WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4360

By Delegates Foster, Waxman, Householder,

Barnhart, Jennings, Porterfield, Ellington,

Phillips, D. Jeffries, C. Martin and Wilson

[Passed March 5, 2020; in effect ninety days from passage.]

1   AN ACT to amend and reenact §21-16-3 of the Code of West Virginia, 1931, as amended, relating

2   to heating, ventilating, and cooling system licensing requirements; exempting from

3   licensure requirements certain persons only performing electrical, or plumbing work on a

4   heating, ventilating, and cooling system, including, but not limited to, thermostats,

5   bathroom fans, and tankless water heater ventilation; providing for recognition of verified

6   military service, training or education; and clarifying reciprocity provisions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. REGULATION OF HEATING, VENTILATING AND COOLING WORK.

§21-16-3. License required; exemptions.

1   (a) On and after January 1, 2016, a person performing or offering to perform work on a

2 heating, ventilating, and cooling system in this state shall have a license issued by the

3 Commissioner of Labor, in accordance with the provisions of this article and the legislative rules

4 promulgated pursuant hereto: *Provided*, That the commissioner shall issue HVAC residential

5 technician licenses to qualified applicants without examination who present satisfactory evidence

6 no later than December 31, 2019, of having at least 2,000 hours of experience and/or training

7 working on heating, ventilating, and cooling systems: *Provided, however*, That if a license issued

8 under the authority of this subsection subsequently lapses, the applicant is subject to all licensure

9 requirements, including the examination.

10   (b) Notwithstanding any other provision of this article to the contrary, the commissioner

11 shall credit verified military service, training, or education toward the licensing requirements, other

12 than examination requirements, for a license issued under this article. The commissioner shall

13 expedite the issuance of a provisional license or a license by endorsement or reciprocity under

14 this article to an applicant who: has verified military experience or holds a current license issued

15 by another jurisdiction that has license requirements that are substantially equivalent to the

16 license requirements of this state.

17   (c) A person licensed under this article shall carry a copy of the license on any job in which

18   heating, ventilating, and cooling work is being performed.

19   (d) This article does not apply to:

20   (1) A person who personally performs work on a heating, ventilating, and cooling system

21   in a single family dwelling owned by that person or by a member of that person's immediate family;

22   (2) A person who performs work on a heating, ventilating, and cooling system at a

23   manufacturing plant or other industrial establishment as an employee of the person, firm, or

24   corporation operating the plant or establishment;

25   (3) A person who performs only electrical, or plumbing work on a heating, ventilating, and

26   cooling system, which includes, but is not limited to, thermostats, bathroom fans, and tankless

27   water heater ventilation, so long as the work is within the scope of practice which the person is

28   otherwise licensed or authorized to perform; or

29   (4) A person who performs routine maintenance on any heating, ventilating, and cooling

30   system.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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The within .... this the..

day of ...., 2020.

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Governor