

## EXEMPTIONS TO REGISTRATION OR CERTIFICATION REQUIREMENTS

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ESSB 5831 (as passed House) would have established requirements for registration of HVAC/R contractors, and for certification of HVAC/R mechanics and various specialty mechanics. The bill also would have established three exemptions from the contractor registration requirement, fifteen permanent exemptions from the mechanic certification requirement, and one temporary exemption from the mechanic certification requirement.

In ESSB 5831 (as enacted), the Legislature directed the Task Force to review specified issues, including "exemptions to the registration or certification requirements." The Executive Committee specified that the review "be focused on exemptions in ESSB 5831 (as passed House) that are in dispute."

For purposes of the review, relevant excerpts from ESSB 5831 (as passed House) are set forth below. Exemptions known to be "in dispute" are outlined and shaded.

### Exemptions to Registration Requirements

#### NEW SECTION. **Sec. 3** CONTRACTOR REGISTRATION--CONCURRENT REGISTRATION--REQUIREMENTS.

(1) - (5) (omitted)

(6) This section does not apply to:

- (a) A person who is contracting for HVAC/R work on his or her own residence;
- (b) A person whose employees perform only HVAC/R work exempted under section 5 of this act; or
- (c) A person who is specifically exempted under RCW 18.27.090 from contractor registration requirements.

### Exemptions to Certification Requirements

#### NEW SECTION. **Sec. 5** EXEMPTIONS FROM CERTIFICATION.

(1) The provisions of section 4(1) of this act do not apply to a person:

- (a) Cleaning or replacing air filters, lubricating bearings, replacing fan belts, cleaning evaporators or condensers, cleaning cooling towers, or equipment logging on any HVAC/R equipment or systems;
- (b) Performing HVAC/R work on HVAC/R equipment or systems that: (i) Contain six pounds or less of any refrigerant and is actuated by a motor or engine having a standard rating of one-quarter horsepower or less; or (ii) are an absorption system that has a rating of one-quarter ton or less refrigeration effect;

(c) Setting oil tanks and related piping to a furnace;

(d) Setting propane tanks and related piping outside a building;

(e) Performing gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH while holding a valid journeyman plumber certificate issued under chapter 18.106 RCW or a valid specialty plumber certificate issued under chapter 18.106 RCW for performing services in RCW 18.106.010(10)(a);

(f) Performing HVAC/R work at his or her residence, farm, place of business, or on other property owned by him or her, unless the HVAC/R work is performed in the construction of a new building intended for rent, sale, or lease;

(g) Performing HVAC/R work on his or her own property or to regularly employed persons working on the premises of their employer, unless the HVAC/R work is performed in the construction of a new building intended for rent, sale, or lease. However, in a city with a population of five hundred thousand or more, it is unlawful for any person to perform or offer to perform the scope of work described in section 11(3) of this act without having been issued a valid HVAC/R operator certificate under this chapter;

(h) Performing HVAC/R work for or on behalf of a gas company when such work is (i) incidental to the business of delivering fuel gas to the premises or (ii) performed pursuant to any tariff on file with the state utilities and transportation commission;

(i) Licensed under chapter 18.08 or 18.43 RCW who is designing HVAC/R equipment or systems, but who is not otherwise performing HVAC/R work;

(j) Making a like-in-kind replacement of a household appliance;

(k) Installing wood or pellet stoves, including directly related venting such as a chimney or flue;

(l) Performing minor flexible ducting repairs in a single-family residential structure;

(m) Performing cleaning, repair, or replacement of fuel oil filters and nozzles of an oil heat burner assembly;

(n) Making like-in-kind replacement of an oil heat furnace in a single-family residential structure and the associated fittings necessary to connect the replacement oil heat furnace to existing ductwork in a single-family residential structure; or

(o) Installing, replacing, and servicing hearth products. As used in this subsection, "installing and replacing" means removing and setting the hearth product pursuant to manufacturer instructions and specifications, connecting a hearth product with or disconnecting the hearth product from an approved flexible gas supply line not to exceed thirty-six inches in length, and installing or uninstalling venting that is directly related to the hearth product and that has been provided in the same packaging of the hearth product by the manufacturer.

(2) (omitted)

**NEW SECTION. Sec. 6 TEMPORARY EXEMPTION FROM CERTIFICATION.**

(1) Except for persons performing refrigeration work in a city with a population of five hundred thousand or more, the provisions of section 4(1) of this act do not apply to a person performing refrigeration work on a refrigeration system:

(a) Using only class A1 refrigerants;

(b) Used primarily for the refrigeration of food products; and

(c) Physically located in an establishment whose North American industry classification system code is within "445."

(2) - (3) (omitted)

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