

**SENATE CS FOR CS FOR HOUSE BILL NO. 356 (L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE LABOR AND COMMERCE COMMITTEE

**Offered: 5/12/92
Referred: Finance**

Sponsor(s): REPRESENTATIVES BRUCKMAN, Gruenberg, Koponen, B.Davis, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to refrigerating systems; and providing for an effective date."

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

3 * Section 1. AS 18.60 is amended by adding new sections to read:

4 **ARTICLE 13A. REFRIGERATING SYSTEMS.**

5 **Sec. 18.60.860. REFRIGERATING SYSTEM SAFETY STANDARDS.** The Department
6 of Labor shall adopt regulations under AS 44.62 (Administrative Procedure Act) establishing
7 safety standards for the construction, installation, alteration, maintenance, and repair of
8 refrigerating systems in buildings. The standards constitute the official minimum safety standards
9 in the state.

10 **Sec. 18.60.863. ADMINISTRATION.** (a) The department is responsible for the
11 administration of the standards.

12 (b) The department may inspect refrigeration work that is subject to the standards.

13 (c) The department shall maintain a record of all inspections performed by it under this
14 section.

1 Sec. 18.60.865. ENFORCEMENT OF COMPLIANCE. (a) The department shall give
2 written notice of each violation of the standards to

3 (1) the owner of the building containing the refrigerating system on which
4 refrigeration work is being performed; and

5 (2) the contractor performing the refrigeration work, unless the owner of the
6 building is performing the refrigeration work.

7 (b) The notice of the violation must accurately describe the violation, identify the
8 provision of the standards being violated, and describe the changes necessary to correct the
9 violation.

10 Sec. 18.60.870. CERTIFICATE REQUIRED. (a) A person who owns a refrigerating
11 system located in a building shall require an individual who constructs, installs, alters, maintains,
12 or repairs the system to provide the person with a copy of a refrigeration work certificate issued
13 to the individual under AS 18.60.873. In this subsection, "individual" includes an individual who
14 is

15 (1) an employee of the owner;

16 (2) an independent contractor; or

17 (3) an employee of an independent contractor.

18 (b) Notwithstanding (a) of this section, an individual who owns a refrigerating system
19 located in a building may personally construct, install, alter, maintain, or repair the system
20 without being issued a refrigeration work certificate under AS 18.60.873.

21 Sec. 18.60.873. REFRIGERATION WORK CERTIFICATES. (a) The department shall
22 issue a refrigeration work certificate to an individual who submits to the department an
23 application for the certificate, an application fee established by the department, and proof
24 satisfactory to the department that the applicant

25 (1) has within 180 days preceding the submission of the application successfully
26 completed a training program approved by the department under AS 18.60.875;

27 (2) has had practical experience at a journey level in refrigeration for at least two
28 of the three years immediately preceding the submission of the application; or

29 (3) is a graduate of an accredited college or trade school in refrigeration.

30 (b) certificate issued under this section is valid for two years.

31 (c) An individual may renew a certificate by submitting an application to the department,

1 the renewal fee established by the department, and proof satisfactory to the department that the
2 applicant

3 (1) has within 180 days preceding the submission of the application successfully
4 completed a training program approved by the department under AS 18.60.875;

5 (2) has had practical experience at a journey level in refrigeration for at least two
6 of the three years immediately preceding the submission of the application; or

7 (3) is a graduate of an accredited college or trade school in refrigeration.

8 (d) An application under this section must be on the form and contain the information
9 required by the department.

10 Sec. 18.60.875. TRAINING PROGRAMS. The department shall establish guidelines for
11 programs to train individuals how to perform refrigeration work safely. Upon request and
12 payment of a fee established by the department, the department shall approve a training program
13 if the program complies with the guidelines.

14 Sec. 18.60.877. FEES. The fees established by the department under AS 18.60.860 -
15 18.60.890 shall be established by regulation and must reflect the department's approximate or
16 projected costs for implementing AS 18.60.860 - 18.60.890.

17 Sec. 18.60.880. PENALTIES. (a) A person is guilty of a class A misdemeanor if the
18 person knowingly violates AS 18.60.870(a).

19 (b) The owner of a refrigerating system is guilty of a class A misdemeanor if a provision
20 of the standards is violated during the performance of refrigeration work on the refrigerating
21 system, and if the owner knowingly fails to correct the violation within 60 days after the owner
22 receives notification under AS 18.60.865 of the violation.

23 (c) A contractor who performs work for an owner of a refrigerating system is guilty of
24 a class A misdemeanor if the contractor, an employee of the contractor, or a subcontractor of the
25 contractor violates a provision of the standards during the performance of the contractor's
26 refrigeration work on the refrigerating system, and if the contractor knowingly fails to correct the
27 violation within 60 days after the contractor receives notification under AS 18.60.865 of the
28 violation.

29 Sec. 18.60.883. EXCLUSION. AS 18.60.860 - 18.60.890 do not apply to a refrigerating
30 system that

31 (1) is a complete, factory-assembled and tested system that is shipped in one or

1 more sections and does not have refrigerant-containing parts that are joined in the field by other
2 than companion or block valves;

3 (2) contains 40 pounds or less of refrigerant;

4 (3) is powered by 10 kilowatts or less; and

5 (4) has been tested and is identified as acceptable by an approved, nationally
6 recognized testing laboratory.

7 Sec. 18.60.885. REGULATIONS. In addition to the regulations specifically required
8 under AS 18.60.860 - 18.60.890, the department may adopt regulations to implement
9 AS 18.60.860 - 18.60.890.

10 Sec. 18.60.890. DEFINITIONS. In AS 18.60.860 - 18.60.890,

11 (1) "building" does not include a structure that is used, or capable of being used,
12 on water;

13 (2) "certificate" means a refrigeration work certificate issued under AS 18.60.873;

14 (3) "department" means the Department of Labor;

15 (4) "refrigerant" means a substance used to produce refrigeration by the expansion
16 or vaporization of the substance;

17 (5) "refrigerating system" means a combination of interconnected refrigerant
18 containing parts that

19 (A) constitutes a closed refrigerant circuit in which a refrigerant is
20 circulated for the purpose of extracting heat; and

21 (B) is included in Table 1, Refrigeration Classification and Amounts, of
22 the Board of Standard Review/ASHRAE 15-1989R Proposed American National Standard
23 Safety Code for Mechanical Refrigeration First Public Review Draft March 1991,
24 published by the American Society of Heating, Refrigerating, and Air-Conditioning
25 Engineers, Inc.;

26 (6) "refrigeration work" means the construction, installation, alteration,
27 maintenance, or repair of a refrigerating system;

28 (7) "standards" means the safety standards adopted by the department under
29 AS 18.60.860.

30 * Sec. 2. The Department of Labor shall adopt the initial refrigerating system safety standards
31 required by AS 18.60.860, enacted by sec. 1 of this Act, on or before January 1, 1993.

1 * **Sec. 3.** AS 18.60.860 - 18.60.865, 18.60.880(b) - (c), and 18.60.883 - 18.60.890, enacted by sec.
2 1 of this Act, do not apply to

3 (1) the construction, installation, alteration, or repair of a refrigerating system, unless the
4 construction, installation, alteration, or repair begins on or after January 1, 1993; or

5 (2) the maintenance of a refrigerating system, unless the maintenance occurs on or after
6 January 1, 1993.

7 * **Sec. 4.** AS 18.60.860 - 18.60.865, 18.60.880, except for subsection (a), and 18.60.883 - 18.60.890,
8 enacted by sec. 1 of this Act, and secs. 2 - 3 of this Act take effect immediately under AS 01.10.070(c).

9 * **Sec. 5.** AS 18.60.870 - 18.60.880(a), enacted by sec. 1 of this Act, take effect January 1, 1993.