



LAWS OF ALASKA

1988

Source

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Chapter No.

39

AN ACT

Relating to hazardous painting certification; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

Approved by the Governor: May 14, 1988
Actual Effective Date: AS 18.63.020, 18.63.030, 18.63.040,
18.63.060, 18.63.070, and 18.63.100, added by sec. 1 of
this Act, take effect May 15, 1988. AS 18.63.010 and
18.63.050, added by sec. 1 of this Act, take effect
May 15, 1989.

AN ACT

Relating to hazardous painting certification;
and providing for an effective date.

* Section 1. AS 18 is amended by adding a new chapter to read:

CHAPTER 63. HAZARDOUS PAINTING CERTIFICATION.

Sec. 18.63.010. HAZARDOUS PAINTING CERTIFICATE REQUIRED. (a) A person may not employ or contract with a professional painter to perform hazardous painting for compensation unless the painter holds a current valid hazardous painting certificate issued by the department. As a condition of employment, an employer may require a professional painter to provide a copy of the certificate. It is a defense to a violation of this subsection by an employer if the employer produces a copy of the painter's certificate and the employer reasonably believed the certificate was not falsified.

(b) A professional painter may not provide a falsified hazardous painting certificate to an employer or make a false statement to an employer regarding the painter's certification.

Sec. 18.63.020. ISSUANCE OF CERTIFICATE. (a) An application for issuance of a hazardous painting certificate shall be on a form prescribed by the department. An application for initial issuance of a certificate shall include proof that the applicant completed an approved basic hazardous painting certificate program not more than 30 days before the application was received by the department. An application for certificate renewal shall include proof that the applicant

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1 completed an approved supplemental hazardous painting certificate
2 program not more than 30 days before the date the application was
3 received by the department.

4 (b) The department shall issue a hazardous painting certificate
5 to an applicant who has completed an application and submitted a
6 certificate fee. A certificate is valid for three years.

7 Sec. 18.63.030. FEE. The commissioner shall establish the
8 triennial fee for a hazardous painting certificate by regulation. The
9 fee must reflect the department's approximate costs or projected costs
10 for the hazardous painting certification program.

11 Sec. 18.63.040. CERTIFICATE PROGRAMS. (a) The department shall

12 (1) establish requirements for basic and supplemental
13 hazardous painting certificate programs;

14 (2) review, and approve or disapprove, programs proposed by
15 contractors, labor organizations, public and private schools, voca-
16 tional education institutions, and others;

17 (3) assist persons who propose programs to meet require-
18 ments for approval.

19 (b) A basic hazardous painting certificate program must include
20 instruction and written and practical testing in methods of ventila-
21 tion, respirator selection, chemical reaction to body tissue, proper
22 use of painting tools, knowledge of relevant health and safety laws
23 and regulations, including relevant portions of state occupational
24 safety and health standards adopted by reference under 8 AAC 61.010,
25 and other appropriate subjects. A basic hazardous painting certifi-
26 cate program may not exceed 16 hours of instruction and testing. A
27 supplemental hazardous painting certificate program shall include
28 instruction and written and practical testing necessary to ensure tha
29 a person who completes the program will be knowledgeable about ne
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1 developments and changes related to hazardous painting that have
2 occurred since the person completed a basic hazardous painting cer-
3 tificate program.

4 (c) A hazardous painting certificate program conducted by an
5 employer of a person enrolled in the program may include safety in-
6 struction required under AS 18.60.066.

7 Sec. 18.63.050. INSPECTIONS AND CITATIONS. The department shall

8 (1) inspect job sites to assure that persons performing
9 hazardous painting are certified as required under AS 18.63.010(a) and
10 are performing the work safely;

11 (2) issue citations to persons who employ or contract with
12 a professional painter in violation of AS 18.63.010(a); and

13 (3) issue citations to professional painters who violate
14 AS 18.63.010(b).

15 Sec. 18.63.060. REGULATIONS. The department may adopt regula-
16 tions necessary for the implementation of this chapter.

17 Sec. 18.63.070. PENALTY. The department may impose a civil fine
18 of not more than \$200 for a first violation, and not more than \$1,000
19 for a subsequent violation, of this chapter or a regulation adopted
20 under this chapter.

21 Sec. 18.63.100. DEFINITIONS. In this chapter

(1) "department" means the Department of Labor;

(2) "hazardous painting" means the application of a sub-
stance containing or combined with a toxic or hazardous substance, as
defined in AS 18.60.105, in vaporized, liquid, or particulate form to
create a coating that will adhere to a surface to protect or preserve
the surface; "hazardous painting" does not include the application of
water-based paint that does not contain emulsion epoxies or
isocyanates;

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1 (3) "professional painter" means a painting contractor, an
2 employee of a painting contractor, or a person engaged in the business
3 of painting, but does not include a casual laborer, a commercial
4 artist, or a person who creates artworks.

5 * Sec. 2. AS 18.63.020, 18.63.030, 18.63.040, 18.63.060, 18.63.070, and
6 18.63.100, added by sec. 1 of this Act, take effect immediately under
7 AS 01.10.070(c).

8 * Sec. 3. AS 18.63.010 and 18.63.050, added by sec. 1 of this Act, take
9 effect May 15, 1989.

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