

Statutes and Regulations **Mechanical** **Administrators**

May 2009

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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CHAPTER 40.
MECHANICAL ADMINISTRATORS.

Article

2. Licensing and Regulation of Mechanical Administrators (§§ 08.40.210 – 08.40.490)

ARTICLE 2.
LICENSING AND REGULATION OF
MECHANICAL ADMINISTRATORS.

Section

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Sec. 08.40.210. Purpose of AS 08.40.210 - 08.40.490. The purpose of AS 08.40.210 - 08.40.490 is to protect the safety of people and property in the state from the danger of improperly installed or modified mechanical systems by providing a procedure to

- (1) assure the public that persons responsible for making mechanical installations in this state are qualified; and
- (2) assure that a sufficient number of persons are so qualified.

Sec. 08.40.230. Categories of licenses. The department may adopt regulations establishing categories of mechanical administrators, qualifications for those categories, and the content of examinations for applicants for each category.

Sec. 08.40.240. Regulations. The department shall adopt regulations under AS 44.62 (Administrative Procedure Act), relating to the examination and licensing of mechanical administrators, the establishing of the continued competency of licensees for license renewal and reinstatement.

Sec. 08.40.250. Examinations. The department shall conduct licensing examinations at least twice each year at appropriate places in the state.

Sec. 08.40.260. License required. (a) A person may not act as a mechanical administrator without a license unless the person is covered by an exclusion under AS 08.40.390.

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

Sec. 08.40.270. Examination of applicant. (a) Each applicant shall be examined to determine the applicant's

- (1) ability to understand plans, design specifications, and engineering terms commonly used in the mechanical field;
- (2) knowledge of mechanical installations and piping;

(3) familiarity with the requirements of the Uniform Plumbing Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy Code, and the Uniform Mechanical Code currently in effect in the state;

(4) *repealed*;

(5) personal skill and ability.

(b) If an applicant for a license submits proof satisfactory to the department that the applicant is licensed as a mechanical administrator or the equivalent by another state or territory, meets qualifications established by the department under AS 08.40.230, and has passed an examination equivalent to the test administered under (a) of this section, the department shall waive all of the examination required under (a) of this section.

Sec. 08.40.280. Administrator limited to one licensed contractor. A person may not qualify or operate as a mechanical administrator for more than one registered contractor, corporation, joint venture, or other business entity, unless the municipality or community where the person qualifies or operates as a mechanical administrator is the principal place of business of fewer than three mechanical administrators.

Sec. 08.40.290. Renewal and reinstatement. (a) A license issued under AS 08.40.210 – 08.40.490 is nontransferable and, unless revoked or suspended, may be renewed on a date set by the department upon proof of continued competency.

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

Sec. 08.40.300. Issuance and possession of license. An applicant who successfully passes the examination shall receive a license. The licensee shall have the license in immediate possession at all times when performing activities for which the license is required and shall present the license for inspection upon the demand of an authorized representative of the department identified as such to the licensee by the representative.

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

Sec. 08.40.320. Disciplinary actions. (a) The department may take the disciplinary action set out in (d) of this section upon a finding that

(1) the license application is fraudulent or misleading;

(2) the licensee has knowingly violated AS 08.40.210 – 08.40.490, a code listed in AS 08.40.490(3)(A), or an order or regulation of the department; or

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

(b) Notice of a proposed disciplinary action under this section shall be in writing and shall state the grounds.

(c) Proceedings for a disciplinary action under this section shall be governed by AS 44.62 (Administrative Procedure Act).

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

(1) refuse to issue a license;

(2) permanently revoke a license;

(3) suspend a license for a specified period;

(4) censure or reprimand a licensee;

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

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

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

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

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

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

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

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

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

Sec. 08.40.330. Investigations. The department may investigate alleged or apparent violations of AS 08.40.210 – 08.40.490. The department, upon showing proper credentials, may enter, during regular hours of work, a construction site where it appears that mechanical work is being done. The department may make inquiries about the identity of the mechanical administrator or the person acting in the capacity of a mechanical administrator. Upon demand, a mechanical administrator or person acting in the capacity of a mechanical administrator, or that person's representative, shall produce evidence of current licensure.

Sec. 08.40.340. Issuance of citations. The department may issue a citation for a violation if there is probable cause to believe a person has violated AS 08.40.210 – 08.40.490. Each day a violation continues after a citation for the violation has been issued constitutes a separate violation.

Sec. 08.40.350. Procedure and form of citation. (a) A citation issued under AS 08.40.340 must be in writing. A person receiving the citation is not required to sign a notice to appear in court.

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

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

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

(e) The department shall require the return of a copy of every citation issued under AS 08.40.340 and of all copies of every citation that has been spoiled or upon which an entry has been made and not issued to an alleged violator. The department shall also maintain, in connection with every citation issued by the department, a record of the disposition of the charge by the court where the original or copy of the citation was deposited.

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

Sec. 08.40.360. Cease and desist order. (a) If the commissioner of commerce, community, and economic development determines that a person is acting as a mechanical administrator in violation of AS 08.40.210 – 08.40.490 the commissioner may issue a cease and desist order prohibiting further action by the person as a mechanical administrator. The cease and desist order remains in effect until the person has submitted evidence acceptable to the commissioner showing that the violation has been corrected.

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

Sec. 08.40.370. Injunctive relief. The commissioner of commerce, community, and economic development may seek an injunction in the superior court to enjoin a person from violating AS 08.40.210 – 08.40.490.

Sec. 08.40.380. Penalties. (a) A person who knowingly violates AS 08.40.210 – 08.40.490, or who knowingly violates a regulation or order of the department or a code listed in AS 08.40.490(3)(A) that was in effect at the time the installation or repair was made, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$5,000.

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

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

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

- (1) the manufacture or repair of mechanical apparatus or equipment;
- (2) mechanical work, the cost of which does not exceed \$50,000, involving residences or small commercial establishments in communities that
 - (A) have a population of under 5,000 according to the latest available federal or state census or other census approved by the Department of Commerce, Community, and Economic Development; or
 - (B) are over 50 miles by air or water transportation from the business place of a mechanical administrator licensed under AS 08.40.210 – 08.40.490;
- (3) mechanical installation on a single-family residence or a two-family residence that is not intended for sale at the time of making the installation;
- (4) installation of water lines or sanitary, storm, or drain sewer lines more than five feet from a building;
- (5) mechanical maintenance or repair work if the work is performed by the person as an employee of an owner or tenant of commercial property as part of the employee’s work duties with respect to the property but is not offered or performed as a service to the public;
- (6) design, installation, maintenance, or repair of fire extinguishing systems.

Sec. 08.40.400. Personal supervision. A person licensed under AS 08.40.210 – 08.40.490 as a mechanical administrator who is responsible for installation or modification of mechanical piping and systems, devices, fixtures, equipment, or other mechanical materials, or who is responsible for certifying that the installation or modification complies with applicable codes, shall personally inspect those materials after installation and modification unless the installation or modification amounts to simple or highly standardized work performed in less than 24 man-hours by personnel generally under the supervision of the mechanical administrator.

Sec. 08.40.490. Definitions. In AS 08.40.210 - 08.40.490,

- (1) “department” means the Department of Commerce, Community, and Economic Development except where the context otherwise requires;
- (2) “manufacture” means fabrication or completion of a product or mechanical apparatus exclusive of its completion or installation at a job site;
- (3) “mechanical administrator” means a person who is responsible for
 - (A) installing or modifying mechanical piping and systems, devices, fixtures, equipment, or other mechanical materials subject to the Uniform Plumbing Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy Code, and the Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials; or
 - (B) certifying that an installation or modification described in (A) of this paragraph complies with the applicable codes;
- (4) “mechanical piping” includes piping fixtures, devices, and equipment;
- (5) “utility” means every public, cooperative, or other corporation, company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls a plant or system for
 - (A) furnishing by generation, transmission, or distribution, electrical service, fuel gas service, district heating, sewage disposal, or domestic water service to the public for compensation;
 - (B) furnishing telecommunications service to the public for compensation.

CHAPTER 39.
MECHANICAL ADMINISTRATORS.

Article

1. **Application and Examination Requirements (12 AAC 39.007 - 12 AAC 39.032)**
2. **Mechanical Administrator License Categories, Qualifications, and Scope (12 AAC 39.202 - 12 AAC 39.332)**
3. **Continuing Education (12 AAC 39.400 - 12 AAC 39.460)**
4. **General Provisions (12 AAC 39.902 - 12 AAC 39.992)**

ARTICLE 1.
APPLICATION AND EXAMINATION REQUIREMENTS.

Section

07. **(Repealed)**
12. **Application for licensure by examination**
22. **Application for licensure by credentials**
25. **Addition of license categories**
27. **License renewal**
32. **(Repealed)**

12 AAC 39.007. TRANSITIONAL LICENSURE. *Repealed 1/22/2004.*

12 AAC 39.012. APPLICATION FOR LICENSURE BY EXAMINATION. (a) A complete application for a mechanical administrator license by examination consists of

(1) a completed application, on a form provided by the department, that identifies the license category for which the applicant is applying;

(2) the fees required in 12 AAC 02.245;

(3) official transcripts from a college, university, or trade school attended by the applicant that is nationally or regionally accredited or approved by the Alaska Commission on Postsecondary Education if the applicant is submitting proof of completed education to qualify for a license; official transcripts must be sent directly to the department by that college, university, or trade school;

(4) a complete résumé detailing the applicant's education and experience in the license category for which the applicant is applying;

(5) a notarized certificate in support of the applicant's experience, skills, and qualifications for licensure as a mechanical administrator sent directly to the department from each of three persons who

(A) is employed in the mechanical industry in any state; and

(B) has direct personal knowledge of the applicant's work experience and qualifications; and

(6) verification that the applicant has obtained, within the 12 months immediately preceding the date of application, a score of at least 70 percent on the mechanical administrator examination administered by Experior Assessments, LLC or other examination approved by the department.

(b) The department will, in its discretion, require additional documentation necessary to substantiate the experience claimed by an applicant before approving an applicant for licensure by examination.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.310
AS 08.40.240 AS 08.40.270

Editor's note: Information on the mechanical administrator examination referred to in 12 AAC 39.012 may be obtained from Experior Assessments, LLC, 2100 NW 53rd Avenue, Gainesville, Florida 32653; telephone: (800) 280-3926; e-mail: www.experioronline.com.

12 AAC 39.022. APPLICATION FOR LICENSURE BY CREDENTIALS. (a) A complete application for a mechanical administrator license by credentials consists of

(1) a completed application, on a form provided by the department, that identifies the license category for which the applicant is applying;

(2) the fees required in 12 AAC 02.245;

(3) verification of a current, active license from another state, sent directly to the department by the other state, that identifies any relevant license category;

(4) verification of an examination passed in another state, sent directly to the department by the other state, that is equivalent to the examination administered in this state;

(5) official transcripts from any college, university, or trade school attended by the applicant that is nationally or regionally accredited or approved by the Alaska Commission on Postsecondary Education if the applicant is submitting proof of completed education to qualify for a license; official transcripts must be sent directly to the department by that college, university, or trade school;

(6) a complete résumé detailing the applicant's education and experience in the license category for which the applicant is applying; and

(7) *repealed 11/26/94.*

(8) a notarized certificate in support of the applicant's experience, skills, and qualifications for licensure as a mechanical administrator, sent directly to the department from each of three persons who

(A) are employed in the mechanical industry in any state; and

(B) have direct personal knowledge of the applicant's work experience and qualifications.

(b) The department will, in its discretion, require additional documentation necessary to substantiate the experience and education claimed by an applicant before approving an applicant for licensure by credentials.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.310
AS 08.40.240 AS 08.40.270

12 AAC 39.025. ADDITION OF LICENSE CATEGORIES. A licensee may add a license category to a mechanical administrator license by submitting the information required under 12 AAC 39.012(a) or 12 AAC 39.022(a) and passing the examination for the applicable license category.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.310
AS 08.40.240 AS 08.40.270

12 AAC 39.027. LICENSE RENEWAL. To renew a mechanical administrator license, the licensee shall submit

(1) a renewal application on a form provided by the department;

(2) the fee established in 12 AAC 02.245;

(3) evidence of compliance with the continuing education requirements of 12 AAC 39.400 - 12 AAC 39.460.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.310
AS 08.40.240 AS 08.40.290

12 AAC 39.032. EXAMINATION. *Repealed 1/22/2004.*

ARTICLE 2. MECHANICAL ADMINISTRATOR LICENSE CATEGORIES, QUALIFICATIONS, AND SCOPE.

Section

- 202. Qualifications for a mechanical administrator license in the unlimited commercial and industrial plumbing category**
- 212. Scope of a mechanical administrator license in the unlimited commercial and industrial plumbing category**
- 222. Qualifications for a mechanical administrator license in the heating cooling, and process piping category**
- 232. Scope of a mechanical administrator license in the heating, cooling, and process piping category**
- 242. Qualifications for a mechanical administrator license in the unlimited HVAC/sheet metal category**
- 252. Scope of a mechanical administrator license in the unlimited HVAC/sheet metal category**
- 262. Qualifications for a mechanical administrator license in the unlimited refrigeration category**
- 272. Scope of a mechanical administrator license in the unlimited refrigeration category**
- 282. Qualifications for a mechanical administrator license in the mechanical systems temperature control category**
- 292. Scope of a mechanical administrator license in the mechanical systems temperature control category**
- 302. Qualifications for a mechanical administrator license in the residential plumbing and hydronic heating category**
- 312. Scope of a mechanical administrator license in the residential plumbing and hydronic heating category**
- 322. Qualifications for a mechanical administrator license in the residential HVAC category**
- 332. Scope of a mechanical administrator license in the residential HVAC category**

12 AAC 39.202. QUALIFICATIONS FOR A MECHANICAL ADMINISTRATOR LICENSE IN THE UNLIMITED COMMERCIAL AND INDUSTRIAL PLUMBING CATEGORY An applicant for a mechanical administrator license in the unlimited commercial and industrial plumbing category shall furnish proof satisfactory to the department that the applicant has

- (1) practical experience as a journeyman plumber for at least four of the six years immediately before the date of the application;
- (2) management experience in plumbing work as a field superintendent or similar position for at least four of the six years immediately before the date of application;
- (3) a degree in mechanical engineering from a nationally or regionally accredited college or university plus practical experience as a journeyman plumber or field engineer for at least one of the three years immediately before the date of application; or
- (4) a registration in the state as a professional mechanical engineer plus management experience in the mechanical contracting industry as a field engineer or similar engineering position for at least one of the three years immediately before the date of application.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.270
AS 08.40.240

12 AAC 39.212. SCOPE OF A MECHANICAL ADMINISTRATOR LICENSE IN THE UNLIMITED COMMERCIAL AND INDUSTRIAL PLUMBING CATEGORY. (a) The holder of a mechanical administrator license in the unlimited commercial and industrial plumbing category may supervise, in accordance with AS 08.40.400,

- (1) all plumbing work described in (b) of this section;
 - (2) the work defined under the heating, cooling, and process piping category in 12 AAC 39.232(b);
 - (3) the work defined under the mechanical systems temperature control category in 12 AAC 39.292; and
 - (4) the work defined under the residential plumbing and hydronic heating category in 12 AAC 39.312(b).
- (b) Plumbing work includes the installation, alteration, or retrofitting of
- (1) plumbing, fixtures, fixture traps, and domestic water, waste, storm, and vent pipes, including all of their devices, appurtenances, and connections, that extend no more than five feet horizontally outside the building or structure that they serve, and through which domestic water, waste, sewage, oil, drainage, and air are carried;
 - (2) piping, fixtures, or equipment that is an integral part of a swimming pool, spa, or hot tub filter or heating system, or solar energy system;
 - (3) fuel oil and gas piping and appliances, and their appurtenances either within the property lines of the building or structure to be served by the fuel oil and gas, or to the point of connection with the utility system; and
 - (4) lawn sprinkler systems that are connected to a potable water supply, including excavation and backfilling as necessary for proper installation of the system.
- (c) In this section “fixtures” includes water closets, lavatories, bathtubs, showers, kitchen sinks, laundry trays, hot water tanks, softeners, urinals, bidets, service sinks, shower pans, drink fountains, water pumps, water conditioners, water coolers, and other similar fixtures used in water systems.
- (d) A mechanical administrator licensed in the unlimited commercial and industrial plumbing category may supervise, in accordance with AS 08.40.400, the installation or retrofitting of all pneumatic or electric controls, and may supervise, in accordance with AS 08.40.400, the retrofitting of all control wiring of 48 volts or less, necessary for the operation of plumbing or water conditioning equipment so long as those modifications do not alter the electrical characteristics of the mechanical system or controls. The original installation of control wiring, or the alteration or retrofitting of controls and control wiring that alters the electrical characteristics of the mechanical system, must be supervised by an electrical administrator licensed in the appropriate category under 12 AAC 32.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.400
AS 08.40.240

12 AAC 39.222. QUALIFICATIONS FOR A MECHANICAL ADMINISTRATOR LICENSE IN THE HEATING, COOLING, AND PROCESS PIPING CATEGORY. An applicant for a mechanical administrator license in the heating, cooling, and process piping category shall furnish proof satisfactory to the department that the applicant has

- (1) practical experience as a journeyman in heating, cooling, and process piping work for at least four of the six years immediately before the date of application;
- (2) construction management experience in heating, cooling, and process piping work as a field superintendent or similar position for at least four of the six years immediately before the date of application;
- (3) a degree in mechanical engineering from a nationally or regionally accredited college or university plus practical experience as a journeyman pipefitter or field engineer in heating, cooling, and process piping work for at least one of the three years immediately before the date of application; or

(4) a registration in the state as a professional mechanical engineer plus management experience in the mechanical contracting industry as a field engineer or similar engineering position for at least one of the three years immediately before the date of application.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.270
AS 08.40.240

12 AAC 39.232. SCOPE OF A MECHANICAL ADMINISTRATOR LICENSE IN THE HEATING, COOLING, AND PROCESS PIPING CATEGORY. (a) The holder of a mechanical administrator license in the heating, cooling, and process piping category may supervise all work described in (b) of this section in accordance with AS 08.40.400.

(b) Heating, cooling, and process piping work includes the installation, alteration, or retrofitting of

(1) hydronic heating, cooling, and process piping systems, including steam and hot water systems of any temperature-pressure range, chilled water systems, condensing water systems, pressure vessels, heat exchangers, boilers, refrigeration water chillers, cooling towers, fuel oil tanks and piping, and fuel gas piping; and

(2) steam and hot water boilers, including chimney connections, flues, refractories, burners, fittings, valves, thermal insulation, controls, accessories, and incidental piping.

(c) A mechanical administrator licensed in the heating, cooling, and process piping category may supervise, in accordance with AS 08.40.400, the installation or retrofitting of all pneumatic or electric controls and the retrofitting of all control wiring of 48 volts or less necessary for the operation of heating, cooling, and process piping equipment and systems so long as those modifications do not alter the electrical characteristics of the mechanical system or controls. The original installation of control wiring, or the alteration or retrofitting of controls and control wiring that alters the electrical characteristics of the mechanical system, must be supervised by an electrical administrator licensed in the appropriate category under 12 AAC 32.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.400
AS 08.40.240

12 AAC 39.242. QUALIFICATIONS FOR A MECHANICAL ADMINISTRATOR LICENSE IN THE UNLIMITED HVAC/SHEET METAL CATEGORY. An applicant for a mechanical administrator license in the unlimited HVAC/sheet metal category shall furnish proof satisfactory to the department that the applicant has

(1) practical experience as a journeyman in HVAC and sheet metal work for at least four of the six years immediately before the date of the application;

(2) management experience in HVAC and sheet metal work as a field superintendent or similar position for at least four of the six years immediately before the date of the application;

(3) a degree in mechanical engineering from a nationally or regionally accredited college or university plus practical experience as a journeyman or field engineer in HVAC and sheet metal work for at least one of the three years immediately before the date of application; or

(4) a registration in the state as a professional mechanical engineer plus management experience in the mechanical contracting industry as a field engineer or similar engineering position for at least one of the three years immediately before the date of application.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.270
AS 08.40.240

12 AAC 39.252. SCOPE OF A MECHANICAL ADMINISTRATOR LICENSE IN THE UNLIMITED HVAC/SHEET METAL CATEGORY. (a) The holder of a mechanical administrator license in the unlimited HVAC/sheet metal category may supervise, in accordance with AS 08.40.400,

(1) all HVAC/sheet metal work described in (b) of this section;

(2) the work defined under the heating, cooling, and process piping category in 12 AAC 39.232(b) that is integral to work on an HVAC system;

(3) the work defined under the mechanical systems temperature control category in 12 AAC 39.292 that is integral to work on an HVAC system; and

(4) the work defined under the residential HVAC category in 12 AAC 39.332(b).

(b) HVAC/sheet metal work includes the installation, alteration, or retrofitting of the following as they apply to HVAC systems only:

(1) all components of the air handling and refrigeration cycle, including fans, coils, evaporative cooling units, self-contained packaged air conditioning and heating units, air handling units, condensing units, furnaces, flues, chimneys, duct work, cooled mechanical air handling and ventilation applications, and related accessories;

(2) fuel oil tanks and piping and fuel gas piping.

(c) A mechanical administrator licensed in the unlimited HVAC/sheet metal category may supervise, in accordance with AS 08.40.400, the installation or retrofitting of all pneumatic or electric controls and the retrofitting of all control wiring of 48 volts or less necessary for the operation of HVAC equipment or systems so long as those modifications do not alter the electrical characteristics of the mechanical system or controls. The original installation of control wiring, or the alteration or retrofitting of controls and control wiring that alters the electrical characteristics of the mechanical system, must be supervised by an electrical administrator licensed in the appropriate category under 12 AAC 32.

(d) A mechanical administrator licensed in the unlimited HVAC/sheet metal category is not authorized to install or supervise the installation of piping other than fuel oil and fuel gas piping, refrigerant piping, chilled water piping, and condensing water piping that is integral to work on an HVAC system.

(e) Only sheet metal work directly related to heating, ventilation, and air conditioning systems, and any work covered by the Uniform Mechanical Code, is required to be supervised by a mechanical administrator licensed in the HVAC/sheet metal category defined in this section.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.400
AS 08.40.240

12 AAC 39.262. QUALIFICATIONS FOR A MECHANICAL ADMINISTRATOR LICENSE IN THE UNLIMITED REFRIGERATION CATEGORY. An applicant for a mechanical administrator license in the unlimited refrigeration category shall furnish proof satisfactory to the department that the applicant

(1) has practical experience as a journeyman in refrigeration for at least two of the four years immediately before the date of application; or

(2) is a graduate of a college, university, or trade school in refrigeration that is accredited regionally or nationally or approved by the Alaska Commission on Postsecondary Education.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.270
AS 08.40.240

12 AAC 39.272. SCOPE OF A MECHANICAL ADMINISTRATOR LICENSE IN THE UNLIMITED REFRIGERATION CATEGORY. (a) The holder of a mechanical administrator license in the unlimited refrigeration category may supervise, in accordance with AS 08.40.400, the installation, alteration, or retrofitting of refrigeration and air conditioning equipment and systems, unlimited as to thermal capacity or type of refrigerant, including the installation of domestic water piping from an existing valved connection to the system, tower and condensing water piping, and chilled water piping. Work under this category is limited to the refrigerant cycle, controls, and related appurtenances.

(b) A mechanical administrator licensed in the unlimited refrigeration category may supervise, in accordance with AS 08.40.400, the installation or retrofitting of all pneumatic or electric controls and the retrofitting of all control wiring of 48 volts or less necessary for the operation of refrigeration systems so long as those modifications do not alter the electrical characteristics of the mechanical system or controls. The original installation of control wiring, or the alteration or retrofitting of controls and control wiring that alters the electrical characteristics of the mechanical system, must be supervised by an electrical administrator licensed in the appropriate category under 12 AAC 32.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.400
AS 08.40.240

12 AAC 39.282. QUALIFICATIONS FOR A MECHANICAL ADMINISTRATOR LICENSE IN THE MECHANICAL SYSTEMS TEMPERATURE CONTROL CATEGORY. An applicant for a mechanical administrator license in the mechanical systems temperature control category shall furnish proof satisfactory to the department that the applicant has

(1) practical experience as a journeyman in mechanical systems temperature control work for at least two of the four years immediately before the date of application;

(2) management experience in mechanical systems temperature control work as a field superintendent or similar position for at least four of the six years immediately preceding the date of the application; or

(3) a degree in mechanical engineering from a regionally or nationally accredited college or university, or is a graduate of a college, university, or trade school in mechanical systems temperature control that is regionally or nationally accredited or approved by the Alaska Commission on Postsecondary Education.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.270
AS 08.40.240

12 AAC 39.292. SCOPE OF A MECHANICAL ADMINISTRATOR LICENSE IN THE MECHANICAL SYSTEMS TEMPERATURE CONTROL CATEGORY. The holder of a mechanical administrator license in the mechanical systems temperature control category may supervise, in accordance with AS 08.40.400, the installation or retrofitting of all pneumatic or electric controls and the retrofitting of all control wiring of 48 volts or less necessary for all mechanical systems described in this chapter so long as those modifications do not alter the electrical characteristics of the mechanical system. The original installation of control wiring, or the alteration or retrofitting of controls and control wiring that alters the electrical characteristics of the mechanical system, must be supervised by an electrical administrator licensed in the appropriate category under 12 AAC 32.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.400
AS 08.40.240

12 AAC 39.302. QUALIFICATIONS FOR A MECHANICAL ADMINISTRATOR LICENSE IN THE RESIDENTIAL PLUMBING AND HYDRONIC HEATING CATEGORY. An applicant for a mechanical administrator license in the residential plumbing and hydronic heating category shall furnish proof satisfactory to the department that the applicant has practical experience as a journeyman in residential plumbing and hydronic heating work for at least two of the four years immediately preceding the date of the application.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.270
AS 08.40.240

12 AAC 39.312. SCOPE OF A MECHANICAL ADMINISTRATOR LICENSE IN THE RESIDENTIAL PLUMBING AND HYDRONIC HEATING CATEGORY. (a) The holder of a mechanical administrator license in the residential plumbing and hydronic heating category may supervise, in accordance with AS 08.40.400, all work described in (b) of this section for a single-family dwelling, or a duplex dwelling not exceeding three stories.

(b) Residential plumbing and hydronic heating work includes the installation, alteration, or retrofitting of

(1) plumbing, fixtures, and water conditioners for a single-family dwelling or a duplex dwelling not exceeding three stories;

(2) hot water heating systems not exceeding 50 P.S.I. working pressure for a single family dwelling, or a duplex dwelling not exceeding three stories;

(3) existing plumbing systems, including fixtures, softener installation, and accessories;

(4) fuel gas piping downstream of the gas meter, or fuel tank and fuel oil piping for a single-family dwelling or a duplex dwelling not exceeding three stories; and

(5) lawn sprinkler systems that are connected to a potable water supply, including excavation and backfilling as necessary for proper installation of the system.

(c) A mechanical administrator licensed in the residential plumbing and hydronic heating category may supervise, in accordance with AS 08.40.400, the installation or retrofitting of all plug-in type electrical control panels and apparatus and the retrofitting of all control wiring of 48 volts or less, in a residential single-family dwelling or a duplex dwelling not exceeding three stories so long as those modifications do not alter the electrical characteristics of the mechanical system or controls. The original installation of control wiring, or the alteration or retrofitting of controls and control wiring that alters the electrical characteristics of the mechanical system, must be supervised by an electrical administrator licensed in the appropriate category under 12 AAC 32.

(d) Nothing in this section prohibits a mechanical administrator licensed in the unlimited commercial and industrial plumbing category, as described in 12 AAC 39.212, or in the heating, cooling, and process piping category, as described in 12 AAC 39.232, from performing or supervising mechanical work on a residential dwelling.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.400
AS 08.40.240

12 AAC 39.322. QUALIFICATIONS FOR A MECHANICAL ADMINISTRATOR LICENSE IN THE RESIDENTIAL HVAC CATEGORY. An applicant for a mechanical administrator license in the residential HVAC category shall furnish proof satisfactory to the department that the applicant has practical experience as a journeyman in residential HVAC work for at least two of the four years immediately preceding the date of the application.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.270
AS 08.40.240

12 AAC 39.332. SCOPE OF A MECHANICAL ADMINISTRATOR LICENSE IN THE RESIDENTIAL HVAC CATEGORY. (a) The holder of a mechanical administrator license in the residential HVAC category may supervise all work described in (b) of this section in accordance with AS 08.40.400.

(b) Residential HVAC work includes the installation, alteration, or retrofitting of

(1) fuel gas piping downstream of the gas meter, or fuel tank and fuel oil piping that is integral to work on an HVAC system for a single-family dwelling or a duplex dwelling not exceeding three stories; and

(2) warm air heating systems not exceeding 240,000 B.T.U./hour input.

(c) A mechanical administrator licensed in the residential HVAC category may supervise, in accordance with AS 08.40.400, the installation or retrofitting of all plug-in type electrical control panels and apparatus, and may supervise the retrofitting of all control wiring of 48 volts or less, in a residential single-family dwelling or a duplex dwelling not exceeding three stories so long as those modifications do not alter the electrical characteristics of the mechanical system or controls. The original installation of control wiring, or the alteration or retrofitting of controls and control wiring that alters the electrical characteristics of the mechanical system, must be supervised by an electrical administrator licensed in the appropriate category under 12 AAC 32.

(d) Nothing in this section prohibits a mechanical administrator licensed in the unlimited HVAC/sheet metal category, as described in 12 AAC 39.252, from performing or supervising mechanical work on a residential dwelling.

Authority: AS 08.40.230 AS 08.40.260 AS 08.40.400
AS 08.40.240

ARTICLE 3. CONTINUING EDUCATION.

Section

- 400. Purpose of continuing education**
- 410. Hours of continuing education required**
- 420. Approved workshops and courses**
- 430. Individual study**
- 440. Report of continuing education**
- 450. Waiver of continuing education requirements**
- 460. Edition of code acceptable for continuing education**

12 AAC 39.400. PURPOSE OF CONTINUING EDUCATION. The purpose of continuing mechanical education is to ensure that the renewal of licenses is contingent upon proof of continued competency and assure the consumer of optimum quality and safety of mechanical installation by requiring licensed mechanical administrators to pursue education designed to include the current editions of applicable codes and standards.

Authority: AS 08.40.240 AS 08.40.290

12 AAC 39.410. HOURS OF CONTINUING EDUCATION REQUIRED. (a) An applicant for renewal of a mechanical administrator license shall document the satisfactory completion of the continuing education requirements in this section during the concluding licensing period, unless the licensee has passed a licensing examination based upon the appropriate codes or standards during the concluding licensing period.

(b) A mechanical administrator must satisfactorily complete at least one eight-hour continuing education workshop or an equivalent number of hours of a formal correspondence or individual study program approved by the department that covers the following codes or standards applicable to each category of license held:

(1) the Uniform Mechanical Code, in effect in the state at the time the applicant completes the eight hours of continuing education required in (b) of this section, for renewal of a mechanical administrator license in the categories of

- (A) heating, cooling, and process piping;
- (B) unlimited HVAC/sheet metal;
- (C) unlimited refrigeration;
- (D) mechanical systems temperature control; and
- (E) residential HVAC;

(2) the Uniform Plumbing Code as adopted under AS 18.60.705 for renewal of a license in the unlimited commercial and industrial plumbing category;

(3) either the Uniform Plumbing Code as adopted under AS 18.60.705 or the Uniform Mechanical Code, in effect in the state at the time the applicant completes the eight hours of continuing education required in (b) of this section, for renewal of a license in the residential plumbing and hydronic heating category.

Authority: AS 08.40.240 AS 08.40.290

12 AAC 39.420. APPROVED WORKSHOPS AND COURSES. (a) Except as provided in 12 AAC 39.460, to be approved by the department, a continuing education workshop must cover the edition of the applicable codes listed in 12 AAC 39.410 in effect in the state at the time the workshop is presented.

(b) A continuing education workshop sponsored by an individual or organization not identified in (c) of this section must be individually approved by the department. The department will approve a continuing education workshop if

- (1) a description of the workshop and the number of hours of instruction are submitted to the department;
- (2) the department determines that the workshop meets the requirements in (a) of this section;
- (3) the workshop requires participants to register; and
- (4) satisfactory completion of the workshop is verifiable.

(c) A workshop sponsored by any of the following organizations that meets the requirements of (a) of this section is considered approved by the department:

- (1) Mechanical Contractors of Alaska;
- (2) United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada;
- (3) International Association of Plumbing and Mechanical Officials;
- (4) International Conference of Building Officials;
- (5) Sheet Metal Air Conditioning Contractors of North America;
- (6) Alaska Department of Labor and Workforce Development.

(d) A course sponsored by or accepted by the Department of Labor and Workforce Development on the subjects described in 12 AAC 39.410(b) is approved by the department.

Authority: AS 08.40.240 AS 08.40.290

12 AAC 39.430. INDIVIDUAL STUDY. To be approved by the department, a formal correspondence or other individual study program must require registration of the participants and must provide evidence of satisfactory completion of the program. The number of hours of continuing education credit awarded for the satisfactory completion of a formal correspondence or other individual study program will be determined by the department on an individual basis.

Authority: AS 08.40.240 AS 08.40.290

12 AAC 39.440. REPORT OF CONTINUING EDUCATION. (a) An applicant for renewal of a license under 12 AAC 39.027 shall submit, on a form provided by the department, a statement of the continuing education that the applicant satisfactorily completed to meet the requirements of 12 AAC 39.410. The statement must include the

- (1) name of the sponsoring organization;
- (2) location of the workshop or correspondent;
- (3) title or description of the workshop or both;
- (4) name of the principal instructor;
- (5) dates of attendance or period of correspondence; and
- (6) number of continuing education hours claimed.

(b) Falsification of any written evidence submitted to the department under this section is grounds for disciplinary action under AS 08.40.320.

Authority: AS 08.40.240 AS 08.40.290 AS 08.40.320

12 AAC 39.450. WAIVER OF CONTINUING EDUCATION REQUIREMENTS. A licensee unable to obtain the required continuing education hours for license renewal may request a waiver by explaining the circumstances in writing to the department. If the department determines that the licensee was prevented from complying with the continuing education requirements by circumstances beyond the control of the licensee, the department will, in its discretion, prescribe an alternative method of compliance with those requirements as it considers appropriate to the individual situation.

Authority: AS 08.40.240 AS 08.40.290

12 AAC 39.460. EDITION OF CODE ACCEPTABLE FOR CONTINUING EDUCATION. The department will, in its discretion, accept a course for continuing education credit that covers a more recent edition of

the Uniform Plumbing Code than the edition adopted under AS 18.60.705 if the more recent edition of the code has been approved by the International Association of Plumbing and Mechanical Officials.

Authority: AS 08.40.240 AS 08.40.290

ARTICLE 4. GENERAL PROVISIONS.

Section

- 902. Supervision responsibility**
- 912. Change of employer or company affiliation**
- 942. Controls and control wiring**
- 950. Year of experience defined**
- 992. Definitions**

12 AAC 39.902. SUPERVISION RESPONSIBILITY. (a) A licensed mechanical administrator is responsible for supervising all mechanical work performed under that administrator’s license in accordance with AS 08.40.400.

(b) Completion of work conducted under a mechanical administrator’s license constitutes certification by the administrator that work performed and materials used conform to applicable codes and standards.

(c) In compliance with AS 08.40.400, a mechanical administrator shall maintain a record of supervised work, on a form provided by the department. The mechanical administrator must sign the certification statement on that form verifying the administrator’s supervision of any work for which the administrator had responsibility or control. A mechanical administrator shall submit the records of supervised work upon request by the department and shall retain the records for a minimum of three years from the date that the certification statement is signed.

Authority: AS 08.40.230 AS 08.40.240 AS 08.40.400

12 AAC 39.912. CHANGE OF EMPLOYER OR COMPANY AFFILIATION. A licensed mechanical administrator shall notify the department in writing within 15 days after a change in mechanical administration employment or company affiliation by submitting the change of employer or company affiliation fee established in 12 AAC 02.245 and a notarized statement that includes

- (1) the name of the previous company and the date employment or affiliation ended;
- (2) the name of the new company and the date employment or affiliation began;
- (3) the construction contractor license number for each company; and
- (4) the mechanical administrator’s license number.

Authority: AS 08.40.240 AS 08.40.280

12 AAC 39.942. CONTROLS AND CONTROL WIRING. A mechanical administrator may not supervise the original installation of control wiring, or the alteration or retrofitting of controls or control wiring that alters the electrical characteristics of the mechanical system, unless that mechanical administrator is also licensed as an electrical administrator in the appropriate category under AS 08.40 and 12 AAC 32. Nothing in this section limits the authority or responsibility of a mechanical administrator to ensure that the controls being installed or modified by a contractor or an electrical administrator properly function as an integral part of the mechanical system.

Authority: AS 08.40.230 AS 08.40.240 AS 08.40.270

12 AAC 39.950. YEAR OF EXPERIENCE DEFINED. In this chapter, a year of experience means that within a 12-consecutive-month period the applicant worked in a required field or position for at least 1,500 hours.

Authority: AS 08.40.230 AS 08.40.240

12 AAC 39.992. DEFINITIONS. (a) In this chapter,

- (1) “department” means the Department of Commerce, Community, and Economic Development;
- (2) “division” means the division of occupational licensing in the department;
- (3) “HVAC” means heating, ventilation, and air conditioning;
- (4) “journeyman” means an individual who holds a certificate of fitness issued by the Department of Labor and Workforce Development under AS 18.62 or an equivalent certificate issued by another licensing jurisdiction;
- (5) *repealed 11/26/94;*
- (6) *repealed 11/26/94;*

(7) “repair” means replacing mechanical system components, parts, or controls with like items having closely similar operating characteristics and making the adjustments required to return the mechanical system to operation as it was originally designed;

(8) “retrofit” means a change in design, construction, or equipment already in service in order to incorporate later improvements;

(9) “Uniform Plumbing Code” is the code published by the International Association of Plumbing and Mechanical Officials and adopted by the state under AS 18.60.705;

(b) In this chapter and in AS 08.18.171, AS 08.40.270, and AS 08.40.490, “Uniform Mechanical Code” means the mechanical code adopted by the Department of Public Safety under 13 AAC 50.023.

Authority: AS 08.40.230 AS 08.40.240 AS 44.33.020

**APPENDIX
SPECIAL PROVISIONS**

Sec. 38, ch. 101, SLA 1994. Transition. (a) Notwithstanding AS 08.40, as amended by this Act, a person may act as an electrical administrator without a license issued under AS 08.40 until 30 days after the date of the first examination offered by the Department of Commerce, Community, and Economic Development for electrical administrators.

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

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

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

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

Editor's note: The effective date of AS 08.40, as amended, was June 9, 1994. The first examination offered by the department was October 17, 1994.