

Offered: 2/3/88  
Referred: Labor and Commerce and Finance

5-0337T

Original sponsors: Josephson, Sturgulewski  
and Uehling

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 141 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to hazardous painting certification;  
7 and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 18 is amended by adding a new chapter to read:  
10 CHAPTER 63. HAZARDOUS PAINTING CERTIFICATION.  
11 Sec. 18.63.010. HAZARDOUS PAINTING CERTIFICATE REQUIRED. A  
12 person may not employ or contract with a professional painter to  
13 perform hazardous painting for compensation unless the painter holds a  
14 current valid hazardous painting certificate issued by the department.  
15 Sec. 18.63.020. ISSUANCE OF CERTIFICATE. (a) An application  
16 for issuance of a hazardous painting certificate shall be on a form  
17 prescribed by the department. An application for initial issuance of  
18 a certificate shall include proof that the applicant completed an  
19 approved basic hazardous painting certificate program not more than 30  
20 days before the application was received by the department. An appli-  
21 cation for certificate renewal shall include proof that the applicant  
22 completed an approved supplemental hazardous painting certificate  
23 program not more than 30 days before the date the application was  
24 received by the department.  
25 (b) The department shall issue a hazardous painting certificate  
26 to an applicant who has completed an application and submitted a  
27 certificate fee. A certificate is valid for three years.  
28 Sec. 18.63.030. FEE. The commissioner shall establish the  
29 triennial fee for a hazardous painting certificate by regulation. The

1 fee must reflect the department's approximate costs or projected costs  
2 for the hazardous painting certification program.

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

4 (1) establish requirements for basic and supplemental  
5 hazardous painting certificate programs;

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

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

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

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

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

29 (1) inspect job sites to assure that persons performing

1 hazardous painting are certified as required under AS 18.63.010 and  
2 are performing the work safely; and

3 (2) issue citations to persons who employ or contract with  
4 a professional painter in violation of AS 18.63.010.

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

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

11 Sec. 18.63.100. DEFINITIONS. In this chapter

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

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

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

24 \* Sec. 2. AS 18.63.020, 18.63.030, 18.63.040, 18.63.060, 18.63.070, and  
25 18.63.100, added by sec. 1 of this Act, take effect immediately under  
26 AS 01.10.070(c).

27 \* Sec. 3. AS 18.63.010 and 18.63.050, added by sec. 1 of this Act, take  
28 effect January 1, 1989.