

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

**BY REPRESENTATIVE G.DAVIS**

**Introduced: 3/30/93**

**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, corporation, joint venture, or other business entity.

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 a requirement 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; and  
7                   (5) personal skill and ability.

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

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

18                   (d) The department shall waive the examination required under (b) and (c) of  
19 this section for an applicant who submits proof satisfactory to the department that the  
20 applicant

- 21                   (1) is certified as an administrator or the equivalent by another state  
22 jurisdiction; or  
23                   (2) has passed an examination equivalent to the examination required  
24 under (b) or (c) of this section.

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 AS 18.62.030 is repealed and reenacted to read:

26                   Sec. 18.62.030. FEES. (a) The department shall adopt regulations establishing  
27 reasonable fees for applications, examinations, certificates, renewal certificates, and  
28 duplicate certificates.

29                   (b) When submitting an application for a certificate of fitness, an applicant  
30 shall pay a nonrefundable application and examination fee. After passing the  
31 application review and examination, an applicant shall pay a fee for a certificate of

1 fitness and, at the time of renewal, for renewal of that certificate.

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

7 \* Sec. 9. AS 18.62 is amended by adding new sections to read:

8 Sec. 18.62.090. CERTIFICATE RENEWAL, LAPSE, AND  
9 REINSTATEMENT. (a) A certificate issued under this chapter, unless revoked or  
10 suspended, is nontransferable and may be renewed as provided in (d) and (e) of this  
11 section.

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

17 (c) A lapsed certificate issued under this chapter may be reinstated upon  
18 compliance with (d) and (e) of this section and payment of all unpaid renewal fees and  
19 any penalty fee unless the certificate has been lapsed for more than two years. If a  
20 person's certificate has been lapsed for more than two years, the person is required to  
21 successfully pass an examination under AS 18.62.025 before reinstatement of the  
22 certificate.

23 (d) A certificate for an electrical administrator may be renewed or reinstated  
24 upon payment of the appropriate fees and demonstration of knowledge of the  
25 requirements contained in the National Electrical Code and the National Electrical  
26 Safety Code, as approved by the American Standards Association, that are in effect at  
27 the time of renewal or reinstatement.

28 (e) A certificate for a mechanical administrator may be renewed or reinstated  
29 upon payment of the appropriate fees and demonstration of knowledge of the  
30 requirements of the Uniform Plumbing Code, Uniform Swimming Pool, Spa, and Hot  
31 Tub Code, Uniform Solar Energy Code, and the Uniform Mechanical Code that are in

1 effect at the time of renewal or reinstatement.

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

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

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

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

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

21 (1) the application is fraudulent or misleading;

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

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

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

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

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

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

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

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

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

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

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

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

1 and under (f) of this section.

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

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

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

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

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

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

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

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

- 1 (b) This chapter does not apply to a person engaged in
- 2 (1) the manufacture, maintenance, or repair of electrical apparatus or
- 3 equipment;
- 4 (2) electrical work, the cost of which does not exceed \$5,000, involving
- 5 residences or small commercial establishments in communities that
- 6 (A) have a population under 500; or
- 7 (B) are over 50 miles by air or water transportation from the
- 8 business place of an electrical administrator certified under this chapter;
- 9 (3) electrical installation on residential property that is owned by the
- 10 installer or a member of the installer's immediate family and not intended for sale at
- 11 the time of making the installation;
- 12 (4) the operation, maintenance, or repair of a television or radio
- 13 broadcasting system and the installation of a radio broadcasting system under 500
- 14 watts input power except for alternating current power supply and wiring;
- 15 (5) the installation, maintenance, and repair of elevators when the work
- 16 is performed by an agent or employee of the elevator industry and is confined to the
- 17 elevator control system and does not include the power supply, wiring, and motor
- 18 connection;
- 19 (6) the operation, maintenance, and repair of telephone, telegraph, and
- 20 intercommunication facilities;
- 21 (7) the installation, maintenance, and repair of fire alarm, computer,
- 22 community antenna television, intrusion alarm, or other low voltage signaling systems
- 23 of 48 volts to ground or less;
- 24 (8) the maintenance or repair of diesel electric engines installed on
- 25 heavy construction equipment, either in a shop or on a job site;
- 26 (9) the installation in a commercial water well of the submersible pump
- 27 motor and the wiring to the well pump system controls if the controls are outside a
- 28 building or a structure;
- 29 (10) the installation in a noncommercial water well of the submersible
- 30 pump motor and the wiring to the well pump system controls.
- 31 (c) This chapter does not apply to a utility, municipality, or local governing

1 body whose employees are engaged in mechanical work on an integral part of a system  
2 owned and operated by the utility, municipality, or local governing body.

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

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

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

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

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

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

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

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

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

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

1 chapter.

2 **Sec. 18.62.160. DEFINITIONS.** In this chapter,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 \* Sec. 10. AS 08.01.010(12), 08.01.010(15); AS 08.03.010(c)(12), 08.03.010(c)(15);  
19 AS 08.40; AS 18.62.070, and 18.62.080 are repealed.

20 \* Sec. 11. TRANSITION. (a) Notwithstanding AS 18.62, as amended by this Act, the  
21 Department of Labor shall issue a certificate of fitness as an electrical administrator in the  
22 appropriate category to a person upon application and payment of renewal fees and applicable  
23 penalty fees, if any, if the person

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

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

27 (b) Notwithstanding AS 18.62, as amended by this Act, and the repeal of AS 08.40  
28 by this Act, the Department of Labor shall issue a certificate of fitness as a mechanical  
29 administrator in the appropriate category to a person upon application and payment of an  
30 initial certification fee under AS 18.62 if the person applies for the certificate by August 31,  
31 1994, and at the time of application either

- 1                   (1) holds a valid license issued under AS 18.40.210 - 18.40.490; or  
2                   (2) held a license issued under AS 18.40.210 - 18.40.490 that has not been  
3 expired for more than two years.  
4       \* Sec. 12. This Act takes effect July 1, 1993.