

**HOUSE BILL NO. 249**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE G.DAVIS**

**Introduced: 3/22/93**

**Referred: Labor & Commerce, State Affairs, Judiciary**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to persons whose occupations involve electrical or mechanical**  
2 **equipment and systems; and providing for an effective date."**

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

4 **\* Section 1. AS 18.62 is amended by adding a new section to read:**

5           **Sec. 18.62.005. PURPOSE. The purpose of this chapter is to protect the safety**  
6 **of people and property in the state from the danger of improperly installed electrical**  
7 **wiring and equipment and improperly installed or retrofitted mechanical systems by**  
8 **providing a procedure to**

9           **(1) assure the public that persons responsible for making electrical and**  
10 **mechanical installations in this state are qualified; and**

11           **(2) ensure that a sufficient number of persons are so qualified.**

12 **\* Sec. 2. AS 08.18.026 is amended to read:**

13           **Sec. 08.18.026. ELECTRICAL CONTRACTORS. (a) The department may**  
14 **not issue a certificate of registration as an electrical contractor to an applicant unless**

1 the applicant is, or employs, a person currently certified [LICENSED] as an electrical  
2 administrator under AS 18.62 [AS 08.40].

3 (b) An [EACH] applicant for an electrical contractor's certificate of  
4 registration may employ more than one electrical administrator.

5 (c) If the relationship of the only electrical administrator with a registered  
6 electrical contractor is terminated, the registration is void 30 days after the next  
7 regularly scheduled examination under AS 18.62 for electrical administrators unless  
8 the electrical contractor has hired a certified [LICENSED] electrical administrator in  
9 the interim.

10 \* Sec. 3. AS 08.18.028 is amended to read:

11 Sec. 08.18.028. MECHANICAL CONTRACTORS. (a) The department may  
12 not issue a certificate of registration as a mechanical contractor to an applicant unless  
13 the applicant is, or employs, a person currently certified [LICENSED] as a mechanical  
14 administrator under AS 18.62 [AS 08.40].

15 (b) An [EACH] applicant for a mechanical contractor's certificate of  
16 registration may employ more than one mechanical administrator.

17 (c) If the relationship of the only mechanical administrator with a registered  
18 mechanical contractor is terminated, the registration is void 30 days after the next  
19 regularly scheduled [MECHANICAL ADMINISTRATOR'S] examination under  
20 AS 18.62 for mechanical administrators unless the mechanical contractor has hired  
21 a certified [LICENSED] mechanical administrator in the interim.

22 \* Sec. 4. AS 18.62.010 is amended by adding new subsections to read:

23 (b) A person may not act as an electrical administrator without a certificate of  
24 fitness issued by the department under this chapter. A person may not act as a  
25 mechanical administrator without a certificate of fitness issued by the department under  
26 this chapter.

27 (c) A person certified under this chapter may not perform work in a category  
28 unless the person is certified for that category.

29 (d) A person may not operate as an electrical administrator for more than one  
30 registered contractor.

31 (e) A person may not operate as a mechanical administrator for more than one

1 registered contractor, corporation, joint venture, or other business entity unless the  
2 municipality or community where the mechanical administrator operates is the  
3 principal place of business of fewer than three mechanical administrators.

4 \* Sec. 5. AS 18.62 is amended by adding a new section to read:

5 Sec. 18.62.015. CATEGORIES OF CERTIFICATES OF FITNESS. The  
6 department may adopt regulations establishing categories of certificates of fitness  
7 issued under this chapter, qualifications for those categories, and the content of  
8 examinations for applicants for each category.

9 \* Sec. 6. AS 18.62.020 is amended to read:

10 Sec. 18.62.020. APPLICATION FOR AND ISSUANCE OF CERTIFICATE.

11 The department shall issue certificates of fitness, including renewal [VALID FOR  
12 ONE YEAR AND] certificates, for a time period determined by the department by  
13 regulation [OF FITNESS VALID FOR THREE YEARS]. The certificate shall be  
14 issued only to an individual. An applicant for a certificate shall apply in writing,  
15 under oath, on a form prescribed by the department containing

16 (1) the name and address of the applicant;

17 (2) the applicant's age;

18 (3) the applicant's citizenship; and

19 (4) [WHETHER THE APPLICANT IS APPLYING FOR A  
20 ONE-YEAR OR A THREE-YEAR CERTIFICATE; AND

21 (5)] other information relevant to licensing that the department requires.

22 \* Sec. 7. AS 18.62 is amended by adding a new section to read:

23 Sec. 18.62.025. EXAMINATIONS. (a) An examination required for  
24 certification under this chapter shall be offered by the department in appropriate places  
25 in the state at least twice each calendar year for each category established under  
26 AS 18.62.015.

27 (b) Unless the applicant meets the requirements of (d) of this section or  
28 AS 18.62.050(c), an electrical applicant must successfully pass an examination  
29 designed to determine the applicant's

30 (1) ability to understand plans, design specifications, and engineering  
31 terms commonly used in the electrical field;

- 1 (2) knowledge of electrical installations and wiring;  
2 (3) familiarity with the regulations contained in the National Electrical  
3 Code and the National Electrical Safety Code, as approved by the American Standards  
4 Association;  
5 (4) familiarity with other installation and safety regulations approved  
6 by the American Standards Association;  
7 (5) personal skill and ability; and  
8 (6) familiarity with electrical installation problems and the usages of  
9 the trade peculiar to this state.

10 (c) Unless the applicant meets the requirements of (d) of this section or  
11 AS 18.62.050(c), a mechanical applicant must successfully pass an examination  
12 designed to determine the applicant's

- 13 (1) ability to understand plans, design specifications, and engineering  
14 terms commonly used in the mechanical field;  
15 (2) knowledge of mechanical installations and piping;  
16 (3) familiarity with the requirements of the Uniform Plumbing Code,  
17 Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy Code, and  
18 the Uniform Mechanical Code currently in effect in the state;  
19 (4) personal skill and ability; and  
20 (5) familiarity with mechanical installation problems and the usages of  
21 the trade peculiar to this state.

22 (d) The department shall waive the portions of the examination required under  
23 (b)(1) - (5) and (c)(1) - (4) of this section for an applicant who submits proof  
24 satisfactory to the department that the applicant

- 25 (1) is certified as an administrator or the equivalent by another state  
26 jurisdiction;  
27 (2) meets qualifications established by regulations under AS 18.62.060;  
28 and  
29 (3) has passed an examination equivalent to the examination required  
30 under (b)(1) - (5) or (c)(1) - (4) of this section.

31 \* Sec. 8. AS 18.62.030 is repealed and reenacted to read:

1           **Sec. 18.62.030. FEES.** (a) The department shall adopt regulations establishing  
2 reasonable fees for applications, examinations, certificates, renewal certificates, and  
3 duplicate certificates.

4           (b) When submitting an application for a certificate of fitness, an applicant  
5 shall pay a nonrefundable application and examination fee. After passing the  
6 application review and examination, an applicant shall pay a fee for a certificate of  
7 fitness and, at the time of renewal, for renewal of that certificate.

8           (c) The department shall establish fees under (a) of this section so that they  
9 reflect the actual costs to the department of the activity for which the fee is charged,  
10 except that the department may establish a fee that is less than the cost of the activity  
11 for which the fee is charged if the department determines that it is not reasonable to  
12 impose the full cost of the activity on the applicant or certificate holder.

13 \* **Sec. 9.** AS 18.62.060 is amended by adding a new subsection to read:

14           (b) The department shall adopt regulations relating to the examination and  
15 certification of electrical and mechanical administrators, continuing education  
16 requirements for an applicant for certificate renewal or reinstatement, the suspension  
17 or revocation of certificates, and the enforcement of the requirements of this chapter.

18 \* **Sec. 10.** AS 18.62 is amended by adding new sections to read:

19           **Sec. 18.62.090. CERTIFICATE RENEWAL, LAPSE, AND**  
20 **REINSTATEMENT.** (a) A certificate issued under this chapter, unless revoked or  
21 suspended, is nontransferable and may be renewed upon proof of meeting the  
22 department's continuing education requirements and payment of appropriate fees.

23           (b) If a certificate is not renewed by the date set by the department, the  
24 certificate lapses. In addition to renewal fees required for reinstatement of the lapsed  
25 certificate, the department may impose a delayed renewal penalty established by  
26 regulation that shall be paid before a certificate that has been lapsed more than 60 days  
27 may be renewed.

28           (c) A lapsed certificate issued under this chapter may be reinstated upon proof  
29 of meeting continuing education requirements and by payment of all unpaid renewal  
30 fees and any penalty fee unless the certificate has been lapsed for more than two years.  
31 If a person's certificate has been lapsed for more than two years, the person is required

1 to successfully pass an examination under AS 18.62.025 before reinstatement of the  
2 certificate.

3 Sec. 18.62.100. INVESTIGATIONS. (a) The department may investigate  
4 alleged or apparent violations of this chapter. The department, upon showing proper  
5 credentials, may enter, during regular hours of work, a construction site where it  
6 appears that electrical or mechanical work is being done. The department may make  
7 inquiries about the identity of the administrator responsible for the electrical or  
8 mechanical work being done. Upon demand, the administrator responsible for the  
9 work being done shall produce evidence of current certification.

10 (b) If it appears to the commissioner that a person has engaged in or is about  
11 to engage in an act or practice in violation of a provision of this chapter or a  
12 regulation adopted under this chapter, the commissioner may, if the commissioner  
13 considers it in the public interest,

14 (1) examine or have examined the books and records of a person whose  
15 business activities require certification; the commissioner may require the person to  
16 pay the reasonable costs of the examination; and

17 (2) issue subpoenas for the attendance of witnesses, and the production  
18 of books, records, and other documents.

19 Sec. 18.62.110. DENIAL, SUSPENSION, AND REVOCATION OF  
20 CERTIFICATE. (a) The department may suspend, revoke, or refuse to grant a  
21 certificate upon a finding that

22 (1) the application is fraudulent or misleading;

23 (2) the certificate holder has knowingly violated this chapter or a lawful  
24 order or regulation of the department;

25 (3) the certificate holder is incompetent, or has engaged in fraudulent  
26 practices.

27 (b) Notice of a proposed denial, suspension, or revocation of an electrical or  
28 mechanical administrator's certificate of fitness shall be given in writing, stating the  
29 grounds.

30 (c) Proceedings for the denial, suspension, or revocation of an electrical or  
31 mechanical administrator's certificate of fitness are governed by AS 44.62

1 (Administrative Procedure Act).

2           Sec. 18.62.120. CEASE AND DESIST ORDERS; INJUNCTIONS. (a) If the  
3 commissioner determines that a person is acting as an electrical or mechanical  
4 administrator in violation of this chapter, the commissioner may issue a cease and  
5 desist order prohibiting further action by the person as an electrical or mechanical  
6 administrator. The cease and desist order remains in effect until the person has  
7 submitted evidence acceptable to the commissioner showing that the violation has been  
8 corrected.

9           (b) A person affected by an order issued under (a) of this section may seek  
10 equitable relief preventing the commissioner from enforcing the order.

11           (c) The commissioner may seek an injunction in the superior court to enjoin  
12 a person from violating a provision of this chapter.

13           Sec. 18.62.130. CITATIONS, VIOLATIONS, AND PENALTIES. (a) The  
14 department may issue a citation for a violation of a certificate requirement under this  
15 chapter if there is probable cause to believe a person has practiced or engaged in  
16 activity for which a certificate is required without holding the certificate. Each day  
17 a violation continues after a citation for the violation has been issued constitutes a  
18 separate violation.

19           (b) A citation issued under (a) of this section must be in writing. A person  
20 receiving the citation is not required to sign a notice to appear in court.

21           (c) The time specified in the notice to appear on a citation under (b) of this  
22 section shall be at least five days, not including weekends and holidays, after the  
23 issuance of the citation, unless the person cited requests an earlier hearing.

24           (d) The department is responsible for the issuance of books containing  
25 appropriate citations, and shall maintain a record of each book issued and each citation  
26 contained in it. The department shall require and retain a receipt for every book issued  
27 to an employee of the department.

28           (e) The department shall deposit the original or a copy of the citation with a  
29 court having jurisdiction over the alleged offense. Upon its deposit with the court, the  
30 citation may be disposed of only by trial in the court or other official action taken by  
31 the magistrate, judge, or prosecutor. The department may not dispose of a citation,

1 copies of it, or of the record of its issuance except as required under this subsection  
2 and under (f) of this section.

3 (f) The department shall require the return of a copy of every citation issued  
4 by the department and of all copies of a citation that has been spoiled or upon which  
5 an entry has been made and not issued to an alleged violator. The department shall  
6 also maintain, in connection with each citation, a record of the disposition of the  
7 charge by the court where the original or copy of the citation was deposited.

8 (g) If the form of citation includes the essential facts constituting the offense  
9 charged and otherwise complies with applicable court rules, and if the citation is sworn  
10 to as required under the laws of this state for a complaint charging commission of the  
11 offense alleged in the citation, then the citation when filed with a court having  
12 jurisdiction is considered to be a lawful complaint for the purpose of prosecution.

13 (h) Unless the citation has been voided or otherwise dismissed by the  
14 magistrate, judge, or prosecutor, a person who without lawful justification or excuse  
15 fails to appear in court to answer a citation issued, regardless of the disposition of the  
16 charge for which the citation was issued, is guilty of a class B misdemeanor.

17 (i) A person who violates a provision of this chapter or of a regulation adopted  
18 under this chapter is guilty of a violation and is punishable by a fine of not more than  
19 \$300.

20 (j) A person who knowingly violates this chapter, or who knowingly violates  
21 a lawful regulation or order of the department, is guilty of a misdemeanor, and upon  
22 conviction is punishable by a fine of not more than \$300, or by imprisonment for not  
23 more than 60 days, or by both.

24 Sec. 18.62.140. EXCLUSIONS. (a) This chapter does not apply to a utility  
25 or municipality engaged in

26 (1) electrical repair, electrical construction and maintenance of electrical  
27 wiring, or the generation and distribution of electrical current where the repair and  
28 wiring is within a distribution system owned and operated by that utility or municipal  
29 light and power department;

30 (2) the installation, operation, maintenance, or repair of telephone,  
31 telegraph, signal, or communication systems when the work is performed by the

1 employees of that utility.

2 (b) This chapter does not apply to a person engaged in

3 (1) the manufacture, maintenance, or repair of electrical apparatus or  
4 equipment;

5 (2) electrical work, the cost of which does not exceed \$5,000, involving  
6 residences or small commercial establishments in communities that

7 (A) have a population under 500; or

8 (B) are over 50 miles by air or water transportation from the  
9 business place of an electrical administrator certified under this chapter;

10 (3) electrical installation on residential property that is owned by the  
11 installer or a member of the installer's immediate family and not intended for sale at  
12 the time of making the installation;

13 (4) the operation, maintenance, or repair of a television or radio  
14 broadcasting system and the installation of a radio broadcasting system under 500  
15 watts input power except for alternating current power supply and wiring;

16 (5) the installation, maintenance, and repair of elevators when the work  
17 is performed by an agent or employee of the elevator industry and is confined to the  
18 elevator control system and does not include the power supply, wiring, and motor  
19 connection;

20 (6) the operation, maintenance, and repair of telephone, telegraph, and  
21 intercommunication facilities;

22 (7) the installation, maintenance, and repair of fire alarm, computer,  
23 community antenna television, intrusion alarm, or other low voltage signaling systems  
24 of 48 volts to ground or less;

25 (8) the maintenance or repair of diesel electric engines installed on  
26 heavy construction equipment, either in a shop or on a job site;

27 (9) the installation in a commercial water well of the submersible pump  
28 motor and the wiring to the well pump system controls if the controls are outside a  
29 building or a structure;

30 (10) the installation in a noncommercial water well of the submersible  
31 pump motor and the wiring to the well pump system controls.

1           (c) This chapter does not apply to a utility, municipality, or local governing  
2 body whose employees are engaged in mechanical work on an integral part of a system  
3 owned and operated by the utility, municipality, or local governing body.

4           (d) This chapter does not apply to a person engaged in

5                 (1) the manufacture or repair of mechanical apparatus or equipment;

6                 (2) mechanical work, the cost of which does not exceed \$50,000,  
7 involving residences or small commercial establishments in communities that

8                         (A) have a population under 5,000; or

9                         (B) are over 50 miles by air or water transportation from the  
10 business place of a mechanical administrator certified under this chapter;

11                 (3) mechanical installation on a single-family residence or a two-family  
12 residence that is not intended for sale at the time of making the installation;

13                 (4) installation of water lines or sanitary, storm, or drain sewer lines  
14 more than five feet from a building.

15           (e) Work otherwise excluded from the requirements of this chapter under this  
16 section is nevertheless subject to the inspection provisions of AS 18.60.600 and must  
17 comply with the regulations regarding workmanship adopted by the department under  
18 AS 18.60.

19           Sec. 18.62.150. PERSONAL SUPERVISION. (a) A person certified under  
20 this chapter as an electrical administrator who is responsible for the installation or  
21 repair of electrical wiring, conduits, devices, fixtures, equipment, or other electrical  
22 materials for transmitting, using, or consuming electrical energy shall personally  
23 inspect those materials after installation and repair unless the installation or repair  
24 amounts to simple or highly standardized work performed in less than 24 labor hours  
25 by qualified personnel generally under the supervision of an electrical administrator  
26 certified under this chapter.

27           (b) A person certified under this chapter as a mechanical administrator who  
28 is responsible for the installation or retrofit of mechanical piping and systems, devices,  
29 fixtures, equipment, or other mechanical materials, shall personally inspect those  
30 materials after installation and retrofitting unless the installation or retrofit amounts to  
31 simple or highly standardized work performed in less than 24 labor hours by personnel

1 generally under the supervision of a mechanical administrator certified under this  
2 chapter.

3 Sec. 18.62.160. DEFINITIONS. In this chapter,

4 (1) "commissioner" means the commissioner of labor;

5 (2) "department" means the Department of Labor;

6 (3) "device" means a unit of an electrical system that is intended to  
7 carry but not use electrical energy, such as switches and receptacles;

8 (4) "electrical administrator" means a person engaged in the business  
9 of, or purporting to be engaged in the business of, installing or repairing, or altering,  
10 or contracting to install or repair, or alter electrical wiring, conduits, devices, fixtures,  
11 equipment, or other electrical materials used for transmitting, using, or consuming  
12 electrical energy;

13 (5) "electrical repair" means the work performed on an existing  
14 electrical system beginning at its source of supply and continuing through the electrical  
15 system to the point of connection to utilization equipment and devices;

16 (6) "electrical wiring" means wiring, fixtures, conduits, appliances,  
17 devices, equipment, overhead or underground wiring systems, or other equipment in  
18 connection with the general distribution or use of electrical energy;

19 (7) "maintenance" means the replacement of existing equipment that  
20 uses electricity with equipment of the same characteristics;

21 (8) "manufacture" means fabrication or completion of a product,  
22 electrical apparatus, or mechanical apparatus exclusive of its completion or installation  
23 at a job site;

24 (9) "mechanical administrator" means a person engaged in the business  
25 of, or purporting to be engaged in the business of, installing or retrofitting, or  
26 contracting to install or retrofit, mechanical piping and systems or other mechanical  
27 materials subject to the Uniform Plumbing Code; Uniform Swimming Pool, Spa, and  
28 Hot Tub Code; Uniform Solar Energy Code; or the Uniform Mechanical Code, as  
29 published by the International Association of Plumbing and Mechanical Officials and  
30 the International Conference of Building Officials;

31 (10) "mechanical piping" includes piping fixtures, devices, and

1 equipment;

2 (11) "personally inspect" means personally visiting a project after  
3 installation, repair, or retrofit, as appropriate, and visually inspecting the materials and  
4 workmanship;

5 (12) "retrofit" means a change in design, construction, or equipment  
6 already in service in order to incorporate later improvements;

7 (13) "small commercial establishment" means a place of business where  
8 commodities are exchanged, bought, or sold whose area or structure does not exceed  
9 1,000 square feet;

10 (14) "utility" means a public, cooperative, or other corporation,  
11 company, individual, or association of individuals, and their lessees, trustees, or  
12 receivers appointed by a court, that owns, operates, manages, or controls a plant or  
13 system for

14 (A) furnishing, by generation, transmission, or distribution,  
15 electrical service, fuel gas service, district heating, sewage disposal, or domestic  
16 water service to the public for compensation; or

17 (B) furnishing telecommunications service to the public for  
18 compensation.

19 \* Sec. 11. AS 08.01.010(12), 08.01.010(15); AS 08.03.010(c)(12), 08.03.010(c)(15);  
20 AS 08.40; AS 18.62.070, and 18.62.080 are repealed.

21 \* Sec. 12. TRANSITION. (a) Notwithstanding AS 18.62, as amended by this Act, the  
22 Department of Labor shall issue a certificate of fitness as an electrical administrator in the  
23 appropriate category to a person upon application and payment of renewal fees and applicable  
24 penalty fees, if any, if the person

25 (1) applies by August 31, 1994; and

26 (2) held a license issued under former AS 08.40.005 - 08.40.200 that expired  
27 less than three years before the date of application under this section.

28 (b) Notwithstanding AS 18.62, as amended by this Act, and the repeal of AS 08.40  
29 by this Act, the Department of Labor shall issue a certificate of fitness as a mechanical  
30 administrator in the appropriate category to a person upon application and payment of an  
31 initial certification fee under AS 18.62 if the person applies for the certificate by August 31,

1 1994, and at the time of application either

2 (1) holds a valid license issued under AS 18.40.210 - 18.40.490; or

3 (2) held a license issued under AS 18.40.210 - 18.40.490 that has not been

4 expired for more than two years.

5 \* Sec. 13. This Act takes effect July 1, 1993.