

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4360**

BY DELEGATES FOSTER, WAXMAN, HOUSEHOLDER,  
BARNHART, JENNINGS, PORTERFIELD, ELLINGTON,  
PHILLIPS, D. JEFFRIES, C. MARTIN AND WILSON

[Originating in the Committee of Government  
Organization; February 19, 2020.]



1 A BILL 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           ~~(b)~~ (c) A person licensed under this article shall carry a copy of the license on any job in  
18 which heating, ventilating, and cooling work is being performed.

19           ~~(e)~~ (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.

NOTE: The purpose of this bill is to exempt from heating, ventilating, and cooling system licensing requirements, certain persons only performing electrical, fire protection, or plumbing work on a heating, ventilating, and cooling system, including, but not limited to, thermostats, bathroom fans, and tankless water heater ventilation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.