

HB

472

# HOUSE COMMITTEE REPORT

(11)

Date referred: 3/21/88

FURTHER REFERRALS:

DATE: 4-25-88

The Finance Committee has considered HB 472

"An Act relating to mechanical administrators."

**RECOMMENDS:**

- replace with CS HB 472 (FDN)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

\_\_\_\_\_  
 Larson [Signature]  
 Sivack [Signature]  
 Boyer [Signature]  
 Frank [Signature]  
 Brown [Signature]  
 Davis [Signature]  
 Pourchet [Signature]  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

[Signature]  
[Signature]  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature] vice-chair  
 Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to mechanical administrators.  
Sponsor: House Finance  
Requestor: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		5.3	3.9	3.9	3.9	3.9
CONTRACTUAL		2.0	2.0	2.0	2.0	2.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		7.3	5.9	5.9	5.9	5.9
CAPITAL						
REVENUE		15.0	**			

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER GF/PR		7.3	5.9	5.9	5.9	5.9
TOTAL		7.3	5.9	5.9	5.9	5.9

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

(SEE ATTACHED)

*RAB* Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 4/25/88

Approved by Commissioner: J. Anthony Smith *Kathy Marshall for* Date: 4/25/88  
Agency: Commerce and Economic Development

Distribution (by preparer):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

**CONTINUATION of FISCAL NOTE ANALYSIS**

1986 LEGISLATIVE SESSION

For Bill/Resolution No. HB 472

**TRAVEL:** The bill establishes a Board of Mechanical Examiners consisting of three members. Section 08.40.220(c) also mandates the board to meet at least annually and to hold other meetings at the call of the chair. In addition, Section 08.40.250 requires the exam to be administered at least twice a year. It is anticipated that at least three meetings will be required during the first year as a result of the Board's new regulatory responsibilities. This fiscal note is therefore based on three members holding three board meetings and exams in conjunction with two of the meetings. Two meetings and exams are budgeted for subsequent years.

**ANCHORAGE MEETING:**

Member from:	<u>TRANSPORTATION</u>	<u>PER DIEM</u>	<u>TOTAL</u>
Anchorage	0	320.00	320.00
Nome	440.00	320.00	760.00
Fairbanks	232.00	340.00*	572.00
(*Two day meeting (@\$80 per day) in Anchorage, and two days of exams (@\$90 per day) in Fairbanks.)			
<b>Sub-Total:</b>	<b>672.00</b>	<b>980.00</b>	<b>1,652.00</b>

**JUNEAU MEETING:**

Anchorage	366.00	320.00	686.00
Nome	682.00	320.00	1,002.00
Fairbanks	436.00	160.00	596.00
<b>Sub-Total:</b>	<b>1,484.00</b>	<b>800.00</b>	<b>2,284.00</b>

**FAIRBANKS MEETING:**

Anchorage	232.00	180.00	412.00
Nome	470.00	270.00	740.00
Fairbanks	0	180.00	180.00
<b>Sub-Total:</b>	<b>702.00</b>	<b>630.00</b>	<b>1,332.00</b>
<b>TOTAL:</b>	<b><u>2,858.00</u></b>	<b><u>2,410.00</u></b>	<b><u>5,268.00</u></b>

**CONTRACTUAL:**

Printing of applications, statute booklets and other informational material; Advertising of meetings, exams and regulations; postage, telephone and other standard operating costs.

\$2,000.00

**\*\*REVENUES:**

Revenues are contingent upon the number of mechanical administrator licensees. In the first year, it is anticipated that at least 150 individuals will seek licensure. Assuming the license fee is \$100, a total of \$15,000.00 would be generated in the first year. Depending on the actual number of licensees, the revenues generated from licensing fees may not cover the entire cost of the licensing program within central licensing at \$100 per licensee.

Original sponsors: Boyer, Boucher  
and Ellis

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 472 (Finance)

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 mechanical administrators and  
7 construction contractors; and providing for an effec-  
8 tive date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

11 (28) Board of Mechanical Examiners (AS 08.40.220).

12 \* Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

13 (21) Board of Mechanical Examiners (AS 08.40.220) --

14 June 30, 1992.

15 \* Sec. 3. AS 08.18 is amended by adding a new section to read:

16 Sec. 08.18.028. MECHANICAL CONTRACTORS. (a) The department may  
17 not issue a certificate of registration as a mechanical contractor to  
18 an applicant unless the applicant is, or employs, a person currently  
19 licensed as a mechanical administrator under AS 08.40.

20 (b) Each applicant for a mechanical contractor's certificate of  
21 registration may employ more than one mechanical administrator.

22 (c) If the relationship of the only mechanical administrator  
23 with a registered mechanical contractor is terminated, the registra-  
24 tion is void 30 days after the next regularly scheduled mechanical  
25 administrator's examination unless the mechanical contractor has hired  
26 a licensed mechanical administrator in the interim.

27 \* Sec. 4. AS 08.18.041 is amended to read:

28 Sec. 08.18.041. FEES. The department [DEPARTMENT OF COMMERCE  
29 AND ECONOMIC DEVELOPMENT] shall set registration and renewal fees

1 under AS 08.01.065 for the following:

- 2 (1) general contractor; *with license*  
3 (2) specialty contractor;  
4 (3) mechanical contractor.

5 \* Sec. 5. AS 08.18.071(b) is amended to read:

6 (b) If the applicant is a general contractor, the amount of the  
7 bond shall be \$10,000; if the applicant is a mechanical or specialty  
8 contractor, the amount of the bond shall be \$5,000. In lieu of the  
9 surety bond the applicant may file with the commissioner a cash depos-  
10 it or other negotiable security acceptable to the commissioner in the  
11 amount specified for bonds.

12 \* Sec. 6. AS 08.18.171(3) is repealed and reenacted to read:

13 (3) "contractor" means a person who, in the pursuit of an  
14 independent business, undertakes or offers to perform, or claims to  
15 have the capacity to perform, or submits a bid for a project to con-  
16 struct, alter, repair, move, or demolish a building, highway, road,  
17 railroad, or any type of fixed structure, including excavation and  
18 site development and erection of scaffolding; "contractor" includes a  
19 general contractor, builder, mechanical contractor, speciality con-  
20 tractor, and subcontractor;

21 \* Sec. 7. AS 08.18.171 is amended by adding a new paragraph to read:

22 (5) "trade" means a skill used in the field of construc-  
23 tion, as defined by regulation by the department.

24 \* Sec. 8. AS 08.18.171 is amended by adding new paragraphs to read:

25 (6) "builder" means general contractor;

26 (7) "general contractor" means a contractor whose business  
27 operations require the use of more than three trades or the use of  
28 mechanical or specialty contractors and subcontractors who are under  
29 the supervision of the contractor;

1           (8) "mechanical contractor" means a contractor whose busi-  
2           ness operations involve plumbing, pipe fitting, sheet metal, heating,  
3           air conditioning, ventilating, or sprinkler and dry chemical fire  
4           protection trades in order to install or modify mechanical piping and  
5           systems, devices, fixtures, and equipment or other mechanical mate-  
6           rials subject to the following codes as published by the International  
7           Association of Plumbing and Mechanical Officials or the International  
8           Conference of Building Officials:

9                   (A) Uniform Plumbing Code;

10                   (B) Uniform Swimming Pool, Spa, and Hot Tub Code;

11                   (C) Uniform Solar Energy Code; and

12                   (D) Uniform Mechanical Code;

13           (9) "specialty contractor" means a contractor, other than a  
14           mechanical contractor, whose business operations require the use of  
15           not more than three trades.

16 \* Sec. 9. AS 08.40 is amended by adding new sections to read:

17                   ARTICLE 4. MECHANICAL ADMINISTRATORS.

18           Sec. 08.40.210. PURPOSE. The purpose of AS 08.40.210 - 08.40.-  
19           490 is to protect the safety of people and property in the state from  
20           the danger of improperly installed or modified mechanical systems by  
21           providing a procedure to

22                   (1) assure the public that persons responsible for making  
23           mechanical installations in this state are qualified; and

24                   (2) assure that a sufficient number of persons are so  
25           qualified.

26           Sec. 08.40.220. BOARD OF MECHANICAL EXAMINERS. (a) There is  
27           created the Board of Mechanical Examiners consisting of three members.  
28           Each member of the board shall reside in a different judicial district  
29           of the state. Two members of the board shall be licensed mechanical

1 administrators and one member shall be a public member. One of the  
2 licensed mechanical administrator members of the board shall be a  
3 resident of a community with a population of less than 5,000 persons.

4 (b) The members of the board shall elect one of its members as  
5 chair.

6 (c) The board shall meet at least annually. The board may hold  
7 other meetings at the call of the chair.

8 Sec. 08.40.230. CATEGORIES OF LICENSES. The board may adopt  
9 regulations establishing categories of mechanical administrators,  
10 qualifications for those categories, and the content of examinations  
11 for applicants for each category.

12 Sec. 08.40.240. REGULATIONS. The board shall adopt regulations  
13 under the Administrative Procedure Act (AS 44.62), relating to the ex-  
14 amination and licensing of mechanical administrators, the establishing  
15 of the continued competency of licensees for license renewal and  
16 reinstatement, and the suspension or revocation of licenses.

17 Sec. 08.40.250. EXAMINATIONS. The board shall conduct licensing  
18 examinations at least twice each year at appropriate places in the  
19 state.

20 Sec. 08.40.260. LICENSE REQUIRED. (a) A person may not act as  
21 a mechanical administrator without a license.

22 (b) A person licensed under AS 08.40.210 - 08.40.490 may perform  
23 work only in a category for which the person is licensed.

24 Sec. 08.40.270. EXAMINATION OF APPLICANT. (a) Each applicant  
25 shall be examined to determine the applicant's

26 (1) ability to understand plans, design specifications, and  
27 engineering terms commonly used in the mechanical field;

28 (2) knowledge of mechanical installations and piping;

29 (3) familiarity with the requirements of the Uniform

1 Plumbing Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform  
2 Solar Energy Code, and the Uniform Mechanical Code currently in effect  
3 in the state;

4 (4) familiarity with mechanical installation problems and  
5 the usages of the trade peculiar to this state; and

6 (5) personal skill and ability.

7 (b) If an applicant for a license submits proof satisfactory to  
8 the board that the applicant is licensed as a mechanical administrator  
9 or the equivalent by another state or territory, meets qualifications  
10 established by the board under AS 08.40.230, and has passed an ex-  
11 amination equivalent to the test administered under (a) of this sec-  
12 tion except insofar as that examination tests knowledge and skill  
13 particularly required to meet the environment and usages of the trade  
14 peculiar to this state, the board shall waive all of the examination  
15 required under (a) of this section except those parts that test knowl-  
16 edge and skill particularly required to meet the environment and  
17 usages of the trade peculiar to this state.

18 Sec. 08.40.280. ADMINISTRATOR LIMITED TO ONE LICENSED CONTRAC-  
19 TOR. A person may not qualify or operate as a mechanical adminis-  
20 trator for more than one registered contractor, corporation, joint  
21 venture, or other business entity, unless the municipality or communi-  
22 ty where the person qualifies or operates as a mechanical administra-  
23 tor is the principal place of business of fewer than three mechanical  
24 administrators.

25 Sec. 08.40.290. RENEWAL AND REINSTATEMENT. (a) A license  
26 issued under AS 08.40.210 - 08.40.490 is nontransferable and, unless  
27 revoked or suspended, may be renewed on a date set by the department  
28 upon proof of continued competency.

29 (b) A lapsed license may be reinstated upon proof of continued

1 competency by payment of all unpaid renewal fees and any penalty fee  
2 established under AS 08.01.100(b), unless the license has been lapsed  
3 for more than two years. If a person's license has been lapsed for  
4 more than two years, the person is required to take an examination  
5 under AS 08.40.270.

6 Sec. 08.40.300. ISSUANCE AND DISPLAY OF LICENSE. An applicant  
7 who successfully passes the examination shall receive a certificate of  
8 license. The licensee shall prominently display the certificate,  
9 while in effect, in the licensee's principal place of business.

10 Sec. 08.40.310. FEES. Each applicant and each licensee shall  
11 pay application and renewal fees established under AS 08.01.065.

12 Sec. 08.40.320. DENIAL, SUSPENSION, AND REVOCATION OF LICENSE.

13 (a) The board may take disciplinary action against a licensee or  
14 applicant upon a finding that

15 (1) the application is fraudulent or misleading;

16 (2) the licensee has knowingly violated AS 08.40.210 -  
17 08.40.490 or an order or regulation of the board or the department; or

18 (3) the licensee is incompetent or has engaged in fraudu-  
19 lent practices.

20 (b) Notice of a proposed denial, suspension, or revocation of  
21 license shall be in writing and shall state the grounds.

22 (c) Proceedings for the denial, suspension, or revocation of a  
23 license shall be governed by the Administrative Procedure Act (AS 44.-  
24 62).

25 Sec. 08.40.330. INVESTIGATIONS. Either the Department of Com-  
26 merce and Economic Development or the Department of Labor may investi-  
27 gate alleged or apparent violations of AS 08.40.210 - 08.40.490. A  
28 department, upon showing proper credentials, may enter, during regular  
29 hours of work, a construction site where it appears that mechanical

1 work is being done. A department may make inquiries about the identi-  
2 ty of the mechanical administrator or the person acting in the capaci-  
3 ty of a mechanical administrator. Upon demand, a mechanical adminis-  
4 trator or person acting in the capacity of a mechanical administrator,  
5 or that person's representative, shall produce evidence of current  
6 licensure.

7 Sec. 08.40.340. ISSUANCE OF CITATIONS. Either the Department of  
8 Commerce and Economic Development or the Department of Labor may issue  
9 a citation for a violation if there is probable cause to believe a  
10 person has violated AS 08.40.210 - 08.40.490. Each day a violation  
11 continues after a citation for the violation has been issued consti-  
12 tutes a separate violation.

13 Sec. 08.40.350. PROCEDURE AND FORM OF CITATION. (a) A citation  
14 issued under AS 08.40.340 must be in writing. A person receiving the  
15 citation is not required to sign a notice to appear in court.

16 (b) The time specified in the notice to appear on a citation  
17 issued under AS 08.40.340 must be at least five days, not including  
18 weekends and holidays, after the issuance of the citation, unless the  
19 person cited requests an earlier hearing.

20 (c) The Department of Commerce and Economic Development and the  
21 Department of Labor are responsible for the issuance of books contain-  
22 ing appropriate citations, and each shall maintain a record of each  
23 book issued and each citation contained in it. Each department shall  
24 require and retain a receipt for every book issued to an employee of  
25 that department.

26 (d) The department that issues a citation under AS 08.40.340  
27 shall deposit the original or a copy of the citation with a court  
28 having jurisdiction over the alleged offense. Upon its deposit with  
29 the court, the citation may be disposed of only by trial in the court

1 or other official action taken by the magistrate, judge, or prosecu-  
2 tor. The department that issued the citation may not dispose of it or  
3 copies of it or of the record of its issuance except as required under  
4 this subsection and (e) of this section.

5 (e) The Department of Commerce and Economic Development and the  
6 Department of Labor shall require the return of a copy of every cita-  
7 tion issued by the respective department under AS 08.40.340 and of all  
8 copies of every citation that has been spoiled or upon which an entry  
9 has been made and not issued to an alleged violator. The departments  
10 shall also maintain, in connection with every citation issued by the  
11 respective department, a record of the disposition of the charge by  
12 the court where the original or copy of the citation was deposited.

13 (f) If the form of citation issued under AS 08.40.340 includes  
14 the essential facts constituting the offense charged, and if the  
15 citation is sworn to as required under the laws of this state for a  
16 complaint charging commission of the offense alleged in the citation,  
17 then the citation when filed with a court having jurisdiction is  
18 considered to be a lawful complaint for the purpose of prosecution.

19 Sec. 08.40.360. CEASE AND DESIST ORDER. (a) If the commis-  
20 sioner of commerce and economic development determines that a person  
21 is acting as a mechanical administrator in violation of AS 08.40.210 -  
22 08.40.490 the commissioner may issue a cease and desist order pro-  
23 hibiting further action by the person as a mechanical administrator.  
24 The cease and desist order remains in effect until the person has  
25 submitted evidence acceptable to the commissioner showing that the  
26 violation has been corrected.

27 (b) A person affected by an order issued under (a) of this  
28 section may seek equitable relief preventing the commissioner of  
29 commerce and economic development from enforcing the order.

1           Sec. 08.40.370. INJUNCTIVE RELIEF. The commissioner of commerce  
2 and economic development may seek an injunction in the superior court  
3 to enjoin a person from violating AS 08.40.210 - 08.40.490.

4           Sec. 08.40.380. PENALTIES. (a) A person who knowingly violates  
5 AS 08.40.210 - 08.40.490, or who knowingly violates a regulation or  
6 order of the board or the department, is guilty of a misdemeanor, and  
7 upon conviction is punishable by a fine of not more than \$300, or by  
8 imprisonment for not more than 60 days, or by both.

9           (b) Unless the citation has been voided or otherwise dismissed  
10 by the magistrate, judge, or prosecutor, a person who without lawful  
11 justification or excuse fails to appear in court to answer a citation  
12 issued under AS 08.40.340, regardless of the disposition of the charge  
13 for which the citation was issued, is guilty of a class B misdemeanor.

14           Sec. 08.40.390. EXCLUSIONS. (a) AS 08.40.210 - 08.40.490 do  
15 not apply to a utility, municipality, or local governing body whose  
16 employees are engaged in mechanical work on an integral part of a  
17 system owned and operated by the utility, municipality, or local  
18 governing body.

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

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

22           (2) mechanical work, the cost of which does not exceed  
23 \$25,000, involving residences or small commercial establishments in  
24 communities that

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

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

29           (3) mechanical installation on a single-family residence or

1 a two-family residence that is not intended for sale at the time of  
2 making the installation;

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

5 Sec. 08.40.400. PERSONAL SUPERVISION. A person licensed under  
6 AS 08.40.210 - 08.40.490 as a mechanical administrator who contracts  
7 to install or modify mechanical piping and systems, devices, fixtures,  
8 equipment, or other mechanical materials, shall personally inspect  
9 those materials after installation and modification unless the instal-  
10 lation or modification amounts to simple or highly standardized work  
11 performed in less than 24 man-hours by personnel generally under the  
12 supervision of the mechanical administrator.

13 Sec. 08.40.490. DEFINITIONS. In AS 08.40.210 - 08.40.490

14 (1) "department" means the Department of Commerce and  
15 Economic Development except where the context otherwise requires;

16 (2) "manufacture" means fabrication or completion of a  
17 product or mechanical apparatus exclusive of its completion or instal-  
18 lation at a job site;

19 (3) "mechanical administrator" means a person engaged in  
20 the business of, or purporting to be engaged in the business of,  
21 installing or modifying, or contracting to install or modify, mechan-  
22 ical piping and systems, devices, fixtures, equipment, or other mechan-  
23 ical materials subject to the Uniform Plumbing Code, Uniform Swimming  
24 Pool, Spa, and Hot Tub Code, Uniform Solar Energy Code, and the Uni-  
25 form Mechanical Code as published by the International Association of  
26 Plumbing and Mechanical Officials and the International Conference of  
27 Building Officials;

28 (4) "mechanical piping" includes piping fixtures, devices,  
29 and equipment;

1 (5) "utility" means every public, cooperative, or other  
2 corporation, company, individual, or association of individuals, their  
3 lessees, trustees, or receivers appointed by a court, that owns,  
4 operates, manages, or controls a plant or system for

5 (A) furnishing, by generation, transmission, or dis-  
6 tribution, electrical service, fuel gas service, district heat-  
7 ing, sewage disposal, or domestic water service to the public for  
8 compensation;

9 (B) furnishing telecommunications service to the  
10 public for compensation.

11 \* Sec. 10. INITIAL APPOINTMENTS TO THE BOARD. A person is eligible for  
12 an initial appointment to the Board of Mechanical Examiners, created under  
13 sec. 9 of this Act, as a professional member of the board, if at the time  
14 of the appointment the person

15 (1) understands plans, design specifications, and engineering  
16 terms commonly used in mechanical installations and piping;

17 (2) is familiar with mechanical installations and piping and  
18 with mechanical installation problems peculiar to this state;

19 (3) is familiar with the requirements of the Uniform Plumbing  
20 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy  
21 Code, and Uniform Mechanical Code that are currently in effect in the  
22 state; and

23 (4) satisfies the qualifications for appointment, other than  
24 licensure, as set out in AS 08.40.220, as added by sec. 9 of this Act.

25 \* Sec. 11. LICENSURE BY QUALIFICATION. (a) Notwithstanding AS 08.40.-  
26 230, 08.40.270, and 08.40.300, as added by sec. 9 of this Act, a person may  
27 qualify for and receive without examination a license as a mechanical  
28 administrator in those categories of mechanical administration for which  
29 the person is qualified, if the person

1 (1) has functioned as a mechanical administrator in the state  
2 during the two years before the effective date of this section; and

3 (2) applies for licensure before July 1, 1989.

4 (b) A person who applies for licensure under this section is exempt  
5 from AS 08.40.260, as added by sec. 9 of this Act, until the person's  
6 application has been accepted or rejected by the Board of Mechanical Exam-  
7 iners.

8 (c) A license issued under this section is for all purposes a license  
9 issued under AS 08.40.300, as added by sec. 9 of this Act.

10 \* Sec. 12. TRANSITIONAL PROVISION. In addition to the requirements of  
11 AS 08.18.028, as added by sec. 3 of this Act, by July 1, 1989, the follow-  
12 ing persons must be, or employ a person who is, a licensed mechanical  
13 administrator under AS 08.40, as added by sec. 9 of this Act:

14 (1) a person who is a registered mechanical contractor on Ju-  
15 ly 1, 1989;

16 (2) a person who applies before July 1, 1989, to be a registered  
17 mechanical contractor and is issued a certificate of registration after  
18 July 1, 1989.

19 \* Sec. 13. Sections 1, 2, 7, and 9 - 11 of this Act take effect immedi-  
20 ately under AS 01.10.070(c).

21 \* Sec. 14. Sections 4 - 6, 8, and 12 of this Act take effect Decem-  
22 ber 31, 1988.

23 \* Sec. 15. Section 3 of this Act takes effect July 1, 1989.  
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28  
29

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: HB 472  
PUBLISH DATE: 2/15/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to mechanical administrators.  
Sponsor: Reps. Bover, Boucher & Ellis  
Requestor: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		4.5	3.2	3.2	3.2	3.2
CONTRACTUAL		2.0	2.0	2.0	2.0	2.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		6.5	5.2	5.2	5.2	5.2
CAPITAL						
REVENUE		3.0	**			

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		6.5	5.2	5.2	5.2	5.2
TOTAL		6.5	5.2	5.2	5.2	5.2

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

(SEE ATTACHED)

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 3/15/88

Approved by Commissioner: J. Anthony Smith Date: 3/16/88  
Agency: Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
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- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

MAR 17 1988

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 472

TRAVEL: The bill establishes a Board of Mechanical Examiners consisting of three members. Section 08.40.220(c) also mandates the board to meet at least annually and to hold other meetings at the call of the chair. In addition, Section 08.40.250 requires the exam to be administered at least twice a year. It is anticipated that at least three meetings will be required during the first year as a result of the Board's new regulatory responsibilities. This fiscal note is therefore based on three members holding three board meetings and exams in conjunction with two of the meetings. Two meetings and exams are budgeted for subsequent years.

ANCHORAGE MEETING

Member from:	<u>TRANSPORTATION</u>	<u>PER DIEM</u>	<u>TOTAL</u>
Anchorage	0	320.00	320.00
Juneau	366.00	320.00	686.00
Fairbanks	232.00	340.00*	572.00
(*Two day meeting (@ \$80 per day) in Anchorage, and two days of exams (@\$90 per day) in Fairbanks.)			
Sub-Total:	598.00	980.00	1,578.00

JUNEAU MEETING

Anchorage	366.00	320.00	686.00
Juneau	0	320.00	320.00
Fairbanks	436.00	160.00	596.00
Sub-Total:	802.00	800.00	1,602.00

FAIRBANKS

Anchorage	232.00	180.00	412.00
Juneau	436.00	270.00	706.00
Fairbanks	0	180.00	180.00
Sub-Total:	668.00	630.00	1,298.00

TOTAL:	\$ <u>2,068.00</u>	<u>2,410.00</u>	<u>4,478.00</u>
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CONTRACTUAL:

Printing of applications, statute booklets and other informational material; Advertising of meetings, exams and regulations; postage, telephone and other standard operating costs. \$ 2,000.00

\*\*Revenues are contingent upon the number of mechanical administrator licensees. In the first year, it is anticipated that at least 30 individuals will seek licensure. Assuming the license fee is \$100, a total of \$3,000.00 would be generated in the first year. Depending on the actual number of licensees, the revenues generated from licensing fees may not cover the entire cost of the licensing program within central licensing at \$100 per licensee.

R10 4-25

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CS HB 472  
PUBLISH DATE: 4/25/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to mechanical  
administrators.  
Sponsor: House Finance  
Requestor: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		5.3	3.9	3.9	3.9	3.9
CONTRACTUAL		2.0	2.0	2.0	2.0	2.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		7.3	5.9	5.9	5.9	5.9
CAPITAL						
REVENUE		15.0	**			

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER GF/PR		7.3	5.9	5.9	5.9	5.9
TOTAL		7.3	5.9	5.9	5.9	5.9

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

(SEE ATTACHED)

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 4/25/88

Approved by Commissioner: J. Amodeo Date: 4/25/88  
Agency: Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

APR 25 1988

LEGISLATIVE FINANCE

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 472

**TRAVEL:** The bill establishes a Board of Mechanical Examiners consisting of three members. Section 08.40.220(c) also mandates the board to meet at least annually and to hold other meetings at the call of the chair. In addition, Section 08.40.250 requires the exam to be administered at least twice a year. It is anticipated that at least three meetings will be required during the first year as a result of the Board's new regulatory responsibilities. This fiscal note is therefore based on three members holding three board meetings and exams in conjunction with two of the meetings. Two meetings and exams are budgeted for subsequent years.

**ANCHORAGE MEETING:**

Member from:	<u>TRANSPORTATION</u>	<u>PER DIEM</u>	<u>TOTAL</u>
Anchorage	0	320.00	320.00
Nome	440.00	320.00	760.00
Fairbanks	232.00	340.00*	572.00
(*Two day meeting (@\$80 per day) in Anchorage, and two days of exams (@\$90 per day) in Fairbanks.)			
Sub-Total:	672.00	980.00	1,652.00

**JUNEAU MEETING:**

Anchorage	366.00	320.00	686.00
Nome	682.00	320.00	1,002.00
Fairbanks	436.00	160.00	596.00
Sub-Total:	1,484.00	800.00	2,284.00

**FAIRBANKS MEETING:**

Anchorage	232.00	180.00	412.00
Nome	470.00	270.00	740.00
Fairbanks	0	180.00	180.00
Sub-Total:	702.00	630.00	1,332.00
TOTAL:	<u>2,858.00</u>	<u>2,410.00</u>	<u>5,268.00</u>

**CONTRACTUAL:**

Printing of applications, statute booklets and other informational material; Advertising of meetings, exams and regulations; postage, telephone and other standard operating costs. \$2,000.00

**\*\*REVENUES:**

Revenues are contingent upon the number of mechanical administrator licensees. In the first year, it is anticipated that at least 150 individuals will seek licensure. Assuming the license fee is \$100, a total of \$15,000.00 would be generated in the first year. Depending on the actual number of licensees, the revenues generated from licensing fees may not cover the entire cost of the licensing program within central licensing at \$100 per licensee.

5-1451L ✓

Utermohle  
4/7/88

Original sponsors: Boyer, Boucher  
and Ellis

[deleted from L+C CS]  
new to Fin CS

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 472 (Finance)

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 mechanical administrators an  
7 construction contractors; and providing for an effec-  
8 tive date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

11 (28) Board of Mechanical Examiners (AS 08.40.220).

12 \* Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

13 (21) Board of Mechanical Examiners (AS 08.40.220) --

14 June 30, 1992.

15 \* Sec. 3. AS 08.18 is amended by adding a new section to read:

16 Sec. 08.18.028. MECHANICAL CONTRACTORS. (a) The department may  
17 not issue a certificate of registration as a mechanical contractor to  
18 an applicant unless the applicant is, or employs, a person currently  
19 licensed as a mechanical administrator under AS 08.40.

20 (b) Each applicant for a mechanical contractor's certificate of  
21 registration may employ more than one mechanical administrator.

22 (c) If the relationship of the only mechanical administrator  
23 with a registered mechanical contractor is terminated, the registra-  
24 tion is void 30 days after the next regularly scheduled mechanical  
25 administrator's examination unless the mechanical contractor has hired  
26 a licensed mechanical administrator in the interim.

27 \* Sec. 4. AS 08.18.041 is amended to read:

28 Sec. 08.18.041. FEES. The department [DEPARTMENT OF COMMERCE  
29 AND ECONOMIC DEVELOPMENT] shall set registration and renewal fees

1 under AS 08.01.065 for the following:

- 2 (1) general contractor;  
3 (2) specialty contractor;  
4 (3) mechanical contractor.

5 \* Sec. 5. AS 08.18.071(b) is amended to read:

6 (b) If the applicant is a general contractor, the amount of the  
7 bond shall be \$10,000; if the applicant is a <sup>contractor the</sup> ~~mechanical~~ <sup>or</sup> specialty  
8 <sup>amount of the bond shall be \$7500; if the applicant is a</sup> contractor, the amount of the bond shall be \$5,000. In lieu of the  
9 surety bond the applicant may file with the commissioner a cash depos-  
10 it or other negotiable security acceptable to the commissioner in the  
11 amount specified for bonds.

12 \* Sec. 6. AS 08.18.171(3) is repealed and reenacted to read:

13 (3) "contractor" means a person who, in the pursuit of an  
14 independent business, undertakes or offers to perform, or claims to  
15 have the capacity to perform, or submits a bid for a project to con-  
16 struct, alter, repair, move, or demolish a building, highway, road,  
17 railroad, or any type of fixed structure, including excavation and  
18 site development and erection of scaffolding; "contractor" includes a  
19 general contractor, builder, mechanical contractor, speciality con-  
20 tractor, and subcontractor;

21 \* Sec. 7. AS 08.18.171 is amended by adding a new paragraph to read:

22 (5) "trade" means a skill used in the field of construc-  
23 tion, as defined by regulation by the department.

24 \* Sec. 8. AS 08.18.171 is amended by adding new paragraphs to read:

25 (6) "builder" means general contractor;

26 (7) "general contractor" means a contractor whose business  
27 operations require the use of more than three trades or the use of  
28 mechanical or specialty contractors and subcontractors who are under  
29 the supervision of the contractor;

1 (8) "mechanical contractor" means a contractor whose busi-  
2 ness operations involve plumbing, pipe fitting, sheet metal, heating,  
3 air conditioning, ventilating, or sprinkler and dry chemical fire  
4 protection trades in order to install or modify mechanical piping and  
5 systems, devices, fixtures, and equipment or other mechanical mate-  
6 rials subject to the following codes as published by the International  
7 Association of Plumbing and Mechanical Officials or the International  
8 Conference of Building Officials:

9 (A) Uniform Plumbing Code;

10 (B) Uniform Swimming Pool, Spa, and Hot Tub Code;

11 (C) Uniform Solar Energy Code; and

12 (D) Uniform Mechanical Code;

13 (9) "specialty contractor" means a contractor, other than a  
14 mechanical contractor, whose business operations require the use of  
15 not more than three trades.

16 \* Sec. 9. AS 08.40 is amended by adding new sections to read:

17 ARTICLE 4. MECHANICAL ADMINISTRATORS.

18 Sec. 08.40.210. PURPOSE. The purpose of AS 08.40.210 - 08.40.-  
19 490 is to protect the safety of people and property in the state from  
20 the danger of improperly installed or modified mechanical systems by  
21 providing a procedure to

22 (1) assure the public that persons responsible for making  
23 mechanical installations in this state are qualified; and

24 (2) assure that a sufficient number of persons are so  
25 qualified.

26 Sec. 08.40.220. BOARD OF MECHANICAL EXAMINERS. (a) There is  
27 created the Board of Mechanical Examiners consisting of three members.  
28 Each member of the board shall reside in a different judicial district  
29 of the state. Two members of the board shall be licensed mechanical

1 administrators and one member shall be a public member. One of the  
2 licensed mechanical administrator members of the board shall be a  
3 resident of a community with a population of less than 5,000 persons.

4 (b) The members of the board shall elect one of its members as  
5 chair.

6 (c) The board shall meet at least annually. The board may hold  
7 other meetings at the call of the chair.

8 Sec. 08.40.230. CATEGORIES OF LICENSES. The board may adopt  
9 regulations establishing categories of mechanical administrators,  
10 qualifications for those categories, and the content of examinations  
11 for applicants for each category.

12 Sec. 08.40.240. REGULATIONS. The board shall adopt regulations  
13 under the Administrative Procedure Act (AS 44.62), relating to the ex-  
14 amination and licensing of mechanical administrators, the establishing  
15 of the continued competency of licensees for license renewal and  
16 reinstatement, and the suspension or revocation of licenses.

17 Sec. 08.40.250. EXAMINATIONS. The board shall conduct licensing  
18 examinations at least twice each year at appropriate places in the  
19 state.

20 Sec. 08.40.260. LICENSE REQUIRED. (a) A person may not act as  
21 a mechanical administrator without a license.

22 (b) A person licensed under AS 08.40.210 - 08.40.490 may perform  
23 work only in a category for which the person is licensed.

24 Sec. 08.40.270. EXAMINATION OF APPLICANT. (a) Each applicant  
25 shall be examined to determine the applicant's

26 (1) ability to understand plans, design specifications, and  
27 engineering terms commonly used in the mechanical field;

28 (2) knowledge of mechanical installations and piping;

29 (3) familiarity with the requirements of the Uniform

1 Plumbing Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform  
2 Solar Energy Code, and the Uniform Mechanical Code currently in effect  
3 in the state;

4 (4) familiarity with mechanical installation problems and  
5 the usages of the trade peculiar to this state; and

6 (5) personal skill and ability.

7 (b) If an applicant for a license submits proof satisfactory to  
8 the board that the applicant is licensed as a mechanical administrator  
9 or the equivalent by another state or territory, meets qualifications  
10 established by the board under AS 08.40.230, and has passed an ex-  
11 amination equivalent to the test administered under (a) of this sec-  
12 tion except insofar as that examination tests knowledge and skill  
13 particularly required to meet the environment and usages of the trade  
14 peculiar to this state, the board shall waive all of the examination  
15 required under (a) of this section except those parts that test knowl-  
16 edge and skill particularly required to meet the environment and  
17 usages of the trade peculiar to this state.

18 Sec. 08.40.280. ADMINISTRATOR LIMITED TO ONE LICENSED CONTRAC-  
19 TOR. A person may not qualify or operate as a mechanical adminis-  
20 trator for more than one registered contractor, corporation, joint  
21 venture, or other business entity, unless the municipality or communi-  
22 ty where the person qualifies or operates as a mechanical administra-  
23 tor is the principal place of business of fewer than three mechanical  
24 administrators.

25 Sec. 08.40.290. RENEWAL AND REINSTATEMENT. (a) A license  
26 issued under AS 08.40.210 - 08.40.490 is nontransferable and, unless  
27 revoked or suspended, may be renewed on a date set by the department  
28 upon proof of continued competency.

29 (b) A lapsed license may be reinstated upon proof of continued

1 competency by payment of all unpaid renewal fees and any penalty fee  
2 established under AS 08.01.100(b), unless the license has been lapsed  
3 for more than two years. If a person's license has been lapsed for  
4 more than two years, the person is required to take an examination  
5 under AS 08.40.270.

6 Sec. 08.40.300. ISSUANCE AND DISPLAY OF LICENSE. An applicant  
7 who successfully passes the examination shall receive a certificate of  
8 license. The licensee shall prominently display the certificate,  
9 while in effect, in the licensee's principal place of business.

10 Sec. 08.40.310. FEES. Each applicant and each licensee shall  
11 pay application and renewal fees established under AS 08.01.065.

12 Sec. 08.40.320. DENIAL, SUSPENSION, AND REVOCATION OF LICENSE.

13 (a) The board may take disciplinary action against a licensee or  
14 applicant upon a finding that

15 (1) the application is fraudulent or misleading;

16 (2) the licensee has knowingly violated AS 08.40.210 -  
17 08.40.490 or an order or regulation of the board or the department; or

18 (3) the licensee is incompetent or has engaged in fraudu-  
19 lent practices.

20 (b) Notice of a proposed denial, suspension, or revocation of  
21 license shall be in writing and shall state the grounds.

22 (c) Proceedings for the denial, suspension, or revocation of a  
23 license shall be governed by the Administrative Procedure Act (AS 44.-  
24 62).

25 Sec. 08.40.330. INVESTIGATIONS. Either the Department of Com-  
26 merce and Economic Development or the Department of Labor may investi-  
27 gate alleged or apparent violations of AS 08.40.210 - 08.40.490. A  
28 department, upon showing proper credentials, may enter, during regular  
29 hours of work, a construction site where it appears that mechanical

1 work is being done. A department may make inquiries about the identi-  
2 ty of the mechanical administrator or the person acting in the capaci-  
3 ty of a mechanical administrator. Upon demand, a mechanical adminis-  
4 trator or person acting in the capacity of a mechanical administrator,  
5 or that person's representative, shall produce evidence of current  
6 licensure.

7 Sec. 08.40.340. ISSUANCE OF CITATIONS. Either the Department of  
8 Commerce and Economic Development or the Department of Labor may issue  
9 a citation for a violation if there is probable cause to believe a  
10 person has violated AS 08.40.210 - 08.40.490. Each day a violation  
11 continues after a citation for the violation has been issued consti-  
12 tutes a separate violation.

13 Sec. 08.40.350. PROCEDURE AND FORM OF CITATION. (a) A citation  
14 issued under AS 08.40.340 must be in writing. A person receiving the  
15 citation is not required to sign a notice to appear in court.

16 (b) The time specified in the notice to appear on a citation  
17 issued under AS 08.40.340 must be at least five days, not including  
18 weekends and holidays, after the issuance of the citation, unless the  
19 person cited requests an earlier hearing.

20 (c) The Department of Commerce and Economic Development and the  
21 Department of Labor are responsible for the issuance of books contain-  
22 ing appropriate citations, and each shall maintain a record of each  
23 book issued and each citation contained in it. Each department shall  
24 require and retain a receipt for every book issued to an employee of  
25 that department.

26 (d) The department that issues a citation under AS 08.40.340  
27 shall deposit the original or a copy of the citation with a court  
28 having jurisdiction over the alleged offense. Upon its deposit with  
29 the court, the citation may be disposed of only by trial in the court

1 or other official action taken by the magistrate, judge, or prosecu-  
2 tor. The department that issued the citation may not dispose of it or  
3 copies of it or of the record of its issuance except as required under  
4 this subsection and (e) of this section.

5 (e) The Department of Commerce and Economic Development and the  
6 Department of Labor shall require the return of a copy of every cita-  
7 tion issued by the respective department under AS 08.40.340 and of all  
8 copies of every citation that has been spoiled or upon which an entry  
9 has been made and not issued to an alleged violator. The departments  
10 shall also maintain, in connection with every citation issued by the  
11 respective department, a record of the disposition of the charge by  
12 the court where the original or copy of the citation was deposited.

13 (f) If the form of citation issued under AS 08.40.340 includes  
14 the essential facts constituting the offense charged, and if the  
15 citation is sworn to as required under the laws of this state for a  
16 complaint charging commission of the offense alleged in the citation,  
17 then the citation when filed with a court having jurisdiction is  
18 considered to be a lawful complaint for the purpose of prosecution.

19 Sec. 08.40.360. CEASE AND DESIST ORDER. (a) If the commis-  
20 sioner of commerce and economic development determines that a person  
21 is acting as a mechanical administrator in violation of AS 08.40.210 -  
22 08.40.490 the commissioner may issue a cease and desist order pro-  
23 hibiting further action by the person as a mechanical administrator.  
24 The cease and desist order remains in effect until the person has  
25 submitted evidence acceptable to the commissioner showing that the  
26 violation has been corrected.

27 (b) A person affected by an order issued under (a) of this  
28 section may seek equitable relief preventing the commissioner of  
29 commerce and economic development from enforcing the order.



1 [that is owned by the installer, or a member of the installer's  
2 a two-family residence that is not intended for sale at the time of  
3 making the installation; [outside of a building]

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

6 Sec. 08.40.400. PERSONAL SUPERVISION. A person licensed under  
7 AS 08.40.210 - 08.40.490 as a mechanical administrator who contracts  
8 to install or modify mechanical piping and systems, devices, fixtures,  
9 equipment, or other mechanical materials, shall personally inspect  
10 those materials after installation and modification unless the instal-  
11 lation or modification amounts to simple or highly standardized work  
12 performed in less than 24 man-hours by personnel generally under the  
13 supervision of the mechanical administrator.

14 Sec. 08.40.490. DEFINITIONS. In AS 08.40.210 - 08.40.490

15 (1) "department" means the Department of Commerce and  
16 Economic Development except where the context otherwise requires;

17 (2) "manufacture" means fabrication or completion of a  
18 product or mechanical apparatus exclusive of its completion or instal-  
19 lation at a job site;

20 (3) "mechanical administrator" means a person engaged in  
21 the business of, or purporting to be engaged in the business of,  
22 installing or modifying, or contracting to install or modify, mechan-  
23 ical piping and systems, devices, fixtures, equipment, or other mechan-  
24 ical materials subject to the Uniform Plumbing Code, Uniform Swimming  
25 Pool, Spa, and Hot Tub Code, Uniform Solar Energy Code, and the Uni-  
26 form Mechanical Code as published by the International Association of  
27 Plumbing and Mechanical Officials and the International Conference of  
28 Building Officials;

29 (4) "mechanical piping" includes piping fixtures, devices,  
and equipment;

1 (5) "utility" means every public, cooperative, or other  
2 corporation, company, individual, or association of individuals, their  
3 lessees, trustees, or receivers appointed by a court, that owns,  
4 operates, manages, or controls a plant or system for

5 (A) furnishing, by generation, transmission, or dis-  
6 tribution, electrical service, fuel gas service, district heat-  
7 ing, sewage disposal, or domestic water service to the public for  
8 compensation;

9 (B) furnishing telecommunications service to the  
10 public for compensation.

11 \* Sec. 10. INITIAL APPOINTMENTS TO THE BOARD. A person is eligible for  
12 an initial appointment to the Board of Mechanical Examiners, created under  
13 sec. 9 of this Act, as a professional member of the board, if at the time  
14 of the appointment the person

15 (1) understands plans, design specifications, and engineering  
16 terms commonly used in mechanical installations and piping;

17 (2) is familiar with mechanical installations and piping and  
18 with mechanical installation problems peculiar to this state; [and]

19 (3) is familiar with the requirements of the Uniform Plumbing  
20 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy  
21 Code, and Uniform Mechanical Code that are currently in effect in the  
22 state; and

23 (4) satisfies the qualifications for appointment, other than  
24 licensure, as set out in AS 08.40.220, as added by sec. 9 of this Act.

25 \* Sec. 11. LICENSURE BY QUALIFICATION. (a) Notwithstanding AS 08.40.-  
26 230, 08.40.270, and 08.40.300, as added by sec. 9 of this Act, a person may  
27 qualify for and receive without examination a license as a mechanical  
28 administrator in those categories of mechanical administration for which  
29 the person is qualified, if the person

1 (1) has functioned as a mechanical administrator in the state  
2 during the two years before the effective date of this section; and

3 (2) applies for licensure before July 1, 1989.

4 (b) A person who applies for licensure under this section is exempt  
5 from AS 08.40.260, as added by sec. 9 of this Act, until the person's  
6 application has been accepted or rejected by the Board of Mechanical Exam-  
7 iners.

8 (c) A license issued under this section is for all purposes a license  
9 issued under AS 08.40.300, as added by sec. 9 of this Act.

10 \* Sec. <sup>[11]</sup>12. TRANSITIONAL PROVISION. In addition to the requirements of  
11 AS 08.18.028, as added by sec. 3 of this Act, by July 1, 1989, the follow-  
12 ing persons must be, or employ a person who is, a licensed mechanical  
13 administrator under AS 08.40, as added by sec. 9 of this Act:

14 (1) a person who is a registered mechanical contractor on Ju-  
15 ly 1, 1989;

16 (2) a person who applies before July 1, 1989, to be a registered  
17 mechanical contractor and is issued a certificate of registration after  
18 July 1, 1989.

19 \* Sec. <sup>[12]</sup>13. Sections 1, 2, 7, and 9 - <sup>[aw 10]</sup>11 of this Act take effect immedi-  
20 ately under AS 01.10.070(c).

21 \* Sec. 14. Sections 4 - 6, 8, and <sup>[11]</sup>12 of this Act take effect Decem-  
22 ber 31, 1988.

23 \* Sec. 15. Section 3 of this Act takes effect July 1, 1989.

CS HB 472 (L&C): "An act relating to mechanical administrators and construction contractors."

The House Labor and Commerce Committee Substitute for HB 472 has the full support of the Department of Commerce and Economic Development.

The bill creates a new contractor category -- "mechanical contractor" -- and amends the current definitions of "general contractor" and "specialty contractor" to allow a specialty contractor to use three or fewer trades in his or her business operations, instead of the current limitation to just two trades.

The bill also creates a new licensed profession in Alaska: mechanical administrators. Similar to the current statutory provisions for electrical administrators, the bill provides a three-member board to examine and license mechanical administrators.

The Division of Occupational Licensing has worked closely with the sponsors and the House Labor and Commerce Committee to attempt to solve a number of existing contracting problems.

Current law defines a "general contractor" as a contractor "whose business operations require the use of more than two distinct trades," and a "specialty contractor" as a contractor "whose operations do not fall within the definition of general contractor." The Attorney General's Office has interpreted this to mean that a specialty contractor is, therefore, limited to two or fewer distinct trades.

This has led to particular problems for mechanical contractors, whose operations clearly extend beyond just two trades (i.e., plumbing, pipe fitting, sheet metal, heating, air conditioning, ventilation, and fire suppression), but who are not considered general contractors and are usually hired by a general as one of a number of subcontractors on a construction project. To insist that a mechanical contractor must be registered as a general contractor has a number of implications, including an impact on the current configuration of trade unions in Alaska. The creation of a new contractor category for mechanical contractors, with separate licensing and bonding requirements, solves a number of serious existing problems and greatly assists enforcement by the Departments of Labor and Commerce and Economic Development. The addition of a contractor category has the support of the Mechanical Contractors Association and its benefits deserve legislative consideration and approval.

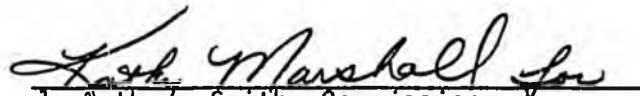
In addition, by creating the mechanical administrator as a licensed professional to coincide with the new mechanical contractor category, the state takes another step forward in professionalizing the business of contracting. Current statutes do not require any proof of skills, experience, or education in order to be registered as a construction contractor in Alaska. Anyone with the money to purchase the bond and minimal insurance presently required can become a registered contractor. The Division of Occupational

Licensing distinguishes between the registration and licensure of occupations. Registration indicates the lack of any examination or competency standards, while licensure requires proof of minimal qualifications before entry into a profession.

The changes proposed in this bill will increase greatly the quality of construction contracting in Alaska. Alaska has already recognized the importance of having qualified supervisors of potentially dangerous electrical work by establishing licensure of electrical administrators; CS HB 472 further recognizes the importance of quality construction in the creation of a building's or home's environment by requiring that the mechanical work be supervised by an individual who has demonstrated knowledge of the complex mechanical systems that control air circulation, heating, fire suppression, etc. Cutbacks in the number of state inspectors available to verify mechanical systems further argue for the need to license mechanical administrators because licensure will bring a level of consistency to the supervision of mechanical work.

The department supports the changes to the definition of general and specialty contractor. The current bonding situation in Alaska is not favorable. It is presently very difficult for Alaskans to purchase bonding without paying extravagantly. This has had a particularly devastating impact on the construction industry. By increasing the number of trades under which a person may be bonded as a specialty contractor (a \$5,000 bond) versus a general contractor (a \$10,000 bond), this legislation should assist in increasing the number of contractors who can meet the lesser bonding requirement but not the larger \$10,000 bond amount. While it is a seemingly small change, we predict the difference will be substantial in its impact on the contractor industry.

In summary, the department supports passage of CS HB 472 and urges its quick enactment.

  
 J. Anthony Smith, Commissioner  
 Department of Commerce and Economic  
 Development

3/22/88  
 Date

# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER

HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
(907) 456-6473

JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 485-3486

## MEMORANDUM

TO: House Finance Members

FROM: Representative Mark Boyer

DATE: April 22, 1988

SUBJECT: CS for HB472 (Finance) - Mechanical Administrators

Page 2, line 7 - the \$7500 bonding requirement for the new mechanical contractor category is dropped, and bonding for a mechanical contractor remains at \$5000, the current requirement for specialty contractors.

It was brought to the subcommittee's attention that even this seemingly insignificant increase could pose a problem for small contractors, given the high collateral requirements for contractor bonds.

Page 3, line 28 - 29 and page 4, line 1 - 3 - new language specifies that each member of the Board shall reside in a different judicial district, and that one of the two mechanical administrator members of the Board shall be a resident of a community of less than 5,000.

Representation of more than just one or two urban areas on the Board, with a mandated seat for an individual sensitive to the unique circumstances of doing business as a mechanical contractor in smaller communities, will be particularly important during the start-up period of the Board, as regulations are drafted and procedures established.

Page 5, line 21 - 24 - waives the restriction of a mechanical administrator to one business entity in communities where there are less than three administrators doing business.

This will prevent a situation where one contractor in a small community ties up the services of a mechanical

administrator, forcing others to bring an administrator in from outside the area.

Page 9, line 14 - 18 - the exclusion from application of the statute for utilities or municipalities engaged in work on their own systems is simplified, and expanded to include "local governing bodies.

This will enable entities which function in much the same way as a utility or municipality, but do not meet the definition of either - such as village councils - to operate without an administrator.

Page 9, line 23 and line 25 - increases the thresholds for exclusion from applicability of statute to residential and commercial work in small communities from \$5000 in communities of less than 500 (and more than 50 miles by air or water from the business place of a mechanical administrator) to \$25,000 in communities of less than 5000.

Expands the exemption for small jobs in rural communities - adopted in response to rural concerns that administrators might not be readily available in those areas.

page 9, line 29 - page 10, line 1 - expands the exemption for work on a private residence owned by the installer to include any work on a residence or duplex not intended for sale at the time of the installation.

The subcommittee felt that home improvements contracted for by the homeowner should be allowed the same exemption as those performed by the owner.

page 10, line 3 - 4 - exclusion for sewer and water lines outside of a building is defined as work on water and sewer lines "more than five feet from a building."

This change reflects industry practice with regard to work performed by mechanical vs. underground utility contractors.

page 11, line 23 - page 12, line 9 - "grandfathers" in those who have worked as a mechanical administrator in the state during the two years prior to effective date.

This broad "grandfather clause" should further allay the concerns of rural areas that mechanical administrator licensing would be disadvantageous to contractors operating in the smaller communities.

PHONE 450-5282  
OR 450-5281

P O BOX 534  
99707

*Chandler* PLUMBING  
& HEATING, INC.

129 MINNIE  
FAIRBANKS, ALASKA 99701

March 14, 1988

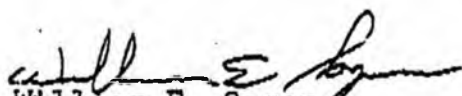
Representative Mark Boyer  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Sir:

This is to express support for and encourage the  
passage of House Bill 472, "An Act Relating to  
Mechanical Administrators".

Very truly yours,

CHANDLER PLUMBING & HEATING, INC.

  
William E. Sager  
President

WES/bly

Attn: Linda Steward



## International Mechanical, Inc.

646 E. DOWLING RD. - ANCHORAGE, ALASKA 99518 - (907) 563-3044

March 11, 1988

Red Boucher  
Labor & Commerce Committee  
Room 17 Capital Bldg.  
Juneau, AK

RE: H-B 472

Dear Red:

As past president of the State and Local Mechanical Contractor Association, and a past member of the Municipality of Anchorage Mechanical Board, I am very much in favor of H-B 472. I also believe you should push forward on Adoption of the 1985 or 88 U.M.C. and U.P.C.

As you know Anchorage has been working under the 1985 codes, and at present we are reviewing the 88 codes at the Board of Building Regulation Examiner & Appeals of which I am presently a member.

Keep up the good work.

Sincerely,

Ray Carey  
President

RC/lw

**UNIVERSAL MECHANICAL**  
PLUMBING • HEATING  
P.O. BOX 2499  
FAIRBANKS, ALASKA 99707  
452-5269 OR 456-7493

March 25, 1988

Juneau Legislative Information Office  
Fax #586-9548

Mr. Ed Flannigan  
Rep. Mark Boyer (465-3466)

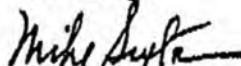
Re: House Bill #472

Dear Mr. Flannigan

I am the owner and operator of a "one man" plumbing and heating company. I support House Bill #472 and find no hardship due to operating as a "one man" shop because I have experience and education in the mechanical field. I encourage the passage of House Bill #472.

Further, the "licensure by qualification" section of this bill will enable all QUALIFIED mechanical contractors to comply with this bill and "protect the safety of the people and property in the state from the danger of improperly installed or modified mechanical systems".

Sincerely,

  
Mike Sexton  
President



**R & S MECHANICAL**  
PLUMBING AND HEATING  
1624 SUNCHIA CIRCLE FAIRBANKS, ALASKA 99701  
(907) 456-5073

March 25, 1988

Juneau Legislative Information Office  
Fax: #(907) 586-9548

Mr. Ed Flannigan  
Rep. Mark Boyer's Office (907) 465-3466

Re: House Bill #472

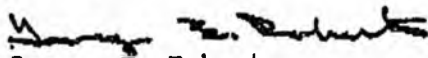
Dear Mr. Flannigan;

House Bill #472 does not present a problem for me as the operator of a "one man" plumbing and heating shop. Quality workmanship is not a factor of size, but rather a factor of experience, education and pride.

House Bill #472 only requires a Mechanical Contractor to be responsible, to meet a minimum of requirements and "stand behind" his work. The responsible contractor should be held accountable regardless of volume or project size.

If I can be of further help, please let me know.

Yours,

  
George E. Roberts  
Owner

**NORTHWEST ARCTIC BOROUGH**

P.O. BOX 1110

KOTZEBUE, ALASKA 99752

(907) 442-2500

March 30, 1988

The Honorable Al Adams  
Alaska State House  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Adams:

This letter is in opposition to CS for House Bill No. 472 (L&C). This legislation would create significant problems for locally based Contractors and Sub-Contractors in the Northwest Arctic Borough. In addition, the interests of the people which this bill is designed to protect, would in fact be harmed if this legislation were to pass. It is always difficult for a public official to oppose a program that on its surface appears to improve the public safety. However, I am convinced that this legislation will not significantly improve the installation and repair of mechanical systems enough to justify the costs of implementing this program in Rural Alaska. While controls are necessary to ensure the quality of all construction work, other methods to achieve this goal should be identified.

Fortunately, for us there is an existing program with which we can use as a comparison in evaluating the effects of this legislation. I am referring to the Electrical Administrators program adopted by Legislature. The same arguments used to support that program, are now being used to justify the adoption of this one. But what has been our experience under the electrical program? Has this resulted in a better quality of work? What benefits have the public received as a result the certification requirements of the program? Unfortunately the answers to these questions for the most part have been negative. Our experience has demonstrated an inability for these types of programs to work successfully in Rural Alaska. The program has created additional levels of bureaucracy, greater expense, and a decrease in the availability of certified people to perform the work.

Ambler, Buckland, Candia, Deerlag, Klana, Zivallna,  
Kobuk, Kotzebue, Noatak, Noorvik, Selawik, Shungnak.

Al Adams  
Page Two  
March 30, 1988

Traditionally in Rural Alaska, the quantity of work available dictates the number of certified people available to perform the types of work covered under the certification program. In most cases, this results in certified people being unavailable on a year round basis. Our experience has demonstrated that specialty contractors and sub-contractors have found it to be uneconomical to locate their business on a permanent basis in our Borough. As well, the general contractors located in our Borough can not afford to secure licensing to perform these specialty tasks. The reasons for this are varied, but basically boil down to the cost of compliance versus the ability of the general public to pay for these services.

At a time when the issue of local hire is so critical to the economical viability of Rural Alaska, a program is being considered that will create the need to import non-resident workers further displacing otherwise qualified local residents. Though we know it is not beyond the ability of our residents to be certified under this program, we are still faced with the fact that it is not economically feasible for them to locate here, once they have been licensed.

Our experience under the electrical administrators program demonstrates that the benefits have not accrued to the small commercial or resident users, but only those who have the resources to comply. For the most part the program has become one of frustration for both the contractors and the residents of Rural Alaska. This leads us to believe the implementation of the mechanical administrators program will not achieve the goals the legislation intends.

While I commend the sponsors for their concern and efforts, an exemption must be provided for Rural Alaska.

Sincerely,

  
Chuck Greene  
Mayor

CG/lkj

**NORTHWEST INUPIAT HOUSING AUTHORITY**

P.O. Box 331 • KOTZEBUE, ALASKA 99752 • (907) 442-3450

TO: Rep. Al Adams

FM: Jeff Hadley, Executive Director

RE: House Bill 472

Northwest Inupiat Housing Authority is in opposition of House Bill 472 as it would increase construction cost in the Rural Area. Although it is a good practice to have a certified person sign off on components of construction, it would mean having to import and retain certified personnel. Northwest Inupiat Housing Authority would like to see this bill defeated or amended to change the population requirement from 500 to 5,000.



# MECHANICAL CONTRACTORS of Alaska, Inc.



P.O. Box 74788 Fairbanks, Alaska 99707-4788  
1630 Second Avenue (907) 456-8347



March 14, 1988

Representative Mark Boyer  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska, 99811

Re; House Bill No. 472

Dear Representative Boyer:

The Mechanical Contractors of Alaska, Inc. is an association of mechanical construction contractors in the Anchorage and Fairbanks areas. I serve as their president.

This letter is written to express our support for the passage of House Bill No. 472.

This type of legislation is overdue for our industry in Alaska. During the construction boom Alaska has recently gone through, "mechanical contractors" suddenly appeared from everywhere. The results of their ignorance (or worse) of code requirements and lack of knowledge of the special requirements of mechanical installations in the arctic can be found in too many buildings. The primary victim of their shoddy work is the homeowner and small businessman, the unsophisticated buyers of construction. These people did not receive the value for their construction dollars. Unfortunately, the entire construction industry takes the blame.

Please pass House Bill No. 472 so that the public receives what they expect from state licensed contractors, competent professionals.

Sincerely,

R.W. Macomber  
President



## MECHANICAL CONTRACTORS

*of Fairbanks, Inc.*

P.O. BOX 74796 ★ FAIRBANKS, ALASKA 99707-4796

### The Need for House Bill 472, "An Act relating to Mechanical Administrators"

Licensing has been described as "a process by which an agency of government grants permission to an individual to engage in a given occupation upon finding that the applicant has attained the minimal degree of competency required to ensure that public health, safety and welfare will be reasonably well protected." At the present, except for electrical contractors, there are no competency requirements for a firm or individual to obtain a state construction contractors license.

The codes cited in H.B.472 contain minimum installation requirements for mechanical work in the building construction industry. This work encompasses many systems and work disciplines.

Testing an individual on his knowledge of these codes, the ability to understand plans and specifications, knowledge of installation problems and usage of the trade peculiar to Alaska, along with prerequisite experience requirements would help to determine competency.

In Alaska today, because of budget cutbacks, the state, along with both Anchorage and Fairbanks, have drastically reduced their inspection capabilities.

While inspection of construction work cannot insure compliance with codes, the drastic reduction of construction inspection capability at every governmental level in Alaska underscores the need for construction contractors to demonstrate their competency before being allowed to sell

their services to the public. The public probably perceives that a state licensed contractor is a competent contractor. Today this is not necessarily true.

H.B.472 is intended to assure that people licensed as mechanical administrators will have demonstrated competence in their category of mechanical construction.



**WESTERN  
MECHANICAL, INC.**

Shop: 2225 Van Horn Road  
Telephone: 452-1831

P.O. BOX 60067, AIRPORT ANNEX

FAIRBANKS, ALASKA 99706-0067  
AA 333

March 15, 1988

Representative Mark Boyer  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Re: House Bill 472

Dear Representative Boyer,

I wish to express the support of Western Mechanical, Inc. for the passage of HB472, "An Act Relating to Mechanical Administrators".

It is high time to establish competency requirements for all mechanical contractors who would be licensed by the State of Alaska. Because there are currently no such minimum requirements, anyone who can furnish the minimal contractor bond can obtain a contractor's license, whether he is qualified to perform the work or not.

The ultimate beneficiary of this bill is the consumer (whether public or private), who will be assured that the actual work is properly installed- for along with the administrators license comes a fair amount of responsibility. The proposed bill appears to provide appropriate relief.

We appreciate your sponsorship of HB472. Hopefully we will be able to establish a fair level of professionalism for the mechanical contracting industry.

Yours truly,

*Michael C. Desmond*  
Michael C. Desmond  
Vice President

MD/cj

*EE/bill*

# NORTH SLOPE BOROUGH

## OFFICE OF THE MAYOR

P.O. Box 69  
Barrow, Alaska 99723

Phone: 907-852-2611

George N. Ahmaogak, Sr., Mayor



April 5, 1988

Representative Al Adams  
Alaska State Legislature  
P.O. Box V (M/S 3100)  
Juneau, Alaska 99811

RE: HB 472

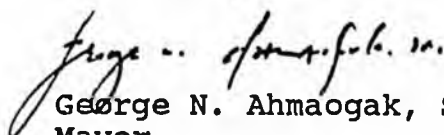
Dear Representative Adams:

My administrative staff has reviewed the House Labor and Commerce Committee Substitute for HB 472 which requires that a mechanical administrator be employed by each mechanical contractor engaged in business in municipalities having a population of 500 or more.

The bill would impose a cost and scheduling burden in the North Slope Borough beyond the ability of local contractors, already struggling with spiraling freight, materials and labor costs, to pay. The cost cap of \$5,000 for residential and small commercial establishments in communities of less than 500 is of little protection in the Borough. These costs can easily exceed those of similar projects in urban areas, and force an inequitable compliance rate on rural areas.

The legislation, if passed, would appear to create more problems in our rural communities than it seeks to cure. Therefore, the North Slope Borough opposes CS for HB 472 in its entirety, and we respectfully request your support of our position.

Sincerely,

  
George N. Ahmaogak, Sr.  
Mayor

cc: Senator Willie Hensley  
Harold J. Curran, Chief Administrative Officer  
Dan Fauske, Administration & Finance  
Edward Itta, Public Works-CIP

# NORTHWEST ARCTIC BOROUGH

P.O. BOX 1110

KOTZEBUE, ALASKA 99752

(907) 442-2500



March 30, 1988

The Honorable Al Adams  
Alaska State House  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Adams:

This letter is in opposition to CS for House Bill No. 472 (L&C). This legislation would create significant problems for locally based Contractors and Sub-Contractors in the Northwest Arctic Borough. In addition, the interests of the people which this bill is designed to protect, would in fact be harmed if this legislation were to pass. It is always difficult for a public official to oppose a program that on its surface appears to improve the public safety. However, I am convinced that this legislation will not significantly improve the installation and repair of mechanical systems enough to justify the costs of implementing this program in Rural Alaska. While controls are necessary to ensure the quality of all construction work, other methods to achieve this goal should be identified.

Fortunately, for us there is an existing program with which we can use as a comparison in evaluating the effects of this legislation. I am referring to the Electrical Administrators program adopted by Legislature. The same arguments used to support that program, are now being used to justify the adoption of this one. But what has been our experience under the electrical program? Has this resulted in a better quality of work? What benefits have the public received as a result the certification requirements of the program? Unfortunately the answers to these questions for the most part have been negative. Our experience has demonstrated an inability for these types of programs to work successfully in Rural Alaska. The program has created additional levels of bureaucracy, greater expense, and a decrease in the availability of certified people to perform the work.

**Ambler, Buckland, Candle, Deering, Kiana, Kivalina,  
Kobuk, Kotzebue, Noatak, Noorvik, Selawik, Shungnak.**

Al Adams  
Page Two  
March 30, 1988


Traditionally in Rural Alaska, the quantity of work available dictates the number of certified people available to perform the types of work covered under the certification program. In most cases, this results in certified people being unavailable on a year round basis. Our experience has demonstrated that specialty contractors and sub-contractors have found it to be uneconomical to locate their business on a permanent basis in our Borough. As well, the general contractors located in our Borough can not afford to secure licensing to perform these specialty tasks. The reasons for this are varied, but basically boil down to the cost of compliance versus the ability of the general public to pay for these services.

At a time when the issue of local hire is so critical to the economical viability of Rural Alaska, a program is being considered that will create the need to import non-resident workers further displacing otherwise qualified local residents. Though we know it is not beyond the ability of our residents to be certified under this program, we are still faced with the fact that it is not economically feasible for them to locate here, once they have been licensed.

Our experience under the electrical administrators program demonstrates that the benefits have not accrued to the small commercial or resident users, but only those who have the resources to comply. For the most part the program has become one of frustration for both the contractors and the residents of Rural Alaska. This leads us to believe the implementation of the mechanical administrators program will not achieve the goals the legislation intends.

While I commend the sponsors for their concern and efforts, an exemption must be provided for Rural Alaska.

Sincerely,

  
Chuck Greene  
Mayor

CG/lkj

Original sponsors: Boyer, Boucher  
and Ellis

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 472 (Finance)

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 mechanical administrators and  
7 construction contractors; and providing for an effective  
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

11 (28) Board of Mechanical Examiners (AS 08.40.220).

12 \* Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

13 (21) Board of Mechanical Examiners (AS 08.40.220) --

14 June 30, 1992.

15 \* Sec. 3. AS 08.18 is amended by adding a new section to read:

16 Sec. 08.18.028. MECHANICAL CONTRACTORS. (a) The department may  
17 not issue a certificate of registration as a mechanical contractor to  
18 an applicant unless the applicant is, or employs, a person currently  
19 licensed as a mechanical administrator under AS 08.40.

20 (b) Each applicant for a mechanical contractor's certificate of  
21 registration may employ more than one mechanical administrator.

22 (c) If the relationship of the only mechanical administrator  
23 with a registered mechanical contractor is terminated, the registra-  
24 tion is void 30 days after the next regularly scheduled mechanical  
25 administrator's examination unless the mechanical contractor has hired  
26 a licensed mechanical administrator in the interim.

27 \* Sec. 4. AS 08.18.041 is amended to read:

28 Sec. 08.18.041. FEES. The department [DEPARTMENT OF COMMERCE  
29 AND ECONOMIC DEVELOPMENT] shall set registration and renewal fees

1 under AS 08.01.065 for the following:

- 2 (1) general contractor;  
3 (2) specialty contractor;  
4 (3) mechanical contractor.

5 \* Sec. 5. AS 08.18.071(b) is amended to read:

6 (b) If the applicant is a general contractor, the amount of the  
7 bond shall be \$10,000; if the applicant is a mechanical contractor,  
8 the amount of the bond shall be \$7,500; if the applicant is a special-  
9 ty contractor, the amount of the bond shall be \$5,000. In lieu of the  
10 surety bond the applicant may file with the commissioner a cash depos-  
11 it or other negotiable security acceptable to the commissioner in the  
12 amount specified for bonds.

13 \* Sec. 6. AS 08.18.171(3) is repealed and reenacted to read:

14 (3) "contractor" means a person who, in the pursuit of an  
15 independent business, undertakes or offers to perform, or claims to  
16 have the capacity to perform, or submits a bid for a project to con-  
17 struct, alter, repair, move, or demolish a building, highway, road,  
18 railroad, or any type of fixed structure, including excavation and  
19 site development and erection of scaffolding; "contractor" includes a  
20 general contractor, builder, mechanical contractor, speciality con-  
21 tractor, and subcontractor;

22 \* Sec. 7. AS 08.18.171 is amended by adding a new paragraph to read:

23 (5) "trade" means a skill used in the field of construc-  
24 tion, as defined by regulation by the department.

25 \* Sec. 8. AS 08.18.171 is amended by adding new paragraphs to read:

26 (6) "builder" means general contractor;

27 (7) "general contractor" means a contractor whose business  
28 operations require the use of more than three trades or the use of  
29 mechanical or specialty contractors and subcontractors who are under

1 the supervision of the contractor;

2 (8) "mechanical contractor" means a contractor whose busi-  
3 ness operations involve plumbing, pipe fitting, sheet metal, heating,  
4 air conditioning, ventilating, or sprinkler and dry chemical fire  
5 protection trades in order to install or modify mechanical piping and  
6 systems, devices, fixtures, and equipment or other mechanical mate-  
7 rials subject to the following codes as published by the International  
8 Association of Plumbing and Mechanical Officials or the International  
9 Conference of Building Officials:

10 (A) Uniform Plumbing Code;

11 (B) Uniform Swimming Pool, Spa, and Hot Tub Code;

12 (C) Uniform Solar Energy Code; and

13 (D) Uniform Mechanical Code;

14 (9) "specialty contractor" means a contractor, other than a  
15 mechanical contractor, whose business operations require the use of  
16 not more than three trades.

17 \* Sec. 9. AS 08.40 is amended by adding new sections to read:

18 ARTICLE 4. MECHANICAL ADMINISTRATORS.

19 Sec. 08.40.210. PURPOSE. The purpose of AS 08.40.210 - 08.40.-  
20 490 is to protect the safety of people and property in the state from  
21 the danger of improperly installed or modified mechanical systems by  
22 providing a procedure to

23 (1) assure the public that persons responsible for making  
24 mechanical installations in this state are qualified; and

25 (2) assure that a sufficient number of persons are so  
26 qualified.

27 Sec. 08.40.220. BOARD OF MECHANICAL EXAMINERS. (a) There is  
28 created the Board of Mechanical Examiners consisting of three members.  
29 Two members of the board shall be licensed mechanical administrators

1 and one member shall be a public member.

2 (b) The members of the board shall elect one of its members as  
3 chair.

4 (c) The board shall meet at least annually. The board may hold  
5 other meetings at the call of the chair.

6 Sec. 08.40.230. CATEGORIES OF LICENSES. The board may adopt  
7 regulations establishing categories of mechanical administrators,  
8 qualifications for those categories, and the content of examinations  
9 for applicants for each category.

10 Sec. 08.40.240. REGULATIONS. The board shall adopt regulations  
11 under the Administrative Procedure Act (AS 44.62), relating to the ex-  
12 amination and licensing of mechanical administrators, the establishing  
13 of the continued competency of licensees for license renewal and  
14 reinstatement, and the suspension or revocation of licenses.

15 Sec. 08.40.250. EXAMINATIONS. The board shall conduct licensing  
16 examinations at least twice each year at appropriate places in the  
17 state.

18 Sec. 08.40.260. LICENSE REQUIRED. (a) A person may not act as  
19 a mechanical administrator without a license.

20 (b) A person licensed under AS 08.40.210 - 08.40.490 may perform  
21 work only in a category for which the person is licensed.

22 Sec. 08.40.270. EXAMINATION OF APPLICANT. (a) Each applicant  
23 shall be examined to determine the applicant's

24 (1) ability to understand plans, design specifications, and  
25 engineering terms commonly used in the mechanical field;

26 (2) knowledge of mechanical installations and piping;

27 (3) familiarity with the requirements of the Uniform Plumb-  
28 ing Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar  
29 Energy Code, and the Uniform Mechanical Code currently in effect in

1 the state;

2 (4) familiarity with mechanical installation problems and  
3 the usages of the trade peculiar to this state; and

4 (5) personal skill and ability.

5 (b) If an applicant for a license submits proof satisfactory to  
6 the board that the applicant is licensed as a mechanical administrator  
7 or the equivalent by another state or territory, meets qualifications  
8 established by the board under AS 08.40.230, and has passed an ex-  
9 amination equivalent to the test administered under (a) of this sec-  
10 tion except insofar as that examination tests knowledge and skill  
11 particularly required to meet the environment and usages of the trade  
12 peculiar to this state, the board shall waive all of the examination  
13 required under (a) of this section except those parts that test knowl-  
14 edge and skill particularly required to meet the environment and  
15 usages of the trade peculiar to this state.

16 Sec. 08.40.280. ADMINISTRATOR LIMITED TO ONE LICENSED CONTRAC-  
17 TOR. A person may not qualify or operate as a mechanical adminis-  
18 trator for more than one registered contractor, corporation, joint  
19 venture, or other business entity.

20 Sec. 08.40.290. RENEWAL AND REINSTATEMENT. (a) A license  
21 issued under AS 08.40.210 - 08.40.490 is nontransferable and, unless  
22 revoked or suspended, may be renewed on a date set by the department  
23 upon proof of continued competency.

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

1           Sec. 08.40.300. ISSUANCE AND DISPLAY OF LICENSE. An applicant  
2 who successfully passes the examination shall receive a certificate of  
3 license. The licensee shall prominently display the certificate,  
4 while in effect, in the licensee's principal place of business.

5           Sec. 08.40.310. FEES. Each applicant and each licensee shall  
6 pay application and renewal fees established under AS 08.01.065.

7           Sec. 08.40.320. DENIAL, SUSPENSION, AND REVOCATION OF LICENSE.  
8 (a) The board may take disciplinary action against a licensee or  
9 applicant upon a finding that

10                   (1) the application is fraudulent or misleading;

11                   (2) the licensee has knowingly violated AS 08.40.210 -  
12 08.40.490 or a lawful rule, order, or regulation of the board or the  
13 department; or

14                   (3) the licensee is incompetent or has engaged in fraudu-  
15 lent practices.

16           (b) Notice of a proposed denial, suspension, or revocation of  
17 license shall be in writing and shall state the grounds.

18           (c) Proceedings for the denial, suspension, or revocation of a  
19 license shall be governed by the Administrative Procedure Act (AS 44.-  
20 62).

21           Sec. 08.40.330. INVESTIGATIONS. Either the Department of Com-  
22 merce and Economic Development or the Department of Labor may investi-  
23 gate alleged or apparent violations of AS 08.40.210 - 08.40.490. A  
24 department, upon showing proper credentials, may enter, during regular  
25 hours of work, a construction site where it appears that mechanical  
26 work is being done. A department may make inquiries about the identi-  
27 ty of the mechanical administrator or the person acting in the capaci-  
28 ty of a mechanical administrator. Upon demand, a mechanical adminis-  
29 trator or person acting in the capacity of a mechanical administrator,

1 or that person's representative, shall produce evidence of current  
2 licensure.

3 Sec. 08.40.340. ISSUANCE OF CITATIONS. Either the Department of  
4 Commerce and Economic Development or the Department of Labor may issue  
5 a citation for a violation if there is probable cause to believe a  
6 person has violated AS 08.40.210 - 08.40.490. Each day a violation  
7 continues after a citation for the violation has been issued consti-  
8 tutes a separate violation.

9 Sec. 08.40.350. PROCEDURE AND FORM OF CITATION. (a) A citation  
10 issued under AS 08.40.340 must be in writing. A person receiving the  
11 citation is not required to sign a notice to appear in court.

12 (b) The time specified in the notice to appear on a citation  
13 issued under AS 08.40.340 must be at least five days, not including  
14 weekends and holidays, after the issuance of the citation, unless the  
15 person cited requests an earlier hearing.

16 (c) The Department of Commerce and Economic Development and the  
17 Department of Labor are responsible for the issuance of books contain-  
18 ing appropriate citations, and each shall maintain a record of each  
19 book issued and each citation contained in it. Each department shall  
20 require and retain a receipt for every book issued to an employee of  
21 that department.

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  
24 having jurisdiction over the alleged offense. Upon its deposit with  
25 the court, the citation may be disposed of only by trial in the court  
26 or other official action taken by the magistrate, judge, or prosecu-  
27 tor. The department that issued the citation may not dispose of it or  
28 copies of it or of the record of its issuance except as required under  
29 this subsection and (e) of this section.

1 (e) The Department of Commerce and Economic Development and the  
2 Department of Labor shall require the return of a copy of every cita-  
3 tion issued by the respective department under AS 08.40.340 and of all  
4 copies of every citation that has been spoiled or upon which an entry  
5 has been made and not issued to an alleged violator. The departments  
6 shall also maintain, in connection with every citation issued by the  
7 respective department, a record of the disposition of the charge by  
8 the court where the original or copy of the citation was deposited.

9 (f) If the form of citation issued under AS 08.40.340 includes  
10 the essential facts constituting the offense charged, and if the  
11 citation is sworn to as required under the laws of this state for a  
12 complaint charging commission of the offense alleged in the citation,  
13 then the citation when filed with a court having jurisdiction is  
14 considered to be a lawful complaint for the purpose of prosecution.

15 Sec. 08.40.360. CEASE AND DESIST ORDER. (a) If the commis-  
16 sioner of commerce and economic development determines that a person  
17 is acting as a mechanical administrator in violation of AS 08.40.210 -  
18 08.40.490 the commissioner may issue a cease and desist order pro-  
19 hibiting further action by the person as a mechanical administrator.  
20 The cease and desist order remains in effect until the person has  
21 submitted evidence acceptable to the commissioner showing that the  
22 violation has been corrected.

23 (b) A person affected by an order issued under (a) of this  
24 section may seek equitable relief preventing the commissioner of  
25 commerce and economic development from enforcing the order.

26 Sec. 08.40.370. INJUNCTIVE RELIEF. The commissioner of commerce  
27 and economic development may seek an injunction in the superior court  
28 to enjoin a person from violating AS 08.40.210 - 08.40.490.

29 Sec. 08.40.380. PENALTIES. (a) A person who knowingly violates

1 AS 08.40.210 - 08.40.490, or who knowingly violates a valid rule,  
2 regulation, or order of the board or the department, is guilty of a  
3 misdemeanor, and upon conviction is punishable by a fine of not more  
4 than \$300, or by imprisonment for not more than 60 days, or by both.

5 (b) Unless the citation has been voided or otherwise dismissed  
6 by the magistrate, judge, or prosecutor, a person who without lawful  
7 justification or excuse fails to appear in court to answer a citation  
8 issued under AS 08.40.340, regardless of the disposition of the charge  
9 for which the citation was issued, is guilty of a class B misdemeanor.

10 Sec. 08.40.390. EXCLUSIONS. (a) AS 08.40.210 - 08.40.490 do  
11 not apply to a utility or municipality whose employees are engaged in  
12 mechanical work on an integral part of a system owned and operated by  
13 the utility or municipality.

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

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

17 (2) mechanical work, the cost of which does not exceed  
18 \$5,000, involving residences or small commercial establishments in  
19 communities that

20 (A) have a population of under 500; or

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

24 (3) mechanical installation on a single family residence  
25 that is owned by the installer or a member of the installer's immedi-  
26 ate family and not intended for sale at the time of making the instal-  
27 lation;

28 (4) installation outside of a building of water lines or  
29 sanitary, storm, or drain sewer lines.

1           Sec. 08.40.400. PERSONAL SUPERVISION. A person licensed under  
2 AS 08.40.210 - 08.40.490 as a mechanical administrator who contracts  
3 to install or modify mechanical piping and systems, devices, fixtures,  
4 equipment, or other mechanical materials, shall personally inspect  
5 those materials after installation and modification unless the instal-  
6 lation or modification amounts to simple or highly standardized work  
7 performed in less than 24 man-hours by personnel generally under the  
8 supervision of the mechanical administrator.

9           Sec. 08.40.490. DEFINITIONS. In AS 08.40.210 - 08.40.490

10           (1) "department" means the Department of Commerce and  
11 Economic Development except where the context otherwise requires;

12           (2) "manufacture" means fabrication or completion of a  
13 product or mechanical apparatus exclusive of its completion or instal-  
14 lation at a job site;

15           (3) "mechanical administrator" means a person engaged in  
16 the business of, or purporting to be engaged in the business of,  
17 installing or modifying, or contracting to install or modify, mechani-  
18 cal piping and systems, devices, fixtures, equipment, or other mechani-  
19 cal materials subject to the Uniform Plumbing Code, Uniform Swimming  
20 Pool, Spa, and Hot Tub Code, Uniform Solar Energy Code, and the Uni-  
21 form Mechanical Code as published by the International Association of  
22 Plumbing and Mechanical Officials and the International Conference of  
23 Building Officials;

24           (4) "mechanical piping" includes piping fixtures, devices,  
25 and equipment;

26           (5) "utility" means every public, cooperative, or other  
27 corporation, company, individual, or association of individuals, their  
28 lessees, trustees, or receivers appointed by a court, that owns,  
29 operates, manages, or controls a plant or system for

1 (A) furnishing, by generation, transmission, or dis-  
2 tribution, electrical service, fuel gas service, district heat-  
3 ing, sewage disposal, or domestic water service to the public for  
4 compensation;

5 (B) furnishing telecommunications service to the  
6 public for compensation.

7 \* Sec. 10. INITIAL APPOINTMENTS TO THE BOARD. A person is eligible for  
8 an initial appointment to the Board of Mechanical Examiners, created under  
9 sec. 9 of this Act, as a professional member of the board, if at the time  
10 of the appointment the person

11 (1) understands plans, design specifications, and engineering  
12 terms commonly used in mechanical installations and piping;

13 (2) is familiar with mechanical installations and piping and  
14 with mechanical installation problems peculiar to this state; and

15 (3) is familiar with the requirements of the Uniform Plumbing  
16 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy  
17 Code, and Uniform Mechanical Code that are currently in effect in the  
18 state.

19 \* Sec. 11. LICENSURE BY QUALIFICATION. (a) Notwithstanding AS 08.40.-  
20 230, 08.40.270, and 08.40.300, as added by sec. 9 of this Act, a person may  
21 qualify for and receive without examination a license as a mechanical  
22 administrator in those categories of mechanical administration for which  
23 the person is qualified, if the person

24 (1) has functioned as a mechanical administrator in the state  
25 during the two years before the effective date of this section;

26 (2) satisfies the minimum requirements for licensure based on  
27 experience as adopted by regulation by the Board of Mechanical Examiners;  
28 and

29 (3) applies for licensure before July 1, 1989.

1 (b) A person who applies for licensure under this section is exempt  
2 from AS 08.40.260, as added by sec. 9 of this Act, until the person's  
3 application has been accepted or rejected by the Board of Mechanical  
4 Examiners.

5 (c) A license issued under this section is for all purposes a  
6 license issued under AS 08.40.300, as added by sec. 9 of this Act.

7 \* Sec. 12. TRANSITIONAL PROVISION. In addition to the requirements of  
8 AS 08.18.028, added by sec. 3 of this Act, by July 1, 1989, the following  
9 persons must be, or employ a person who is, a licensed mechanical adminis-  
10 trator under AS 08.40, added by sec. 9 of this Act:

11 (1) a person who is a registered mechanical contractor on Ju-  
12 ly 1, 1989;

13 (2) a person who applies before July 1, 1989, to be a registered  
14 mechanical contractor and is issued a certificate of registration after  
15 July 1, 1989.

16 \* Sec. 13. Sections 1, 2, 7, and 9 - 11 of this Act take effect immedi-  
17 ately under AS 01.10.070(c).

18 \* Sec. 14. Sections 4 - 6, 8, and 12 of this Act take effect Decem-  
19 ber 31, 1988.

20 \* Sec. 15. Section 3 of this Act takes effect July 1, 1989.  
21  
22  
23  
24  
25  
26  
27  
28  
29

Original sponsors: Boyer, Boucher  
and Ellis

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 472 (L&C)

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 mechanical administrators and  
7 construction contractors; and providing for an effective  
8 date."

9

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

10

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

11

(28) Board of Mechanical Examiners (AS 08.40.220).

12

\* Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

13

(21) Board of Mechanical Examiners (AS 08.40.220) --

14

June 30, 1992.

15

\* Sec. 3. AS 08.18 is amended by adding a new section to read:

16

Sec. 08.18.028. MECHANICAL CONTRACTORS. (a) The department may

17

not issue a certificate of registration as a mechanical contractor to  
18 an applicant unless the applicant is, or employs, a person currently  
19 licensed as a mechanical administrator under AS 08.40.

20

(b) Each applicant for a mechanical contractor's certificate of  
21 registration may employ more than one mechanical administrator.

22

(c) If the relationship of the only mechanical administrator  
23 with a registered mechanical contractor is terminated, the registra-  
24 tion is void 30 days after the next regularly scheduled mechanical  
25 administrator's examination unless the mechanical contractor has hired  
26 a licensed mechanical administrator in the interim.

27

\* Sec. 4. AS 08.18.041 is amended to read:

28

Sec. 08.18.041. FEES. The department [DEPARTMENT OF COMMERCE

29

AND ECONOMIC DEVELOPMENT] shall set registration and renewal fees

1 under AS 08.01.065 for the following:

- 2 (1) general contractor;  
3 (2) specialty contractor;  
4 (3) mechanical contractor.

5 \* Sec. 5. AS 08.18.071(b) is amended to read:

6 (b) If the applicant is a general contractor, the amount of the  
7 bond shall be \$10,000; if the applicant is a mechanical contractor,  
8 the amount of the bond shall be \$7,500; if the applicant is a special-  
9 ty contractor, the amount of the bond shall be \$5,000. In lieu of the  
10 surety bond the applicant may file with the commissioner a cash depos-  
11 it or other negotiable security acceptable to the commissioner in the  
12 amount specified for bonds.

13 \* Sec. 6. AS 08.18.171(3) is repealed and reenacted to read:

14 (3) "contractor" means a person who, in the pursuit of an  
15 independent business, undertakes or offers to perform, or claims to  
16 have the capacity to perform, or submits a bid for a project to con-  
17 struct, alter, repair, move, or demolish a building, highway, road,  
18 railroad, or any type of fixed structure, including excavation and  
19 site development and erection of scaffolding; "contractor" includes a  
20 general contractor, builder, mechanical contractor, speciality con-  
21 tractor, and subcontractor;

22 \* Sec. 7. AS 08.18.171 is amended by adding a new paragraph to read:

23 (5) "trade" means a skill used in the field of construc-  
24 tion, as defined by regulation by the department.

25 \* Sec. 8. AS 08.18.171 is amended by adding new paragraphs to read:

26 (6) "builder" means general contractor;

27 (7) "general contractor" means a contractor whose business  
28 operations require the use of more than three trades or the use of  
29 mechanical or specialty contractors and subcontractors who are under

1 the supervision of the contractor;

2 (8) "mechanical contractor" means a contractor whose busi-  
3 ness operations involve plumbing, pipe fitting, sheet metal, heating,  
4 air conditioning, ventilating, or sprinkler and dry chemical fire  
5 protection trades in order to install or modify mechanical piping and  
6 systems, devices, fixtures, and equipment or other mechanical mate-  
7 rials subject to the following codes as published by the International  
8 Association of Plumbing and Mechanical Officials or the International  
9 Conference of Building Officials:

10 (A) Uniform Plumbing Code;

11 (B) Uniform Swimming Pool, Spa, and Hot Tub Code;

12 (C) Uniform Solar Energy Code; and

13 (D) Uniform Mechanical Code;

14 (9) "specialty contractor" means a contractor, other than a  
15 mechanical contractor, whose business operations require the use of  
16 not more than three trades.

17 \* Sec. 9. AS 08.40 is amended by adding new sections to read:

18 ARTICLE 4. MECHANICAL ADMINISTRATORS.

19 Sec. 08.40.210. PURPOSE. The purpose of AS 08.40.210 - 08.40.-  
20 490 is to protect the safety of people and property in the state from  
21 the danger of improperly installed or modified mechanical systems by  
22 providing a procedure to

23 (1) assure the public that persons responsible for making  
24 mechanical installations in this state are qualified; and

25 (2) assure that a sufficient number of persons are so  
26 qualified.

27 Sec. 08.40.220. BOARD OF MECHANICAL EXAMINERS. (a) There is  
28 created the Board of Mechanical Examiners consisting of three members.  
29 Two members of the board shall be licensed mechanical administrators

1 and one member shall be a public member.

2 (b) The members of the board shall elect one of its members as  
3 chair.

4 (c) The board shall meet at least annually. The board may hold  
5 other meetings at the call of the chair.

6 Sec. 08.40.230. CATEGORIES OF LICENSES. The board may adopt  
7 regulations establishing categories of mechanical administrators,  
8 qualifications for those categories, and the content of examinations  
9 for applicants for each category.

10 Sec. 08.40.240. REGULATIONS. The board shall adopt regulations  
11 under the Administrative Procedure Act (AS 44.62), relating to the ex-  
12 amination and licensing of mechanical administrators, the establishing  
13 of the continued competency of licensees for license renewal and  
14 reinstatement, and the suspension or revocation of licenses.

15 Sec. 08.40.250. EXAMINATIONS. The board shall conduct licensing  
16 examinations at least twice each year at appropriate places in the  
17 state.

18 Sec. 08.40.260. LICENSE REQUIRED. (a) A person may not act as  
19 a mechanical administrator without a license.

20 (b) A person licensed under AS 08.40.210 - 08.40.490 may perform  
21 work only in a category for which the person is licensed.

22 Sec. 08.40.270. EXAMINATION OF APPLICANT. (a) Each applicant  
23 shall be examined to determine the applicant's

24 (1) ability to understand plans, design specifications, and  
25 engineering terms commonly used in the mechanical field;

26 (2) knowledge of mechanical installations and piping;

27 (3) familiarity with the requirements of the Uniform Plumb-  
28 ing Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar  
29 Energy Code, and the Uniform Mechanical Code currently in effect in

1 the state;

2 (4) familiarity with mechanical installation problems and  
3 the usages of the trade peculiar to this state; and

4 (5) personal skill and ability.

5 (b) If an applicant for a license submits proof satisfactory to  
6 the board that the applicant is licensed as a mechanical administrator  
7 or the equivalent by another state or territory, meets qualifications  
8 established by the board under AS 08.40.230, and has passed an ex-  
9 amination equivalent to the test administered under (a) of this sec-  
10 tion except insofar as that examination tests knowledge and skill  
11 particularly required to meet the environment and usages of the trade  
12 peculiar to this state, the board shall waive all of the examination  
13 required under (a) of this section except those parts that test knowl-  
14 edge and skill particularly required to meet the environment and  
15 usages of the trade peculiar to this state.

16 Sec. 08.40.280. ADMINISTRATOR LIMITED TO ONE LICENSED CONTRAC-  
17 TOR. A person may not qualify or operate as a mechanical adminis-  
18 trator for more than one registered contractor, corporation, joint  
19 venture, or other business entity.

20 Sec. 08.40.290. RENEWAL AND REINSTATEMENT. (a) A license  
21 issued under AS 08.40.210 - 08.40.490 is nontransferable and, unless  
22 revoked or suspended, may be renewed upon proof of continued com-  
23 petency.

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

1           Sec. 08.40.300. ISSUANCE AND DISPLAY OF LICENSE. An applicant  
2 who successfully passes the examination shall receive a certificate of  
3 license. The licensee shall prominently display the certificate,  
4 while in effect, in the licensee's principal place of business.

5           Sec. 08.40.310. FEES. Each applicant and each licensee shall  
6 pay application and renewal fees established under AS 08.01.065.

7           Sec. 08.40.320. DENIAL, SUSPENSION, AND REVOCATION OF LICENSE.

8 (a) The board may take disciplinary action against a licensee or  
9 applicant upon a finding that

10           (1) the application is fraudulent or misleading;

11           (2) the licensee has knowingly violated AS 08.40.210 -  
12 08.40.490 or a lawful rule, order, or regulation of the board or the  
13 department; or

14           (3) the licensee is incompetent or has engaged in fraudu-  
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16           (b) Notice of a proposed denial, suspension, or revocation of  
17 license shall be in writing and shall state the grounds.

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19 license shall be governed by the Administrative Procedure Act  
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26 work is being done. A department may make inquiries about the identi-  
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1 or that person's representative, shall produce evidence of current  
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15 person cited requests an earlier hearing.

16 (c) The Department of Commerce and Economic Development and the  
17 Department of Labor are responsible for the issuance of books contain-  
18 ing appropriate citations, and each shall maintain a record of each  
19 book issued and each citation contained in it. Each department shall  
20 require and retain a receipt for every book issued to an employee of  
21 that department.

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  
24 having jurisdiction over the alleged offense. Upon its deposit with  
25 the court, the citation may be disposed of only by trial in the court  
26 or other official action taken by the magistrate, judge, or prosecu-  
27 tor. The department that issued the citation may not dispose of it or  
28 copies of it or of the record of its issuance except as required under  
29 this subsection and (e) of this section.

1 (e) The Department of Commerce and Economic Development and the  
2 Department of Labor shall require the return of a copy of every cita-  
3 tion issued by the respective department under AS 08.40.340 and of all  
4 copies of every citation that has been spoiled or upon which an entry  
5 has been made and not issued to an alleged violator. The departments  
6 shall also maintain, in connection with every citation issued by the  
7 respective department, a record of the disposition of the charge by  
8 the court where the original or copy of the citation was deposited.

9 (f) If the form of citation issued under AS 08.40.340 includes  
10 the essential facts constituting the offense charged, and if the  
11 citation is sworn to as required under the laws of this state for a  
12 complaint charging commission of the offense alleged in the citation,  
13 then the citation when filed with a court having jurisdiction is  
14 considered to be a lawful complaint for the purpose of prosecution.

15 Sec. 08.40.360. CEASE AND DESIST ORDER. (a) If the  
16 commissioner of commerce and economic development determines that a  
17 person is acting as a mechanical administrator in violation of  
18 AS 08.40.210 - 08.40.490 the commissioner may issue a cease and desist  
19 order prohibiting further action by the person as a mechanical  
20 administrator. The cease and desist order remains in effect until the  
21 person has submitted evidence acceptable to the commissioner showing  
22 that the violation has been corrected.

23 (b) A person affected by an order issued under (a) of this  
24 section may seek equitable relief preventing the commissioner of  
25 commerce and economic development from enforcing the order.

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1 AS 08.40.210 - 08.40.490, or who knowingly violates a valid rule,  
2 regulation, or order of the board or the department, is guilty of a  
3 misdemeanor, and upon conviction is punishable by a fine of not more  
4 than \$300, or by imprisonment for not more than 60 days, or by both.

5 (b) Unless the citation has been voided or otherwise dismissed  
6 by the magistrate, judge, or prosecutor, a person who without lawful  
7 justification or excuse fails to appear in court to answer a citation  
8 issued under AS 08.40.340, regardless of the disposition of the charge  
9 for which the citation was issued, is guilty of a class B misdemeanor.

10 Sec. 08.40.390. EXCLUSIONS. (a) AS 08.40.210 - 08.40.490 do  
11 not apply to a utility or municipality engaged in

12 (1) mechanical construction and maintenance of mechanical  
13 systems and equipment for the generation and distribution of elec-  
14 trical current or generation and distribution of district heating when  
15 the mechanical work is performed on an integral part of a system owned  
16 and operated by that utility or municipal light and power department  
17 and when the work is performed by employees of the utility or munici-  
18 pality;

19 (2) mechanical construction and maintenance of mechanical  
20 systems and equipment for the distribution of fuel gas when the me-  
21 chanical work is performed on an integral part of the distribution  
22 system owned and operated by the utility or municipality and when the  
23 work is performed by employees of the utility or municipality.

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

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

27 (2) mechanical work, the cost of which does not exceed  
28 \$5,000, involving residences or small commercial establishments in  
29 communities that

1 (A) have a population of under 500; or  
2 (B) are over 50 miles by air or water transportation  
3 from the business place of a mechanical administrator licensed  
4 under AS 08.40.210 - 08.40.490;

5 (3) mechanical installation on a single family residence  
6 that is owned by the installer or a member of the installer's immedi-  
7 ate family and not intended for sale at the time of making the instal-  
8 lation;

9 (4) installation outside of a building of water lines or  
10 sanitary, storm, or drain sewer lines.

11 Sec. 08.40.400. PERSONAL SUPERVISION. A person licensed under  
12 AS 08.40.210 - 08.40.490 as a mechanical administrator who contracts  
13 to install or modify mechanical piping and systems, devices, fixtures,  
14 equipment, or other mechanical materials, shall personally inspect  
15 those materials after installation and modification unless the  
16 installation or modification amounts to simple or highly standardized  
17 work performed in less than 24 man-hours by personnel generally under  
18 the supervision of the mechanical administrator.

19 Sec. 08.40.490. DEFINITIONS. In AS 08.40.210 - 08.40.490

20 (1) "department" means the Department of Commerce and  
21 Economic Development except where the context otherwise requires;

22 (2) "manufacture" means fabrication or completion of a  
23 product or mechanical apparatus exclusive of its completion or instal-  
24 lation at a job site;

25 (3) "mechanical administrator" means a person engaged in  
26 the business of, or purporting to be engaged in the business of,  
27 installing or modifying, or contracting to install or modify, mechani-  
28 cal piping and systems, devices, fixtures, equipment, or other mechan-  
29 ical materials subject to the Uniform Plumbing Code, Uniform Swimming

1 Pool, Spa, and Hot Tub Code, Uniform Solar Energy Code, and the Uni-  
2 form Mechanical Code as published by the International Association of  
3 Plumbing and Mechanical Officials and the International Conference of  
4 Building Officials;

5 (4) "mechanical piping" includes piping fixtures, devices,  
6 and equipment;

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

11 (A) furnishing, by generation, transmission, or dis-  
12 tribution, electrical service, fuel gas service, district heat-  
13 ing, sewage disposal, or domestic water service to the public for  
14 compensation;

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

17 \* Sec. 10. INITIAL APPOINTMENTS TO THE BOARD. A person is eligible for  
18 an initial appointment to the Board of Mechanical Examiners, created under  
19 sec. 9 of this Act, as a professional member of the board, if at the time  
20 of the appointment the person

21 (1) understands plans, design specifications, and engineering  
22 terms commonly used in mechanical installations and piping;

23 (2) is familiar with mechanical installations and piping and  
24 with mechanical installation problems peculiar to this state; and

25 (3) is familiar with the requirements of the Uniform Plumbing  
26 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy  
27 Code, and Uniform Mechanical Code that are currently in effect in the  
28 state.

29 \* Sec. 11. TRANSITIONAL PROVISION. In addition to the requirements of

1 AS 08.18.028, added by sec. 3 of this Act, by July 1, 1989, the following  
2 persons must be, or employ a person who is, a licensed mechanical adminis-  
3 trator under AS 08.40, added by sec. 9 of this Act:

4 (1) a person who is a registered mechanical contractor on  
5 July 1, 1989;

6 (2) a person who applies before July 1, 1989, to be a registered  
7 mechanical contractor and is issued a certificate of registration after  
8 July 1, 1989.

9 \* Sec. 12. Sections 1, 2, 7, 9, and 10 of this Act take effect immedi-  
10 ately under AS 01.10.070(c).

11 \* Sec. 13. Sections 4 - 6, 8 and 11 of this Act take effect Decem-  
12 ber 31, 1988.

13 \* Sec. 14. Section 3 of this Act takes effect July 1, 1989.

1 IN THE HOUSE

BY BOYER, BOUCHER AND  
ELLIS

2

HOUSE BILL NO. 472

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 mechanical administrators."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 08.40 is amended by adding new sections to read:

9

ARTICLE 4. MECHANICAL ADMINISTRATORS.

10

Sec. 08.40.210. PURPOSE. The purpose of AS 08.40.210 - 08.40.-

11

490 is to protect the safety of people and property in the state from

12

the danger of improperly installed or modified mechanical systems by

13

providing a procedure to

14

(1) assure the public that persons responsible for making

15

mechanical installations in this state are qualified; and

16

(2) assure that a sufficient number of persons are so

17

qualified.

18

Sec. 08.40.220. BOARD OF MECHANICAL EXAMINERS. (a) There is

19

created the Board of Mechanical Examiners consisting of three members.

20

Two members of the board shall be licensed mechanical administrators

21

and one member shall be a public member.

22

(b) The members of the board shall elect one of its members as

23

chair.

24

(c) The board shall meet at least annually. The board may hold

25

other meetings at the call of the chair.

26

Sec. 08.40.230. CATEGORIES OF LICENSES. The board may adopt

27

regulations establishing categories of mechanical administrators,

28

qualifications for those categories, and the content of examinations

29

for applicants for each category.

1           Sec. 08.40.240. REGULATIONS. The board shall adopt regulations  
2 under AS 44.62 (Administrative Procedure Act), relating to the ex-  
3 amination and licensing of mechanical administrators, the establishing  
4 of the continued competency of licensees for license renewal and  
5 reinstatement, and the suspension or revocation of licenses.

6           Sec. 08.40.250. EXAMINATIONS. The board shall conduct licensing  
7 examinations at least twice each year at appropriate places in the  
8 state.

9           Sec. 08.40.260. INSPECTION OR INVESTIGATION BY BOARD. The board  
10 may

11           (1) make or have made a special inspection or investigation  
12 into the work of a licensee that it considers necessary;

13           (2) issue subpoenas and process compelling the attendance  
14 of a person and the production of papers or books, for the purpose of  
15 the investigation and examination;

16           (3) administer oaths when required; and

17           (4) petition a court of the state to enforce subpoenas and  
18 process or to compel testimony.

19           Sec. 08.40.270. LICENSE REQUIRED. (a) A person may not act as  
20 a mechanical administrator without a license.

21           (b) A person licensed under AS 08.40.210 - 08.40.490 may perform  
22 work only in a category for which the person is licensed.

23           Sec. 08.40.280. EXAMINATION OF APPLICANT. (a) Each applicant  
24 shall be examined to determine the applicant's

25           (1) ability to understand plans, design specifications, and  
26 engineering terms commonly used in the mechanical field;

27           (2) knowledge of mechanical installations and piping;

28           (3) familiarity with the requirements of the Uniform Plumb-  
29 ing Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar

1 Energy Code, and the Uniform Mechanical Code currently in effect in  
2 the state;

3 (4) familiarity with mechanical installation problems and  
4 the usages of the trade peculiar to this state; and

5 (5) personal skill and ability.

6 (b) If an applicant for a license submits proof satisfactory to  
7 the board that the applicant is licensed as a mechanical administrator  
8 or the equivalent by another state or territory, meets qualifications  
9 established by the board under AS 08.40.230, and has passed an ex-  
10 amination equivalent to the test administered under (a) of this sec-  
11 tion except insofar as that examination tests knowledge and skill  
12 particularly required to meet the environment and usages of the trade  
13 peculiar to this state, the board shall waive all of the examination  
14 required under (a) of this section except those parts that test knowl-  
15 edge and skill particularly required to meet the environment and  
16 usages of the trade peculiar to this state.

17 Sec. 08.40.290. ADMINISTRATOR LIMITED TO ONE LICENSED CONTRAC-  
18 TOR. A person may not qualify or operate as a mechanical adminis-  
19 trator for more than one registered contractor, corporation, joint  
20 venture, or other business entity.

21 Sec. 08.40.300. RENEWAL AND REINSTATEMENT. (a) A license  
22 issued under AS 08.40.210 - 08.40.490 is nontransferable and, unless  
23 revoked or suspended, may be renewed upon proof of continued com-  
24 petency.

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

1 under AS 08.40.280.

2 Sec. 08.40.310. ISSUANCE AND DISPLAY OF LICENSE. An applicant  
3 who successfully passes the examination shall receive a certificate of  
4 license. The licensee shall prominently display the certificate,  
5 while in effect, in the licensee's principal place of business.

6 Sec. 08.40.320. FEES. Each applicant and each licensee shall  
7 pay application and renewal fees established under AS 08.01.065.

8 Sec. 08.40.330. DENIAL, SUSPENSION, AND REVOCATION OF LICENSE.

9 (a) The board may take disciplinary action against a licensee or  
10 applicant upon a finding that

11 (1) the application is fraudulent or misleading;

12 (2) the licensee has knowingly violated AS 08.40.210 -  
13 08.40.490 or a lawful rule, order, or regulation of the board or the  
14 department; or

15 (3) the licensee is incompetent or has engaged in fraudu-  
16 lent practices.

17 (b) Notice of a proposed denial, suspension, or revocation of  
18 license shall be in writing and shall state the grounds.

19 (c) Proceedings for the denial, suspension, or revocation of a  
20 license shall be governed by AS 44.62 (Administrative Procedure Act).

21 Sec. 08.40.340. INVESTIGATIONS. Either the Department of  
22 Commerce and Economic Development or the Department of Labor may  
23 investigate alleged or apparent violations of AS 08.40.210 - 08.40.-  
24 490. A department, upon showing proper credentials, may enter, during  
25 regular hours of work, a construction site where it appears that  
26 mechanical work is being done. A department may make inquiries about  
27 the identity of the mechanical administrator or the person acting in  
28 the capacity of a mechanical administrator. Upon demand, a mechanical  
29 administrator or person acting in the capacity of a mechanical

1 administrator, or that person's representative, shall produce evidence  
2 of current licensure.

3 Sec. 08.40.350. ISSUANCE OF CITATIONS. Either the Department of  
4 Commerce and Economic Development or the Department of Labor may issue  
5 a citation for a violation if there is probable cause to believe a  
6 person has violated AS 08.40.210 - 08.40.490. Each day a violation  
7 continues after a citation for the violation has been issued consti-  
8 tutes a separate violation.

9 Sec. 08.40.360. PROCEDURE AND FORM OF CITATION. (a) A citation  
10 issued under AS 08.40.350 must be in writing. A person receiving the  
11 citation is not required to sign a notice to appear in court.

12 (b) The time specified in the notice to appear on a citation  
13 issued under AS 08.40.350 must be at least five days, not including  
14 weekends and holidays, after the issuance of the citation, unless the  
15 person cited requests an earlier hearing.

16 (c) The Department of Commerce and Economic Development and the  
17 Department of Labor are responsible for the issuance of books contain-  
18 ing appropriate citations, and each shall maintain a record of each  
19 book issued and each citation contained in it. Each department shall  
20 require and retain a receipt for every book issued to an employee of  
21 that department.

22 (d) The department that issues a citation under AS 08.40.350  
23 shall deposit the original or a copy of the citation with a court  
24 having jurisdiction over the alleged offense. Upon its deposit with  
25 the court, the citation may be disposed of only by trial in the court  
26 or other official action taken by the magistrate, judge, or prosecu-  
27 tor. The department that issued the citation may not dispose of it or  
28 copies of it or of the record of its issuance except as required under  
29 this subsection and (e) of this section.

1 (e) The Department of Commerce and Economic Development and the  
2 Department of Labor shall require the return of a copy of every cita-  
3 tion issued by the respective department under AS 08.40.350 and of all  
4 copies of every citation that has been spoiled or upon which an entry  
5 has been made and not issued to an alleged violator. The departments  
6 shall also maintain, in connection with every citation issued by the  
7 respective department, a record of the disposition of the charge by  
8 the court where the original or copy of the citation was deposited.

9 (f) If the form of citation issued under AS 08.40.350 includes  
10 the essential facts constituting the offense charged, and if the  
11 citation is sworn to as required under the laws of this state for a  
12 complaint charging commission of the offense alleged in the citation,  
13 then the citation when filed with a court having jurisdiction is  
14 considered to be a lawful complaint for the purpose of prosecution.

15 Sec. 08.40.370. CEASE AND DESIST ORDER. (a) If the commis-  
16 sioner of commerce and economic development determines that a person  
17 is acting as a mechanical administrator in violation of AS 08.40.210 -  
18 08.40.490 the commissioner may issue a cease and desist order pro-  
19 hibiting further action by the person as a mechanical administrator.  
20 The cease and desist order remains in effect until the person has  
21 submitted evidence acceptable to the commissioner showing that the  
22 violation has been corrected.

23 (b) A person affected by an order issued under (a) of this  
24 section may seek equitable relief preventing the commissioner of  
25 commerce and economic development from enforcing the order.

26 Sec. 08.40.380. INJUNCTIVE RELIEF. The commissioner of commerce  
27 and economic development may seek an injunction in the superior court  
28 to enjoin a person from violating AS 08.40.210 - 08.40.490.

29 Sec. 08.40.390. PENALTIES. (a) A person who knowingly violates

1 AS 08.40.210 - 08.40.490, or who knowingly violates a valid rule,  
2 regulation, or order of the board or the department, is guilty of a  
3 misdemeanor, and upon conviction is punishable by a fine of not more  
4 than \$300, or by imprisonment for not more than 60 days, or by both.

5 (b) Unless the citation has been voided or otherwise dismissed  
6 by the magistrate, judge, or prosecutor, a person who without lawful  
7 justification or excuse fails to appear in court to answer a citation  
8 issued under AS 08.40.350, regardless of the disposition of the charge  
9 for which the citation was issued, is guilty of a class B misdemeanor.

10 Sec. 08.40.400. EXCLUSIONS. (a) Except for inspections au-  
11 thorized under AS 08.40.260, 08.40.210 - 08.40.490 do not apply to a  
12 utility or municipality engaged in

13 (1) mechanical construction and maintenance of mechanical  
14 systems and equipment for the generation and distribution of elec-  
15 trical current or generation and distribution of district heating when  
16 the mechanical work is performed on an integral part of a system owned  
17 and operated by that utility or municipal light and power department  
18 and when the work is performed by employees of the utility or munici-  
19 pality;

20 (2) mechanical construction and maintenance of mechanical  
21 systems and equipment for the distribution of fuel gas when the  
22 mechanical work is performed on an integral part of the distribution  
23 system owned and operated by the utility or municipality and when the  
24 work is performed by employees of the utility or municipality.

25 (b) Except for inspections authorized under AS 08.40.260,  
26 08.40.210 - 08.40.490 do not apply to a person engaged in

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

29 (2) mechanical work, the cost of which does not exceed

1       ~~§ 8.40.400~~, involving residences or small commercial establishments in  
2 communities that

3               (A) have a population of under 500; or

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

7               (3) mechanical installation on a single family residence  
8 that is owned by the installer or a member of the installer's immedi-  
9 ate family and not intended for sale at the time of making the instal-  
10 lation;

11              (4) installation outside of a building of water lines or  
12 sanitary, storm, or drain sewer lines.

13              Sec. 08.40.410. PERSONAL SUPERVISION. A person licensed under  
14 AS 08.40.210 - 08.40.490 as a mechanical administrator who contracts  
15 to install or modify mechanical piping and systems, devices, fixtures,  
16 equipment, or other mechanical materials, shall personally inspect  
17 those materials after installation and modification unless the instal-  
18 lation or modification amounts to simple or highly standardized work  
19 performed in less than 24 man-hours by personnel generally under the  
20 supervision of the mechanical administrator.

21              Sec. 08.40.490. DEFINITIONS. In AS 08.40.210 - 08.40.490

22              (1) "department" means the Department of Commerce and  
23 Economic Development except where the context otherwise requires;

24              (2) "manufacture" means fabrication or completion of a  
25 product or mechanical apparatus exclusive of its completion or instal-  
26 lation at a job site;

27              (3) "mechanical administrator" means a person engaged in  
28 the business of, or purporting to be engaged in the business of,  
29 installing or modifying, or contracting to install or modify,

1 mechanical piping and systems, devices, fixtures, equipment, or other  
2 mechanical materials subject to the Uniform Plumbing Code, Uniform  
3 Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy Code, and  
4 the Uniform Mechanical Code as published by the International Associa-  
5 tion of Plumbing and Mechanical Officials and the International Con-  
6 ference of Building Officials;

7 (4) "mechanical piping" includes piping fixtures, devices,  
8 and equipment;

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

13 (A) furnishing, by generation, transmission, or dis-  
14 tribution, electrical service, fuel gas service, district heat-  
15 ing, sewage disposal, or domestic water service to the public for  
16 compensation;

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

19 \* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

20 (28) Board of Mechanical Examiners (AS 08.40.220).

21 \* Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:

22 (21) Board of Mechanical Examiners (AS 08.40.220) --

23 June 30, 1992.

24 \* Sec. 4. INITIAL APPOINTMENTS TO THE BOARD. A person is eligible for  
25 an initial appointment to the Board of Mechanical Examiners, created under  
26 sec. 1 of this Act, as a professional member of the board, if at the time  
27 of the appointment the person

28 (1) understands plans, design specifications, and engineering  
29 terms commonly used in mechanical installations and piping;

1           (2) is familiar with mechanical installations and piping and  
2 with mechanical installation problems peculiar to this state; and

3           (3) is familiar with the requirements of the Uniform Plumbing  
4 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy  
5 Code, and Uniform Mechanical Code that are currently in effect in the  
6 state.