

# SB 101 -- Redline

Introduced to Enrolled -- Board of Heating, Air Conditioning, and Refrigeration Contractors, remove provisions related to apprentices

Deletions ~~struck~~ · Insertions underlined

SB101 ~~INTRODUCED~~ENROLLED SB101 ~~QPDK454-1~~F7XGDDC-2 By Senators Kelley, Elliott, Kitchens, Sessions, Carnley, Shelnutt, Orr, Figures, Beasley, Bell, Jones RFD:

14-Feb-24 Page 0 ~~QPDK454-1~~SB101 ~~02/06/2024~~Enrolled ~~MAP~~Enrolled, ~~(L)~~ma~~An~~ ~~2024-513~~Act, ~~23~~ 4Relating  
SYNOPSIS: to the Board of Heating, Air Conditioning, and Refrigeration Contractors;

~~Under existing law, the Board of Heating, Air Conditioning, and Refrigeration Contractors certifies individuals to install, service, or repair heating, air conditioning, and refrigeration systems.~~

~~This bill would further provide for the Board of Heating, Air Conditioning, and Refrigeration Contractors.~~

~~This bill would remove provisions related to apprentices.~~

~~This bill would allow an increase in the maximum amount of a performance bond.~~

~~This bill would allow contractors to perform certain electrical work incidental to the installation, service, or repair of residential heating and air conditioning systems.~~

~~This bill would also make nonsubstantive, technical revisions to update existing code language to current style.~~

~~A BILL TO BE ENTITLED AN ACT Page 1 SB101 INTRODUCED Relating to the Board of Heating, Air Conditioning, and Refrigeration Contractors;~~

A person other than a certified Page 1 SB101 Enrolled heating, air conditioning, or refrigeration contractor, who is engaged in learning and assisting in the installation, service, or repair of a heating, air conditioning, or ~~Page 2 SB101 INTRODUCED~~ refrigeration system and working under the direct supervision of a certified heating, air conditioning, or refrigeration contractor, and who has successfully fulfilled the voluntary registration requirements of the board and has been duly registered by the board as such for the current year.

Page 2 SB101 Enrolled A heating and/or or cooling apparatus consisting of an air heating and/or or cooling fixture from pipes, plenums, or blowers, including any accessory and equipment installed in ~~Page 3 SB101 INTRODUCED~~ connection herewith within the system.;

The use of mechanical or absorption equipment to control temperature, humidity, or both, in order ~~95~~ to satisfy the intended use of a specific space, other than for human comfort.

and must receiveReceives a Form W-2, Wage and Tax Page 3 SB101 Enrolled Statement, for all earnings.

The direction of projects involving the installation or service and repair of heating, ~~Page 4 SB101 INTRODUCED~~ air conditioning, and refrigeration systems requiring initiation, professional skills, technical knowledge, and independent judgment.

The act of maintaining for operation a heating, air conditioning, or refrigeration system which that has previously been installed, including parts replacement within a piece of equipment." 95 "Sec.34-31-24

(a)(1) No individual, partnership, or corporation shall person may advertise, solicit, bid, obtain permitpermits, do business, or perform the function of a certified contractor unless the person or persons in responsible charge, as defined in Section 34-31-18, are is a certified contractorscontractor.

(4) No official charged with the duty of issuing who issues licenses to any individual, partnership, or corporation person to operate a business as a certified contractor shall may issue sucha license unless there is presented for Page 4 SB101 Enrolled inspection a certificate of qualification as provided for herein issued by the board to the individual or to some the person in responsible charge with the partnership or ~~Page 5 SB101 INTRODUCED~~ corporation.

(2) Any board certified heating and air conditioning contractor, or home builder licensed by the Alabama Home Builders Licensure Board, seeking to register as a duct tightness tester for the purposes of testing ducts on his or her own project or on a third party basis for the general public, must successfully complete the Residential Energy Services Network Home Energy Rating Systems (HERS) Rater training, the Building Performance Institute Building Analyst Page 5 SB101 Enrolled (BPI) training, or the Home Builders Association of Alabama Qualified Credentialed Air Tightness Verifier (QCATV) training. Any applicant that is not a board certified ~~Page 6 SB101 INTRODUCED~~ contractor or a licensed home builder seeking to register as a duct tightness tester for the purposes of testing duct work on a third party basis for the general public, must successfully complete the Residential Energy Services Network Home Energy Rating System (HERS) Rater training or the Building Performance Institute Building Analyst (BPI) training.

The inactive fees may be waived for building officials or inspectors, as defined by Page 6 SB101 Enrolled the International Code Council.

The fees shall be received by the board and held ~~Page 7 SB101 INTRODUCED~~ solely for the purpose of

paying the expense of carrying out the provisions of this chapter.

Any applicant failing to pass his or her first examination for a certificate shall be entitled to may take any subsequent examination, either written or, upon request of the applicant, a practical examination which is equivalent to the written examination, to be held Page 7 SB101 Enrolled within six months from the date of his or her first or latest unsuccessful examination.

(b) The board shall register every person who may apply ~~Page 8 SB101 INTRODUCED~~ for an apprentice heating, air conditioning, or refrigeration registration certificate upon forms provided by the board and upon payment of all prescribed fees.

(f)(d) Counties, municipalities, or other local Page 8 SB101 Enrolled entities are hereby prohibited from requiring any further local testing or satisfaction of other requirements of by certified contractors, subject to the payment of any ~~Page 9 SB101 INTRODUCED~~ applicable local privilege, license, or business fees or charges.

however, the repair, servicing of a Page 9 SB101 Enrolled heating and air conditioning system, or the installation of a new heating and air conditioning system in a previously inspected manufactured structure is subject to this chapter.

~~Page 10 SB101 INTRODUCED~~ (3) Persons/Individuals performing work on motor vehicles, residential refrigerators, or ice machines.

(6) Poultry operations whether engaged in hatching, primary processing, or further processing of chicken, turkey, or other ~~fowl~~ fowl." "Sec.34-31-30 The board may require a performance bond in the amount of fifteen thousand dollars (\$15,000) not to exceed twenty-five thousand dollars (\$25,000) per year for all active certified contractors.

~~(g) There shall be no discrimination between this contractors chapter similarly situated, the and installation, each service, classification or repair of residential regulated heating contractors and for air conditioning purposes systems, must be permitted reasonable to in install light all of considering electrical connections required to energize the equipment purpose being of installed, serviced, or repaired, including dedicated electrical wiring from the electrical bond." panel "Sec.34-31-32 to (a) the Except unit, as and provided shall in not Section be 13A-9-111.1, subject any to person individual the engaged requirements in of business Chapter as 36a of certified Title contractor 34, or relating performing to electrical contractors, for the conduct functions of the work." "Sec.34-31-30 The board may require a performance certified bond contractor in the violation amount of fifteen thousand chapter dollars shall (\$15,000) not be to guilty exceed of twenty-five a thousand Class dollars A (\$25,000) misdemeanor, per as year defined for by all the active state certified criminal contractors code.~~

~~There shall be no discrimination between contractors similarly situated, and each classification of regulated contractors for bonding purposes must be reasonable in light of considering the purpose of the bond." "Sec.34-31-32 (a) Except as provided in Section 13A-9-111.1, any person individual engaged in business as a certified contractor or performing the functions of a certified contractor in Page 11 SB101 INTRODUCED violation of this chapter shall be guilty of a Class A misdemeanor, as defined by the state criminal code.~~

The board may also remove the certification from any certified person individual who fails to Page 10 SB101 Enrolled renew his or her certificate by the first day of March and require the person individual to apply for a new certificate.

(d)(e) The board may levy and collect administrative fines for serious violations of this chapter or the rules of ~~Page 12 SB101 INTRODUCED~~ the board of not more than two thousand dollars (\$2,000) for each violation.

(e)(f)(1) In addition to or in lieu of the criminal penalties and administrative sanctions provided in this chapter, the board may issue an order to any person, firm, or corporation engaged in any activity, conduct, or practice Page 11 SB101 Enrolled constituting that is a violation of this chapter, directing the person, firm, or corporation to cease and desist from the activity, conduct, practice, or performance of any work then being done in progress or about to be commenced.

Upon a sufficient showing by the board that the person, firm, or corporation has engaged or is engaged in any activity, conduct, practice, or performance of work prohibited by this chapter, the court shall may issue a temporary restraining order restraining to enjoin the person, firm, or corporation from engaging in such unlawful activity, conduct, practice, or the performance of work pending the hearing on a ~~Page 13 SB101 INTRODUCED~~ preliminary injunction, and in due course.

A temporary restraining order, preliminary injunction, Page 12 SB101 Enrolled or permanent injunction issued pursuant to this subsection shall not be subject to being released on bond.

Page 14 SB101 Enrolled President and Presiding Officer  
of the Senate Speaker of the House of Representatives  
SB101 Senate 27-Feb-24 I hereby certify that the within Act originated in and passed the Senate.  
Patrick Harris, Secretary.  
House of Representatives Amended and passed:

30-Apr-24 Senate concurred in House amendment 30-Apr-24 By:  
Senator Kelley Page 14

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