2)(b) and by 815 KAR 8:020, Section 5.

(2) Limited journeyman HVAC installer mechanic – An applicant seeking a limited journeyman HVAC installer mechanic license shall submit to the board:

- (a) A completed limited journeyman HVAC installer mechanic license on Form HVAC 5;
- (b) A nonrefundable initial license application fee of fifty (50) dollars;
- (c) Proof of satisfactory completion of the "Kentucky Limited Journeyman HVAC Installer Examination" developed and administered by the International Code Council;
- (d) A passport-sized color photograph of the applicant; and
- (e) Proof of the applicant's experience as required by KRS 198B.658(2)(b) and by 815 KAR 8:020, Section 5.

(3) Termination of application. The initial application shall remain pending until all requirements are met up to a period of one (1) year after the date the application is submitted. At the end of one (1) year, the application shall be void.

(4) Upon application by a testing agency, a national code group or by an applicant for certification, the office may recognize another examination as equivalent to the examinations administered by the International Code Council. The person or group submitting the examination shall demonstrate that the examinations cover the same material and require the same level of knowledge as the International Code Council examinations.

Section 2. Limited Licenses and Responsibilities.

(1) A person licensed under the alternative limited licensing provisions of this administrative regulation may work independently within the range of the limited license authorization while under the general supervision of a master HVAC contractor.

(2) A person holding a limited license shall not hold himself out as complying with all the journeyman HVAC mechanic experience and examination requirements of 815 KAR 8:020.

(3) A limited license shall not replace the requirement that each master HVAC contractor shall have in his employ at least one (1) journeyman HVAC mechanic whose license is not limited.

Section 3. Renewal Requirements and Procedures. Licenses issued pursuant to this administrative regulation shall be renewed in accordance with the renewal requirements established in 815 KAR 8:020, Section 6.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Form HVAC 4, Limited Journeyman HVAC Installer License Application," February 15, 2005; and
- (b) "Form HVAC 5, Limited Journeyman HVAC Duct Mechanic License Application," February 15, 2005.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Housing, Buildings and Construction, Division of Heating, Ventilation and Air Conditioning, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405, Monday through Friday, 8 a.m. to 4:30 p.m. (24 Ky.R. 2483; eff. 7-13-98; Am. 31 Ky.R. 1906; 32 Ky.R. 82; eff. 7-27-05.)

815 KAR 8:050. Continuing education requirements for heating, ventilation, and air conditioning (HVAC) license holders.

RELATES TO: KRS 198B.658, 198B.660, 198B.664, 198B.672

STATUTORY AUTHORITY: KRS 198B.654(1), 198B.684

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654(1), requires the Kentucky Board of Heating, Ventilation, and Air Conditioning to promulgate administrative regulations necessary to enforce the provisions of KRS 198B.650 to 198B.689. KRS 198B.684 authorizes the Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors to promulgate an administrative regulation with standards for continuing education for licensees and certificate holders. This administrative regulation establishes continuing education requirements for HVAC license holders.

Section 1. Master HVAC Contractor Licensees.

- (1) Each Master HVAC Contractor shall provide proof of completion of at least eight (8) hours of approved continuing education prior to license renewal.
- (2) The required continuing education shall be completed by each licensee within the twelve (12) months preceding renewal except as provided in subsection (4) of this section.
- (3) Continuing education courses shall relate to one (1) or more of the following:
 - (a) Business;
 - (b) Job safety;
 - (c) Codes relating to HVAC; and
 - (d) Board- or board designee-approved subjects directly relating to the HVAC trade.
- (4) A licensed master HVAC contractor who accumulates more than the eight (8) hours of continuing education required annually may carry forward the excess credit hours into the two (2) successive educational years for the purpose of satisfying the minimum requirement for those two (2) years.
 - (a) Carry forward credits shall be limited to a total of twelve (12) hours.
 - (b) All excess credits above the total of twelve (12) hours shall remain on the licensed master HVAC contractor's records but shall not be carried forward.
- (5) A licensed master HVAC contractor teaching or participating as a panel member in an approved continuing education course for heating, ventilation or air conditioning shall be granted one (1) credit hour for each fifty (50) minutes of actual instruction time.

Section 2. Journeyman HVAC Licensees.

- (1) Each journeyman shall provide proof of completion of at least eight (8) hours of approved continuing education prior to license renewal except as provided in subsection (5) of this section.
- (2) The required continuing education shall be completed by each licensee within the twelve (12) months preceding renewal.
- (3) Continuing education courses shall relate to one (1) or more of the following:
 - (a) Business;
 - (b) Job safety;
 - (c) Codes relating to HVAC; and
 - (d) Board- or board designee-approved subjects directly relating to the HVAC trade.

(4) A maximum of four (4) hours of continuing education relating to job safety shall be allowed towards annual journeyman license renewal.

(5) A licensed HVAC journeyman who accumulates more than the eight (8) hours of continuing education required annually may carry forward the excess credit hours into the two (2) successive educational years for the purpose of satisfying the minimum requirement for those two (2) years.

(a) Carry forward credits shall be limited to a total of twelve (12) hours.

(b) All excess credits above the total of twelve (12) hours shall remain on the licensed HVAC journeyman's records but shall not be carried forward.

(6) A licensed HVAC journeyman teaching or participating as a panel member in an approved continuing education course for HVAC shall be granted one (1) credit hour for each fifty (50) minutes of actual instruction time.

Section 3. Combined Master and Journeyman Licensees.

An individual who is a holder of both a master and a journeyman license shall meet the continuing education requirements of Section 1 of this administrative regulation.

Section 4. Inactive Master HVAC Contractor Licensees.

(1) An inactive HVAC contractor shall not be required to complete continuing education to maintain inactive status.

(2) If an inactive HVAC contractor wishes to activate his or her license to the status of an active HVAC contractor, he or she shall complete four (4) hours of current safety standards continuing education and four (4) hours of current mechanical code continuing education.

(3) Proof of completion of continuing education requirements shall be submitted to the department prior to license reactivation.

Section 5. Continuing Education Courses.

(1) All continuing education required for master and journeyman license holders shall be completed in courses approved by the Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors or its designee pursuant to 815 KAR 8:060.

(2) Continuing education courses shall be offered only by providers approved by the Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors or its designee pursuant to 815 KAR 8:060.

(3) Continuing education courses shall be a minimum of two (2) hours. One (1) hour of class shall be equivalent to fifty (50) minutes of classroom instruction or approved online courses.

(4) Online continuing education shall:

(a) Meet all the requirements of this administrative regulation and of 815 KAR 8:060;

(b) Be provided by a continuing education provider approved in accordance with 815 KAR 8:060;

(c) Include a minimum of six (6) personal security questions, per course, consisting of:

1. One (1) random security question at each log-in; and

2. Remaining security questions at intervals not to exceed twenty (20) minutes;

(d) Allow course participants access to the course for a minimum of thirty (30) days following receipt of payment for the course;

(e) Be capable of storing course content questions as follows:

1. Stored content questions shall equal 150 percent of the content questions required; and

2. Duplicate questions shall not be permitted;
- (f) Require a minimum of four (4) content questions, chosen randomly from stored content questions, to be answered during each twenty (20) minutes of continuing education programming;
- (g) Make available online the course certificate of completion for twelve (12) months to any licensee who completes the online course, subject to the following:
1. A passing score of seventy-five (75) percent correctly answered content questions shall be required before an applicant is eligible to receive a certificate of completion; and
 2. Notification of correct and incorrect answers shall not be permitted prior to completion of the online course; and
- (h) Retain a record of all course applications and completions for a minimum of three (3) years.
- (5) Continuing education courses offered by a provider not approved in accordance with 815 KAR 8:060 shall be approved by the board or its designee if the following are met:
- (a) Approval is requested by the individual license holder thirty (30) days in advance of course date;
 - (b) A detailed syllabus of the course is provided with the request; and
 - (c) The course is beneficial to licensees in the HVAC trade.
- (6) The board or its designee shall approve a request if the information has been submitted in accordance with subsection (5) of this section of this administrative regulation. The license holder shall provide an affidavit from the instructor verifying the hours of attendance. (36 Ky.R. 1400; Am. 1930; eff. 3-5-2010; 37 Ky.R. 862; Am. 1211; eff. 11-17-2010; 1453; 2134; eff. 4-4-2014.)

815 KAR 8:060. Requirements for approval of continuing education courses and providers.

RELATES TO: KRS 198B.658, 198B.660, 198B.664, 198B.672, 198B.684

STATUTORY AUTHORITY: KRS 198B.654(1), 198B.684

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654(1) requires the Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors to promulgate administrative regulations necessary to enforce the provisions of KRS 198B.650 to 198B.689. KRS 198B.684 authorizes the board to promulgate an administrative regulation to establish requirements for approval of continuing education courses and providers. This administrative regulation establishes the requirements for approval of continuing education courses and providers.

Section 1. Requirements for Continuing Educational Provider Approval.

- (1) Continuing Education Providers shall either be a:
- (a) Trade Association with affiliation to the HVAC Trade;
 - (b) Trade school;
 - (c) College;
 - (d) Technical school;

- (e) Business dedicated solely to providing continuing education and that provides at least one (1) HVAC course in each of Kentucky's congressional districts quarterly;
 - (f) HVAC Company that employs full-time training personnel to conduct continuing education programs providing continuing education for journeymen only;
 - (g) HVAC manufacturer or distributor that employs full-time training personnel to conduct continuing education programs providing continuing education for journeymen only.
- (2) (a) Each continuing education course provider shall register with the department as required by subsection (3) of this section before submitting course materials for department approval.
- (b) Registration shall be valid for two (2) years from the date of issuance.
- (3) Course providers shall register on Form HVAC 8, Application for Approval as a Continuing Education Course Provider for HVAC Licensure, provided by the department and shall include the following:
- (a) Company name;
 - (b) Contact person;
 - (c) Mailing address;
 - (d) Email address;
 - (e) Telephone number; and
 - (f) Fax number.
- (4) The department shall maintain a list of approved continuing education course providers.
- (5) Each course provider shall report to the department any change to the information submitted in the initial application within thirty (30) days after the change takes effect.
- (6) For each course approved, the provider shall distribute a questionnaire to each applicant in attendance for the purpose of rating the course.

Section 2. Continuing Education Course Approval.

- (1) A separate application for approval shall be submitted to the department on Form HVAC 9, Application for Continuing Education Course for HVAC Licensure, for each course offered by the course provider.
- (2) (a) An Application for Approval as a Continuing Education Course Provider for HVAC Licensure shall be submitted only by an approved provider registered with the department.
- (b) Applications shall be submitted at least thirty (30) days prior to the course's offering.
- (3) A continuing education course shall provide instruction in at least one (1) of the subject areas specified in 815 KAR 8:050, Section 1(3)(a) through (d) and Section 2(3)(a) through (d).
- (4) The course application shall include the following:
- (a) Name of the course;
 - (b) Name and registration number of the provider;
 - (c) A course syllabus;
 - (d) Name of the instructor or presenter along with his or her qualifications;
 - (e) The amount of actual time needed to present the course;
 - (f) The objectives of the course; and
 - (g) A statement of the practicality of the course to the HVAC trade.
- (5) Content changes made to the course shall require a subsequent submission to the department for review and approval.
- (6) Course approval shall be valid for two (2) years from the date of department approval.

- (7) (a) The department shall issue a course number for each approved course.
 (b) The course number and the provider's number shall appear on all advertisements and certificates for the course.
- (8) A provider shall submit to the department a quarterly schedule including dates and locations of courses by January 1, April 1, July 1, and October 1 annually.
- (9) Providers may submit additional courses to their quarterly schedule if done at least thirty (30) days prior to the course offerings.
- (10) The department shall receive notification of scheduling changes at least ten (10) working days prior to the originally scheduled course date by fax or e-mail to the Director of the Division of HVAC.
- (11) Cancellations.
- (a) The provider shall give notice of cancellation to registrants no less than five (5) working days prior to scheduled classes unless the governor declares a state of emergency or other conditions exist that would preclude a five (5) day notification of cancellation.
- (b) If a scheduled class is cancelled, the registrant shall have the option to attend a rescheduled class or receive a full refund for the cancelled class from the provider.
- (c) A registrant who notifies a provider of registration cancellation prior to five (5) working days of a scheduled course may choose either a full refund or to attend a subsequent course.
- (d) Providers shall not cancel a course with ten (10) or more registrants, unless it is the result of an emergency.

Section 3. Continuing Education Course Records.

- (1) Each registered course provider shall establish and maintain for three (3) years the following records for each approved course:
- (a) Certificates of completion as provided in subsection (2) of this section;
- (b) An attendance sign-in and sign-out sheet; and
- (c) A course syllabus.
- (2) Certificates of completion.
- (a) Each registered course provider shall issue a certificate of completion for each participant who enrolled and completed an approved continuing education course.
- (b) A certificate of completion shall contain the following information about the individual participant:
1. Name;
 2. Address;
 3. License number;
 4. Date of attendance; and
 5. Course completed.
- (c) One (1) copy of the certificate of completion shall be:
1. Sent to the department electronically;
 2. Retained on file by the provider in compliance with subsection (1) of this section; and
 3. Given to the participant upon completion of the course.

Section 4. Course Audits.

(1) Records requested in writing by the department shall be delivered to the department within ten (10) days of the requesting date.

(2) Representatives of the department may attend an approved continuing education course to ensure that the course meets the stated objectives and that applicable requirements are being met.

Section 5. Disciplinary Action. Provider approval shall be denied or revoked if the department determines that the provider:

(1) Obtains, or attempts to obtain, registration or course approval through fraud, false statements, or misrepresentation;

(2) Does not provide complete and accurate information in either the initial registration or in notification of changes to the information;

(3) Advertises a course as being approved by the department prior to receiving approval; or

(4) Fails to comply with the requirements of this administrative regulation.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form HVAC 8, "Application for Approval as a Continuing Education Course Provider for HVAC Licensure", January 2010; and

(b) Form HVAC 9, "Application for Continuing Education Course for HVAC Licensure", January 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, HVAC Division, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405, Monday through Friday, 8 a.m. to 4:30 p.m. (36 Ky.R. 1400; Am. 1931; eff. 3-5-2010; 39 Ky.R. 1064; 1407; eff. 2-1-2013.)

815 KAR 8:070. Installation permits.

RELATES TO: KRS 198B.654, 198B.6673, 198B.6678

STATUTORY AUTHORITY: KRS 198B.654, 198B.6671, 198B.6672, 198B.6673, 198B.6674, 198B.6675, 198B.6676, 198B.6677, 198B.6678

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations for the enforcement, administration and coordination of KRS 198B.650 through 198B.689. KRS 198B.6673 requires the board to establish a reasonable schedule of fees and charges to be paid for HVAC installation permits and inspections. This administrative regulation establishes the fees and charges for HVAC installation permits in Kentucky.

Section 1. Issuance of Permits.

(1) A permit to construct, install, or alter a heating, ventilation, or air conditioning system shall only be issued to a licensed master heating, ventilation, and air conditioning contractor, except as provided by subsection (3) of this section.

(2) A journeyman HVAC mechanic shall not construct, install, or alter a heating, ventilation, or air conditioning system unless the work is performed under the supervision of a licensed master HVAC contractor.

(3) A permit to construct, install, or alter a heating, ventilation, or air conditioning system shall be issued to a homeowner who installs a heating, ventilation, or air conditioning system in the homeowner's legal residence or in a home constructed by a homeowner for personal residential use, if all the requirements of this subsection are met.

(a) Application shall be made on the HVAC Construction Permit Application: One & Two Family Dwellings, for the permit prior to the initiation of the HVAC work.

(b) The homeowner shall file with the application:

1. An affidavit stating that the homeowner shall abide by the terms of this administrative regulation;
2. Proof of adequate sizing of heating, ventilation, or air conditioning system to be installed; and
3. A complete design plan of all related duct and piping of system.

(c) All work shall be performed in compliance with the Kentucky Residential Code and the Kentucky Building Code.

(d) All the work shall be personally performed by the owner.

(4) Only one (1) homeowner permit for construction of a new home shall be issued to an individual within a five (5) year period.

Section 2. Permit Required.

(1) An application shall be made for a permit prior to installation on the:

- (a) HVAC Construction Permit Application: Commercial Buildings;
- (b) HVAC Construction Permit Application: Multi-family Dwellings; or
- (c) HVAC Construction Permit Application: One & Two Family Dwellings.

(2) An HVAC installation permit shall be required for the initial heating, ventilation, or air conditioning system:

- (a) For all new construction installations of heating, ventilation, or air conditioning systems;
- (b) For construction additions in which an additional heating, ventilation, or air conditioning system is installed;
- (c) For all existing buildings in which the first heating, ventilation, or air conditioning system is being installed; and
- (d) For projects in which a contractor assumes responsibility to:
 1. Make corrections;
 2. Test an installation performed by another contractor; or
 3. Install a system for which another master contractor has obtained a permit.

Section 3. A permit shall be issued and inspections performed upon request for the replacement of:

- (1) Furnaces;
- (2) Condensing units;
- (3) Heat pumps;
- (4) Fan coil units;
- (5) Chiller systems; or
- (6) Heating boiler systems not covered by KRS Chapter 236.

Section 4. HVAC Installation Permit Fees.

(1) One- and Two- Family Dwelling Installations. The fee for each heating, ventilation, or air conditioning system installation permit for one- and two- family dwellings shall be \$105 for the first system plus fifty (50) dollars for each additional system.

(2) Multi-Family Dwelling Installations. The fee for each heating, ventilation, or air conditioning system installation permit for multi-family dwellings other than duplexes, shall be \$105 for the first system plus fifty (50) dollars for each additional system.

(3) Commercial installations.

(a) The fee for each heating, ventilation, or air conditioning system installation permit other than one (1), two (2), and multi-family dwellings shall be based upon the total dollar value of each HVAC installation, either actual or estimated.

(b) 1. It shall be the obligation of the installing contractor to supply the complete value of the installation, including labor and material costs regardless of the purchaser.

2. Except as provided in subparagraph 3b of this paragraph, an exact figure does not need to be quoted or divulged to the HVAC inspector or department.

3. The permit application shall include a statement signed by the applicant affirming that the true value of the installation lies within certain limits, as listed in the left column of the table in clause c of this subparagraph and as established in clause d of this subparagraph.

a. The fees for heating, ventilation, or air conditioning system installation are listed in the right column of the table.

b. The department may request documented proof of costs from the permit applicant if the true value is in question.

c.

Amount in dollars	Permit fee
\$2,000 or less	\$125
\$2,001 to \$10,000	\$180
\$10,001 to \$25,000	\$270
\$25,001 to \$50,000	\$330
\$50,001 to \$75,000	\$390
\$75,001 to \$100,000	\$500
\$100,001 to \$150,000	\$630
\$150,001 to \$200,000	\$760
\$200,001 to \$250,000	\$885
\$250,001 to \$300,000	\$1,025
\$300,001 to \$400,000	\$1,150
\$400,001 to \$500,000	\$1,500
\$500,001 to \$600,000	\$1,725
\$600,001 to \$700,000	\$1,900
\$700,001 to \$800,000	\$2,125
\$800,001 to \$900,000	\$2,355
\$900,001 to \$1,000,000	\$2,590
\$1,000,001 to \$1,100,000	\$2,820
\$1,100,001 to \$1,200,000	\$3,050

\$1,200,001 to \$1,300,000	\$3,280
\$1,300,001 to \$1,400,000	\$3,510
\$1,400,001 to \$1,500,000	\$3,735
\$1,500,001 to \$1,600,000	\$3,965

d. The permit for a commercial installation valued over \$1,600,000 shall be calculated at the cost of \$3,965 plus \$200 per \$100,000 or fraction thereof in excess of \$1,600,000.

(4) Correction and Testing Permits. The permit fee shall be the base fee of seventy-five (75) dollars if the application for permit does not include any new installation, but is to make corrections or provide testing for an installation made by someone else.

Section 5. Inspection Fees.

(1) Each heating, ventilation, or air conditioning system permit shall include three (3) heating, ventilation, or air conditioning system inspections at no additional cost.

(2) (a) A heating, ventilation, or air conditioning system inspection in excess of the three (3) provided with purchase of permit shall be performed at the rate of fifty (50) dollars per inspection.

(b) Payment shall be received by the inspecting authority prior to the final inspection approval being granted.

Section 6. Expiration of Permits.

(1) A heating, ventilation, or air conditioning system installation permit issued under this administrative regulation shall expire six (6) months after the date of issuance unless the permitted work has begun.

(2) If construction begins within six (6) months of permit issuance:

(a) The permit shall be effective until completion of the planned heating, ventilation, or air conditioning system inspection; or

(b) If the work ceases on a permitted project for a period exceeding twelve (12) months, the permit shall be void.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) HVAC-27, "HVAC Construction Permit Application: Commercial Buildings", September 2014;

(b) HVAC-28, "HVAC Construction Permit Application: Multi-family Dwellings", September 2014; and

(c) HVAC-29, "HVAC Construction Permit Application: One & Two Family Dwellings", September 2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Housing, Buildings, and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8:30 a.m. to 4:30 p.m. (36 Ky.R. 2004; Am. 2194; eff. 6-4-2010; 41 Ky.R. 1193; 1793; eff. 3-6-2015.)

815 KAR 8:080. Inspections and tests.

RELATES TO: KRS 198B.6671, 198B.6672, 198B.6673, 198B.6674, 198B.6675, 198B.6676, 198B.6677, 198B.6678, EO 2009-535

STATUTORY AUTHORITY: KRS 198B.654, EO 2009-535

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 authorizes the Board of Heating, Ventilation and Air Conditioning contractors to promulgate administrative regulations to enforce KRS 198B.650-689. EO 2009-535, effective June 12, 2009, reorganized the Office of Housing, Buildings and Construction as the Department of Housing, Buildings, and Construction, and established the commissioner, rather than executive director, as the head of the department. This administrative regulation establishes the requirements for the tests and inspections that are necessary to ensure compliance with the Uniform State Building Codes.

Section 1. Inspections. The department or authorized local HVAC permitting and inspection program shall inspect the following initial installations to ensure compliance with the Uniform State Building Code and the Uniform State Residential Code:

- (1)
 - (a) Air conditioning or cooling system;
 - (b) Heating system; and
 - (c) Ventilation system; and.
- (2) In buildings condemned by local jurisdictions, alterations of an HVAC system, which shall be considered an initial HVAC system installation.

Section 2. Major Repairs. The department or authorized local HVAC permitting and inspection program may inspect major repairs, if requested and permitted. This shall not pertain to inspections that arise from violations or complaints.

Section 3. Access. All access, equipment, and material necessary for inspections and tests shall be furnished by the persons obtaining the HVAC installation permit.

Section 4. Residential Inspections.

- (1) It shall be the responsibility of the person who obtained the HVAC installation permit to notify the department or authorized local HVAC permitting and inspection program and request all inspections.
- (2) Prior to, or at the time of the first inspection, sizing calculations shall be provided to the department or authorized local HVAC permitting and inspection program or inspector.
- (3) The inspector shall verify the:
 - (a) Date of calculation;
 - (b) Orientation of structure;
 - (c) Design conditions;
 - (d) Heat gain;
 - (e) Heat loss;
 - (f) Square footage; and
 - (g) Additional documentation necessary to support sizing calculations.
- (4)
 - (a) If any portion of the HVAC system is below ground, the underground portion of the system shall be inspected and approved prior to covering.
 - (b) If conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.

- (c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage.
- (5) (a) Rough-in inspections shall be conducted on all work prior to covering or concealment.
 - (b) If conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.
 - (c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage.
- (6) A final inspection shall be conducted after all equipment has been set, in working order, and prior to occupancy.

Section 5. Commercial Inspections.

- (1) It shall be the responsibility of the person who obtained the HVAC installation permit to notify the department or authorized local HVAC permitting and inspection program and request all inspections.
- (2) Approved plans shall be made available to an inspector on site during an inspection.
- (3) (a) If any portion of the HVAC system is below ground, the underground portion of the system shall be inspected and approved prior to covering.
 - (b) If conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.
 - (c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage.
- (4) (a) Rough-in inspections shall be conducted on all work prior to covering, concealment, or setting equipment.
 - (b) If conditions require partial coverage of the permitted system, permission shall be requested of, and received from the inspector prior to coverage.
 - (c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage..
- (5) A final inspection shall be conducted after all equipment has been set, in working order, and prior to occupancy.
- (6) A partial or temporary final inspection may be conducted if:
 - (a) The HVAC system's service area of the building is completed; and
 - (b) The temporary or partial final inspection will not prevent the remaining portion of the system from being inspected.

Section 6. Extent of Inspections.

- (1) Inspections shall include the following:
 - (a) Heating systems;
 - (b) Cooling systems;
 - (c) Residential exhaust and ventilation systems;
 - (d) Commercial exhaust and ventilation systems; and
 - (e) Dryer venting.
- (2) An inspection shall not consist of gas piping on the supply side of equipment shut offs.

Section 7. Certificate of Approval. Upon the satisfactory completion of final inspection of the HVAC system, a certificate of approval shall be issued by the department or authorized local HVAC permitting and inspection program. (36 Ky.R. 2006; Am. 2048-A; 2195; eff. 6-4-2010.)

815 KAR 8:090. Fees and refunds.

RELATES TO: KRS 198B.656, 198B.658, 198B.660, 198B.664, 198B.6671

STATUTORY AUTHORITY: KRS 198B.656, 198B.660(1)(b), (2), 198B.662, 198B.664, 198B.6671, 198B.6673, 198B.676

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.656, 198B.660, 198B.662, 198B.664, 198B.6671, 198B.6673, and 198B.676 authorize the Board of Heating, Ventilation and Air Conditioning Contractors to establish license and permit fees. This administrative regulation establishes procedures pertaining to fee payments and refunds.

Section 1. A fee submitted to the Division of HVAC shall be made payable to the Kentucky State Treasurer.

Section 2. Returned payment.

(1) If a submitted fee is returned to the Division of HVAC for nonpayment or insufficient funds, the payor shall pay an insufficient funds fee of fifty (50) dollars, unless proof of financial institution error is provided.

(2) A payor whose submitted fee has been returned to the Division of HVAC for nonpayment or insufficient funds shall not, for a period of at least six (6) months, make a payment to the Division of HVAC by personal check.

Section 3. A refund for an installation permit shall be given if:

(1) The refund request is received by the Division of HVAC within six (6) months of the date of issuance of the permit; and

(2) Work has not begun on the project for which the permit was issued. (36 Ky.R. 2008; Am. 2196; eff. 6-4-2010; 41 Ky.R. 1196; eff. 3-6-2015.)

815 KAR 8:100. Criteria for local jurisdiction HVAC programs.

RELATES TO: KRS 171.450, 198B.650 - 198B.689

STATUTORY AUTHORITY: KRS 198B.6673

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.6673 authorizes the Board of Heating, Ventilation and Air Conditioning Contractors to regulate HVAC inspection and permitting programs upon application. This administrative regulations establishes the requirements for local HVAC inspection and permitting programs to operate a program pursuant to board adopted guidelines.

Section 1. Uniform Criteria for Authorizing HVAC Inspection and Permitting Program existing as of January 1, 2007. To petition the Kentucky Board of Heating, Ventilation and Air Conditioning Contractors, an individual governing entity or combination of entities with an existing HVAC permitting and inspection program shall comply with the requirements established in this section.

(1) A local governing entity or combination of entities shall complete Form HVAC 31, Notice of Local HVAC Inspection Program, and submit it to the Department of Housing, Buildings, and Construction, Division of HVAC together with supporting documentation required by this administrative regulation.

(2) Qualified HVAC inspector required. The local HVAC inspection program shall employ a person to perform HVAC installation inspection functions granted to the local government. To be qualified, an inspector shall be licensed or certified in accordance with the provisions of KRS 198B.650 to 198B.689 at employment and:

- (a) Have at least six (6) years of experience as a Kentucky licensed HVAC journeyman mechanic; or
- (b) Have at least six (6) years of experience as a Kentucky licensed master HVAC contractor; or
- (c) Be a certified building inspector who has successfully passed the examinations relating to HVAC systems as approved and recognized by the department pursuant to 815 KAR Chapter 8.

(3) HVAC Plan Review. A local government's inspection program shall include plan review for commercial installations. Plan reviewers shall minimally have the same experience as those persons qualified under subsection two (2) of this administrative regulation.

(4) Personnel. A complete list of HVAC inspection program personnel, who shall be employed to enforce the HVAC code within the local program's jurisdiction, shall be submitted to the Department of Housing, Buildings, and Construction, Division of HVAC. The list of personnel shall include the name, job title, and certification or license status of each individual.

(5) Installation activity. The local HVAC program shall provide documentation of the permits issued and fees collected for the 2006 calendar year, if any, and an estimation of the anticipated activity for the current year.

(6) Schedule of fees. Each local inspection program shall adhere to the schedule of fees established in 815 KAR 8:070, Sections 4 and 5, for the permitting and inspection functions performed under the provisions of KRS 198B.6671, 198B.6673, and 815 KAR Chapter 8.

(7) Official contact person. The local government shall identify:

- (a) The name and title of the chief building code official;
- (b) The name of the department;
- (c) The official mailing address;
- (d) The phone number;
- (e) The fax number; and
- (f) The e-mail address, if applicable.

(8) Detailed map required. If a local government's inspection program consists of a portion of a county, a detailed map shall be submitted to the department for clarification of the areas subject to the program.

Section 2. Uniform Criteria for Authorizing a New HVAC Inspection and Permitting Program. To petition the Kentucky Board of Heating, Ventilation and Air Conditioning

Contractors, an individual governing entity or combination of entities applying for approval for an HVAC inspection program shall comply with the requirements established in this section.

(1) A local governing entity or combination of entities shall complete Form HVAC 31, Notice of Local HVAC Inspection Program, and submit it to the Department of Housing, Buildings and Construction, Division of HVAC together with supporting documentation required by this administrative regulation.

(2) Qualified HVAC inspector required. The local HVAC inspection program shall employ a person to perform HVAC installation inspection functions granted to the local government. To be qualified, an inspector shall be licensed or certified in accordance with the provisions of KRS 198B.650 to 198B.689 at employment and:

(a) Have at least six (6) years of experience as a Kentucky licensed HVAC journeyman mechanic; or

(b) Have at least six (6) years of experience as a Kentucky licensed master HVAC contractor; or

(c) Be a certified building inspector who has successfully passed the examinations relating to HVAC systems.

(3) HVAC Plan Review. A local government's inspection program shall include plan review for commercial installations. Plan reviewers shall minimally have the same experience as those persons qualified under subsection two (2) of this section of this administrative regulation.

(4) Personnel. A complete list of HVAC inspection program personnel, who shall be employed to enforce the HVAC code within the local program's jurisdiction, shall be submitted to the department, Division of HVAC. The list of personnel shall include the name, job title, and certification or license status of each individual.

(5) Installation activity. The local HVAC inspection program shall provide documentation an estimation of the anticipated plan review, permitting, inspection, and enforcement activities for one (1) year.

(6) Schedule of fees. Each local inspection program shall adhere to the schedule of fees established in 815 KAR 8:070, Sections 4 and 5, for the permitting and inspection functions performed under the provisions of KRS 198B.6671, 198B.6673, and 815 KAR Chapter 8.

(7) Official contact person. The local government shall identify:

(a) The name and title of the chief building code official;

(b) The name of the department;

(c) The official mailing address;

(d) The phone number;

(e) The fax number; and

(f) The e-mail address, if applicable.

(8) Detailed map required. If a local government's HVAC inspection program consists of a portion of a county, a detailed map shall be submitted to the department for clarification of the areas subject to the program.

Section 3. Contractual Agreement.

Upon approval of the Notice of Local HVAC Inspection Program by the board, the department shall prepare the contract to be executed by the department and local government HVAC inspection program. The contract shall specify the jurisdictional authority of each entity to provide clarity for the public and to avoid duplication of services.

Section 4. State Jurisdiction.

The department shall retain plan review, permitting, inspection, and enforcement responsibility under the Kentucky Building Code, 815 KAR Chapter 7, for all buildings that are:

- (1) Institutional buildings; and
- (2) Educational buildings or other facilities required to be licensed by the Cabinet for Health and Family Services, including day care centers, hospitals, and nursing homes, or other similar facilities.

Section 5. HVAC Complaints.

- (1) A local government's inspection program shall:
 - (a) Address all complaints occurring within the jurisdiction related to HVAC;
 - (b) Document findings; and
 - (c) Document resolutions reached, if any.
- (2) All documentation of complaints shall be maintained by the local HVAC inspection program for a period of at least three (3) years following resolution.
- (3) If no resolution is reached, the alleged violator may request a hearing on the matter pursuant to KRS Chapter 13B. Unresolved complaints shall be maintained for at least five (5) years following receipt of initial complaint.
- (4) Status summaries of all complaints shall be submitted to the Division of HVAC by the 10th of the following month.

Section 6. HVAC Violations.

- (1) A local government's HVAC inspection program shall investigate all violations that occur within the jurisdiction, issue stop work orders, or require other remedial measures upon proof of violations.
- (2) Local HVAC inspection programs shall initiate and fully cooperate with county and Commonwealth attorneys regarding court cases resulting from a violation.
- (3) A local government inspection program representative shall act as a witness for the department on violations resulting in a hearing pursuant to KRS Chapter 13B.
- (4) Violations shall be documented in writing.
- (5) All documentation of violations shall be maintained by the local HVAC inspection program for a period of at least three (3) years following resolution of the violation or closure of the violation.

Section 7. Accounting of Fees.

- (1) A local HVAC inspection program shall maintain an accurate accounting of all HVAC plan review, permitting, and inspection fees.
- (2) The fees received shall be deposited monthly in the local government's treasury or otherwise disposed of as required by law.
- (3) Monthly reports containing the number of commercial permits and number of residential permits issued, cost of each permit, the number of plans reviewed, and the number of inspections made shall be submitted to the Division of HVAC by the tenth of the following month.

Section 8. Record Retention and Audits.

- (1) A local HVAC inspection program shall maintain official records of:
 - (a) Applications received;
 - (b) Permits and certificates issued;
 - (c) Fees collected;
 - (d) Inspection reports; and
 - (e) Notices and orders issued.
- (2) Official records shall be retained for at least the statutory period required for retention of public records pursuant to KRS 171.450.

Section 9. Procedures for Maintaining Local HVAC Inspection Program.

- (1) The department shall monitor the program of local governments that have been granted a local HVAC inspection and permitting program. If the local government is found to be in violation of the requirements of this administrative regulation; the Kentucky Building Code, 815 KAR Chapter 7; any terms of their agreement; or KRS Chapter 198B, the department shall cancel the agreement, rescind the local HVAC inspection jurisdiction, and preempt the local program in its entirety, upon approval of the board.
- (2) Each agreement for local HVAC inspection jurisdiction shall be in effect for three (3) years, unless canceled:
 - (a) By agreement of the parties in writing; or
 - (b) Pursuant to subsection (1) of this section.
- (3) The local government shall notify the department, within thirty (30) days of any changes in personnel or fees during the contract period.
- (4) The department shall reevaluate the HVAC inspection program of the local government and make a recommendation to the board regarding continuation of the local inspection program and renewal of the agreement before the expiration of the three (3) year contract with the department. Upon approval by the board and the local government, the department shall renew the contractual agreement for three (3) years.

Section 10. Program Deficiencies.

- (1) Deficiencies documented in a local government's HVAC inspection program shall be brought before the board for review and decision.
- (2) The board shall reconsider a local government's HVAC inspection program approval if evidence of incompetence is found, the program requirements are not being met, terms of the contract with the department are violated, or KRS Chapter 198B or 815 KAR Chapter 8 are not being properly enforced.
- (3) A representative of the local HVAC inspection program shall be present during review to address questions and concerns the HVAC board may have.

Section 11. Incorporation by Reference.

- (1) Form HVAC 31, "Notice of Local HVAC Inspection Program", June 2010, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405, Monday through Friday, 8 a.m. to 4:30 p.m. (37 Ky.R. 199; Am. 730; eff. 10-1-2010; TAm 12-2-2011.)