

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 249(RLS) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Amended: 5/9/94

Offered: 5/9/94

Sponsor(s): REPRESENTATIVE G.DAVIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to electrical and mechanical administrators; and providing for
2 an effective date."

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

4 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

5 (35) regulation of electrical and mechanical administrators under
6 AS 08.40.

7 * Sec. 2. AS 08.01.050(a) is amended to read:

8 (a) The department shall perform the following administrative and budgetary
9 services when appropriate:

10 (1) collect and record fees;

11 (2) maintain records and files;

12 (3) issue and receive application forms;

13 (4) notify applicants of acceptance or rejection as determined by the
14 board or as determined by the department under AS 08.06 for acupuncturists, under

1 AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for
2 electrical and mechanical administrators, under AS 08.45 for naturopaths, or under
3 AS 08.55 for hearing aid dealers;

4 (5) designate dates examinations are to be held and notify applicants;

5 (6) publish notice of examinations and proceedings;

6 (7) arrange space for holding examinations and proceedings;

7 (8) notify applicants of results of examinations;

8 (9) issue licenses or temporary licenses as authorized by the board or
9 as authorized by the department under AS 08.06 for acupuncturists, under AS 08.11
10 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
11 mechanical administrators, under AS 08.45 for naturopaths, or under AS 08.55 for
12 hearing aid dealers;

13 (10) issue duplicate licenses upon submission of a written request by
14 the licensee attesting to loss of or the failure to receive the original and payment by
15 the licensee of a fee established by regulation adopted by the department;

16 (11) notify licensees of renewal dates at least 30 days before the
17 expiration date of their licenses;

18 (12) compile and maintain a current register of licensees;

19 (13) answer routine inquiries;

20 (14) maintain files relating to individual licensees;

21 (15) arrange for printing and advertising;

22 (16) purchase supplies;

23 (17) employ additional help when needed;

24 (18) perform other services that may be requested by the board;

25 (19) provide inspection, enforcement, and investigative services to the
26 boards and for the occupations listed in AS 08.01.010, regarding all licenses issued by
27 or through the department;

28 (20) retain and safeguard the official seal of a board and prepare, sign,
29 and affix a board seal, as appropriate, for licenses approved by a board;

30 (21) issue business licenses under AS 43.70.

31 * Sec. 3. AS 08.40.045 is amended to read:

1 Sec. 08.40.045. CATEGORIES OF LICENSES. The department [BOARD]
2 may adopt regulations establishing categories of electrical administrators,
3 [ESTABLISHING] qualifications for those categories, and the content of examinations
4 for applicants for each category.

5 * Sec. 4. AS 08.40.050 is amended to read:

6 Sec. 08.40.050. REGULATIONS. The department [BOARD] shall adopt
7 regulations subject to AS 44.62 ([THE] Administrative Procedure Act) [(AS 44.62)],
8 relating to the examination and licensing of electrical administrators and [,] the
9 establishing of the continued competency of an applicant for license renewal and
10 reinstatement [, AND THE SUSPENSION OR REVOCATION OF LICENSES].

11 * Sec. 5. AS 08.40.060 is amended to read:

12 Sec. 08.40.060. EXAMINATIONS. A licensing examination shall be offered
13 by the department [BOARD] at least twice during each year at appropriate places in
14 the state.

15 * Sec. 6. AS 08.40.090(a) is amended to read:

16 (a) A person may not act as an electrical administrator in the state without a
17 license issued by the department unless the person is covered by an exclusion under
18 AS 08.40.190.

19 * Sec. 7. AS 08.40.120(b) is amended to read:

20 (b) If an applicant for a license submits proof satisfactory to the department
21 [BOARD] that the applicant is licensed as an electrical administrator or the equivalent
22 by another state or territory, that the applicant meets qualifications established by the
23 department [BOARD] under AS 08.40.045, and that the applicant has passed an
24 examination equivalent to the test administered under (a) of this section [EXCEPT
25 INSOFAR AS THAT EXAMINATION TESTS KNOWLEDGE AND SKILL
26 PARTICULARLY REQUIRED TO MEET THE ENVIRONMENT AND USAGES OF
27 THE TRADE PECULIAR TO THIS STATE], the department [BOARD] shall waive
28 all of the examination required under (a) of this section [EXCEPT THOSE PARTS
29 THAT TEST KNOWLEDGE AND SKILL PARTICULARLY REQUIRED TO MEET
30 THE ENVIRONMENT AND USAGES OF THE TRADE PECULIAR TO THIS
31 STATE].

1 * Sec. 8. AS 08.40.135 is amended to read:

2 Sec. 08.40.135. RENEWAL AND REINSTATEMENT. (a) A license issued
3 under AS 08.40.005 - 08.40.200 is nontransferable and, unless revoked or suspended,
4 [IS NONTRANSFERABLE AND] may be renewed on a date set by the department
5 upon proof of continued competency [, BY APPROPRIATE APPLICATION].

6 (b) A lapsed license may be reinstated upon proof of continued competency
7 and by payment of all unpaid renewal fees and any penalty fee established under
8 AS 08.01.100(b), unless the license has been lapsed for more than two years. If a
9 person's license has been lapsed for more than two years, the person is required to
10 take an examination under AS 08.40.120.

11 * Sec. 9. AS 08.40.140 is amended to read:

12 Sec. 08.40.140. ISSUANCE AND POSSESSION [DISPLAY] OF LICENSE.
13 An applicant who successfully passes the examination shall receive a [CERTIFICATE
14 OF] license. The licensee [CERTIFICATE] shall have the license in immediate
15 possession at all times when performing activities for which the license is required
16 and shall present the license for inspection upon the demand of an authorized
17 representative of the department identified as such to the licensee by the
18 representative [BE PROMINENTLY DISPLAYED, WHILE IN EFFECT, IN THE
19 HOLDER'S PRINCIPAL PLACE OF BUSINESS].

20 * Sec. 10. AS 08.40.170 is amended to read:

21 Sec. 08.40.170. DISCIPLINARY ACTIONS [DENIAL, SUSPENSION AND
22 REVOCATION OF LICENSE]. (a) The department [BOARD] may take the
23 disciplinary actions set out in (d) of this section [SUSPEND, REVOKE, OR
24 REFUSE TO GRANT A LICENSE] upon a finding that

25 (1) the license application is fraudulent or misleading;

26 (2) the licensee has knowingly violated AS 08.40.005 - 08.40.200, the
27 minimum electrical standards established under AS 18.60.580 - 18.60.590, or a
28 lawful [RULE,] order [,] or regulation of the department [BOARD];

29 (3) the licensee is incompetent, or has engaged in fraudulent practices.

30 (b) Notice of a proposed disciplinary action under this section [DENIAL,
31 SUSPENSION OR REVOCATION OF LICENSE] shall be given in writing, stating

1 the grounds.

2 (c) Proceedings for a disciplinary action under this section [THE DENIAL,
3 SUSPENSION OR REVOCATION OF A LICENSE] shall be governed by AS 44.62 (
4 [THE] Administrative Procedure Act [(AS 44.62)]).

5 * Sec. 11. AS 08.40.170 is amended by adding new subsections to read:

6 (d) The department may take the following disciplinary actions under (a) of
7 this section, singly or in combination:

8 (1) refuse to issue a license;

9 (2) permanently revoke a license;

10 (3) suspend a license for a specified period;

11 (4) censure or reprimand a licensee;

12 (5) impose limitations or conditions on the professional practice of a
13 licensee;

14 (6) require a licensee to submit to peer review;

15 (7) impose requirements for remedial professional education to correct
16 deficiencies in the education, training, and skill of the licensee;

17 (8) impose probation requiring a licensee to report regularly to the
18 department on matters related to the grounds for probation.

19 (e) The department may withdraw probationary status if the deficiencies that
20 required the sanction are remedied.

21 (f) The department may summarily suspend a license before a final hearing is
22 held or during an appeal if the department finds that the licensee poses a clear and
23 immediate danger to the public health and safety. A person is entitled to a hearing
24 before the department to appeal the summary suspension within seven days after the
25 order of suspension is issued. A person may appeal an adverse decision of the
26 department on an appeal of a summary suspension to a court of competent jurisdiction.

27 (g) The department may reinstate a suspended or revoked license if, after a
28 hearing, the department finds that the licensee is able to practice the profession with
29 skill and safety.

30 (h) The department may accept the voluntary surrender of a license. A license
31 may not be returned to the person who surrendered the license unless the department

1 determines that the person is competent to resume practice and the person pays the
2 appropriate renewal fee.

3 (i) The department shall seek consistency in the application of disciplinary
4 sanctions. The department shall explain a significant departure from prior decisions
5 involving similar facts in the order imposing the sanction.

6 * Sec. 12. AS 08.40.175 is amended to read:

7 Sec. 08.40.175. CEASE AND DESIST ORDER. (a) If the department
8 [COMMISSIONER OF LABOR] determines that a person is acting as an electrical
9 administrator in violation of AS 08.40.005 - 08.40.200, the department
10 [COMMISSIONER] may issue a cease and desist order prohibiting further action by
11 the person as an electrical administrator. The cease and desist order remains in effect
12 until the person has submitted evidence acceptable to the department
13 [COMMISSIONER OF LABOR] showing that the violation has been corrected.

14 (b) A person affected by an order issued under (a) of this section may seek
15 equitable relief preventing the department [COMMISSIONER OF LABOR] from
16 enforcing the order.

17 * Sec. 13. AS 08.40.178 is amended to read:

18 Sec. 08.40.178. INJUNCTIVE RELIEF. The department [COMMISSIONER
19 OF LABOR] may seek an injunction in the superior court to enjoin a person from
20 violating AS 08.40.005 - 08.40.200.

21 * Sec. 14. AS 08.40.180 is amended to read:

22 Sec. 08.40.180. VIOLATION OF AS 08.40.010 - 08.40.200. A person who
23 knowingly violates AS 08.40.005 - 08.40.200, or who knowingly violates a valid
24 [RULE,] regulation [,] or order of the department or a minimum electrical standard
25 established under AS 18.60.580 - 18.60.590 that was in effect at the time that the
26 installation or repair was made [BOARD], is guilty of a misdemeanor, and upon
27 conviction is punishable by a fine of not more than \$5,000 [\$300, OR BY
28 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BY BOTH].

29 * Sec. 15. AS 08.40.190(b) is amended to read:

30 (b) AS 08.40.005 - 08.40.200 does not apply to a person engaged in

31 (1) the manufacture, maintenance, or repair of electrical apparatus or

1 equipment;

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

4 (A) [WHICH] have a population of under 500 according to the
5 latest available federal or state census or other census approved by the
6 Department of Community and Regional Affairs; or

7 (B) [WHICH] are over 50 miles by air or water transportation
8 from the business place of an electrical administrator licensed under
9 AS 08.40.010 - 08.40.200;

10 (3) electrical installation on residential property that [WHICH] is
11 owned by the installer or a member of the installer's immediate family and not
12 intended for sale at 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 A.C. power supply and wiring;

16 (5) the installation, maintenance, and repair of elevators so long as the
17 work is performed by an agent or employee of the elevator industry and is confined
18 to the elevator control system, which system does not include the power supply,
19 wiring, and motor 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, intrusion
23 alarm, or other low voltage signaling systems 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 (11) electrical maintenance or repair work if the work is performed

1 by the person as an employee of an owner or tenant of commercial property as
2 part of the employee's work duties with respect to the property but is not offered
3 or performed as a service to the public.

4 * Sec. 16. AS 08.40.190(c) is amended to read:

5 (c) Work within the exclusionary provisions of this section is nevertheless
6 subject to the inspection provisions of AS 08.40.070 and must follow the regulations
7 [REGARDING WORKMANSHIP] adopted by the department, other than regulations
8 requiring licensure for the work.

9 * Sec. 17. AS 08.40.195 is amended to read:

10 Sec. 08.40.195. PERSONAL SUPERVISION. A person licensed under
11 AS 08.40.005 - 08.40.200 as an electrical administrator who is responsible for the
12 installation [CONTRACTS TO INSTALL] or repair of electrical wiring, conduits,
13 devices, fixtures, equipment, or other electrical materials for transmitting, using, or
14 consuming electrical energy or who is responsible for certifying that the installation
15 or repair complies with applicable electrical codes shall personally inspect those
16 materials after installation and repair unless the installation or repair amounts to simple,
17 or highly standardized work performed in less than 24 man hours by personnel
18 generally under the supervision of the electrical administrator.

19 * Sec. 18. AS 08.40.200(3) is amended to read:

20 (3) "electrical administrator" means a person who is responsible for
21 (A) [ENGAGED IN THE BUSINESS OF, OR PURPORTING
22 TO BE ENGAGED IN THE BUSINESS OF,] installing or repairing [, OR
23 CONTRACTING TO INSTALL OR REPAIR,] electrical wiring, conduits,
24 devices, fixtures, equipment, or other electrical materials for transmitting, using
25 or consuming electrical energy; or
26 (B) certifying that an installation or repair described in (A)
27 of this paragraph complies with applicable electrical codes;

28 * Sec. 19. AS 08.40.230 is amended to read:

29 Sec. 08.40.230. CATEGORIES OF LICENSES. The department [BOARD]
30 may adopt regulations establishing categories of mechanical administrators,
31 qualifications for those categories, and the content of examinations for applicants for

1 each category.

2 * Sec. 20. AS 08.40.240 is amended to read:

3 Sec. 08.40.240. REGULATIONS. The department [BOARD] shall adopt
4 regulations under AS 44.62 ([THE] Administrative Procedure Act) [(AS 44.62)],
5 relating to the examination and licensing of mechanical administrators, the establishing
6 of the continued competency of licensees for license renewal and reinstatement [, AND
7 THE SUSPENSION OR REVOCATION OF LICENSES].

8 * Sec. 21. AS 08.40.250 is amended to read:

9 Sec. 08.40.250. EXAMINATIONS. The department [BOARD] shall conduct
10 licensing examinations at least twice each year at appropriate places in the state.

11 * Sec. 22. AS 08.40.260(a) is amended to read:

12 (a) A person may not act as a mechanical administrator without a license
13 unless the person is covered by an exclusion under AS 08.40.390.

14 * Sec. 23. AS 08.40.270(b) is amended to read:

15 (b) If an applicant for a license submits proof satisfactory to the department
16 [BOARD] that the applicant is licensed as a mechanical administrator or the equivalent
17 by another state or territory, meets qualifications established by the department
18 [BOARD] under AS 08.40.230, and has passed an examination equivalent to the test
19 administered under (a) of this section [EXCEPT INsofar AS THAT
20 EXAMINATION TESTS KNOWLEDGE AND SKILL PARTICULARLY REQUIRED
21 TO MEET THE ENVIRONMENT AND USAGES OF THE TRADE PECULIAR TO
22 THIS STATE], the department [BOARD] shall waive all of the examination required
23 under (a) of this section [EXCEPT THOSE PARTS THAT TEST KNOWLEDGE
24 AND SKILL PARTICULARLY REQUIRED TO MEET THE ENVIRONMENT AND
25 USAGES OF THE TRADE PECULIAR TO THIS STATE].

26 * Sec. 24. AS 08.40.290(b) is amended to read:

27 (b) A lapsed license may be reinstated upon proof of continued competency
28 and by payment of all unpaid renewal fees and any penalty fee established under
29 AS 08.01.100(b), unless the license has been lapsed for more than two years. If a
30 person's license has been lapsed for more than two years, the person is required to
31 take an examination under AS 08.40.270.

1 * Sec. 25. AS 08.40.300 is amended to read:

2 Sec. 08.40.300. ISSUANCE AND POSSESSION [DISPLAY] OF LICENSE.

3 An applicant who successfully passes the examination shall receive a [CERTIFICATE
4 OF] license. The licensee shall have the license in immediate possession at all times
5 when performing activities for which the license is required and shall present the
6 license for inspection upon the demand of an authorized representative of the
7 department identified as such to the licensee by the representative
8 [PROMINENTLY DISPLAY THE CERTIFICATE, WHILE IN EFFECT, IN THE
9 LICENSEE'S PRINCIPAL PLACE OF BUSINESS].

10 * Sec. 26. AS 08.40.320 is amended to read:

11 Sec. 08.40.320. DISCIPLINARY ACTIONS [DENIAL, SUSPENSION, AND
12 REVOCATION OF LICENSE]. (a) The department [BOARD] may take the
13 disciplinary actions set out in (d) of this section [ACTION AGAINST A LICENSEE
14 OR APPLICANT] upon a finding that

15 (1) the license application is fraudulent or misleading;

16 (2) the licensee has knowingly violated AS 08.40.210 - 08.40.490, a
17 code listed in AS 08.40.490(3)(A), or an order or regulation of the [BOARD OR
18 THE] department; or

19 (3) the licensee is incompetent or has engaged in fraudulent practices.

20 (b) Notice of a proposed disciplinary action under this section [DENIAL,
21 SUSPENSION, OR REVOCATION OF LICENSE] shall be in writing and shall state
22 the grounds.

23 (c) Proceedings for a disciplinary action under this section [THE DENIAL,
24 SUSPENSION, OR REVOCATION OF A LICENSE] shall be governed by AS 44.62 (
25 [THE] Administrative Procedure Act [(AS 44.62)]).

26 * Sec. 27. AS 08.40.320 is amended by adding new subsections to read:

27 (d) The department may take the following disciplinary actions under (a) of
28 this section, singly or in combination:

29 (1) refuse to issue a license;

30 (2) permanently revoke a license;

31 (3) suspend a license for a specified period;

- 1 (4) censure or reprimand a licensee;
2 (5) impose limitations or conditions on the professional practice of a
3 licensee;
4 (6) require a licensee to submit to peer review;
5 (7) impose requirements for remedial professional education to correct
6 deficiencies in the education, training, and skill of the licensee;
7 (8) impose probation requiring a licensee to report regularly to the
8 department on matters related to the grounds for probation.

9 (e) The department may withdraw probationary status if the deficiencies that
10 required the sanction are remedied.

11 (f) The department may summarily suspend a license before a final hearing is
12 held or during an appeal if the department finds that the licensee poses a clear and
13 immediate danger to the public health and safety. A person is entitled to a hearing
14 before the department to appeal the summary suspension within seven days after the
15 order of suspension is issued. A person may appeal an adverse decision of the
16 department on an appeal of a summary suspension to a court of competent jurisdiction.

17 (g) The department may reinstate a suspended or revoked license if, after a
18 hearing, the department finds that the licensee is able to practice the profession with
19 skill and safety.

20 (h) The department may accept the voluntary surrender of a license. A license
21 may not be returned to the person who surrendered the license unless the department
22 determines that the person is competent to resume practice and the person pays the
23 appropriate renewal fee.

24 (i) The department shall seek consistency in the application of disciplinary
25 sanctions. The department shall explain a significant departure from prior decisions
26 involving similar facts in the order imposing the sanction.

27 * Sec. 28. AS 08.40.330 is amended to read:

28 Sec. 08.40.330. INVESTIGATIONS. The department [EITHER THE
29 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR THE
30 DEPARTMENT OF LABOR] may investigate alleged or apparent violations of
31 AS 08.40.210 - 08.40.490. The [A] department, upon showing proper credentials, may

1 enter, during regular hours of work, a construction site where it appears that
2 mechanical work is being done. The [A] department may make inquiries about the
3 identity of the mechanical administrator or the person acting in the capacity of a
4 mechanical administrator. Upon demand, a mechanical administrator or person acting
5 in the capacity of a mechanical administrator, or that person's representative, shall
6 produce evidence of current licensure.

7 * Sec. 29. AS 08.40.340 is amended to read:

8 Sec. 08.40.340. ISSUANCE OF CITATIONS. The department [EITHER
9 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR
10 THE DEPARTMENT OF LABOR] may issue a citation for a violation if there is
11 probable cause to believe a person has violated AS 08.40.210 - 08.40.490. Each day
12 a violation continues after a citation for the violation has been issued constitutes a
13 separate violation.

14 * Sec. 30. AS 08.40.350(c) is amended to read:

15 (c) The department is [DEPARTMENT OF COMMERCE AND ECONOMIC
16 DEVELOPMENT AND THE DEPARTMENT OF LABOR ARE] responsible for the
17 issuance of books containing appropriate citations [,] and [EACH] shall maintain a
18 record of each book issued and each citation contained in it. The [EACH] department
19 shall require and retain a receipt for every book issued to an employee of the [THAT]
20 department.

21 * Sec. 31. AS 08.40.350(d) is amended to read:

22 (d) The department [THAT ISSUES A CITATION UNDER AS 08.40.340]
23 shall deposit the original or a copy of the citation with a court having jurisdiction over
24 the alleged offense. Upon its deposit with the court, the citation may be disposed of
25 only by trial in the court or other official action taken by the magistrate, judge, or
26 prosecutor. The department [THAT ISSUED THE CITATION] may not dispose of
27 it or copies of it or of the record of its issuance except as required under this
28 subsection and (e) of this section.

29 * Sec. 32. AS 08.40.350(e) is amended to read:

30 (e) The department [DEPARTMENT OF COMMERCE AND ECONOMIC
31 DEVELOPMENT AND THE DEPARTMENT OF LABOR] shall require the return

1 of a copy of every citation issued [BY THE RESPECTIVE DEPARTMENT] under
2 AS 08.40.340 and of all copies of every citation that has been spoiled or upon which
3 an entry has been made and not issued to an alleged violator. The department
4 [DEPARTMENTS] shall also maintain, in connection with every citation issued by the
5 [RESPECTIVE] department, a record of the disposition of the charge by the court
6 where the original or copy of the citation was deposited.

7 * Sec. 33. AS 08.40.380(a) is amended to read:

8 (a) A person who knowingly violates AS 08.40.210 - 08.40.490, or who
9 knowingly violates a regulation or order of [THE BOARD OR] the department or a
10 code listed in AS 08.40.490(3)(A) that was in effect at the time that the installation
11 or repair was made, is guilty of a misdemeanor, and upon conviction is punishable
12 by a fine of not more than \$5,000 [300, OR BY IMPRISONMENT FOR NOT
13 MORE THAN 60 DAYS, OR BY BOTH].

14 * Sec. 34. AS 08.40.390(b) is amended to read:

15 (b) AS 08.40.210 - 08.40.490 do not apply to a person engaged in

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

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

19 (A) have a population of under 5,000 according to the latest
20 available federal or state census or other census approved by the
21 Department of Community and Regional Affairs; or

22 (B) are over 50 miles by air or water transportation from the
23 business place of a mechanical administrator licensed under AS 08.40.210 -
24 08.40.490;

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

27 (4) installation of water lines or sanitary, storm, or drain sewer lines
28 more than five feet from a building;

29 (5) mechanical maintenance or repair work if the work is
30 performed by the person as an employee of an owner or tenant of commercial
31 property as part of the employee's work duties with respect to the property but

1 is not offered or performed as a service to the public:

2 (6) design, installation, maintenance, or repair of fire extinguishing
3 systems.

4 * Sec. 35. AS 08.40.400 is amended to read:

5 Sec. 08.40.400. PERSONAL SUPERVISION. A person licensed under
6 AS 08.40.210 - 08.40.490 as a mechanical administrator who is responsible for
7 installation or modification of [CONTRACTS TO INSTALL OR MODIFY]
8 mechanical piping and systems, devices, fixtures, equipment, or other mechanical
9 materials, or who is responsible for certifying that the installation or modification
10 complies with applicable codes, shall personally inspect those materials after
11 installation and modification unless the installation or modification amounts to simple
12 or highly standardized work performed in less than 24 man-hours by personnel
13 generally under the supervision of the mechanical administrator.

14 * Sec. 36. AS 08.40.490(3) is amended to read:

15 (3) "mechanical administrator" means a person who is responsible for

16 (A) [ENGAGED IN THE BUSINESS OF, OR PURPORTING
17 TO BE ENGAGED IN THE BUSINESS OF,] installing or modifying [, OR
18 CONTRACTING TO INSTALL OR MODIFY,] mechanical piping and
19 systems, devices, fixtures, equipment, or other mechanical materials subject to
20 the Uniform Plumbing Code, Uniform Swimming Pool, Spa, and Hot Tub
21 Code, Uniform Solar Energy Code, and the Uniform Mechanical Code as
22 published by the International Association of Plumbing and Mechanical
23 Officials and the International Conference of Building Officials; or

24 (B) certifying that an installation or modification described
25 in (A) of this paragraph complies with the applicable codes;

26 * Sec. 37. AS 08.01.010(12), 08.01.010(15); AS 08.03.010(c)(15); AS 08.40.011,
27 08.40.120(a)(5), 08.40.200(1), 08.40.220, and 08.40.270(a)(4) are repealed.

28 * Sec. 38. TRANSITION. (a) Notwithstanding AS 08.40, as amended by this Act, a
29 person may act as an electrical administrator without a license issued under AS 08.40 until
30 30 days after the date of the first examination offered by the Department of Commerce and
31 Economic Development for electrical administrators.

1 (b) Notwithstanding AS 08.40, as amended by this Act, a person may act as a
2 mechanical administrator without a license issued under AS 08.40 until 30 days after the date
3 of the first examination offered by the Department of Commerce and Economic Development
4 for mechanical administrators.

5 (c) Notwithstanding AS 08.40, as amended by this Act, or the terms of a license, the
6 license of an electrical or mechanical administrator that was valid until August 31, 1993, may
7 be renewed, without the requirement of taking an examination or a requirement of proof of
8 continued competency if the licensee applies for renewal of the license by two years after the
9 effective date of this Act and pays the required fee.

10 (d) Litigation, hearings, investigations, and other proceedings pending under a law
11 amended or repealed by this Act, or in connection with functions transferred by this Act,
12 continue in effect and may be continued and completed notwithstanding a transfer or
13 amendment or repeal provided for in this Act.

14 (e) Contracts, rights, liabilities and obligations created by or under a law amended or
15 repealed by this Act and in effect on the effective date of this Act, remain in effect
16 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other
17 property of agencies of the state whose functions are transferred under this Act shall be
18 transferred to implement the provisions of this Act.

19 * Sec. 39. This Act takes effect immediately under AS 01.10.070(c).