ALABAMA BOARD OF HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADMINISTRATIVE CODE

CHAPTER 440-X-1 DEFINITIONS

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440-X-1-.01 Definitions.

(1) Code of Ala. 1975, Section 34-31-18, provides for definitions of the following terms: "certified contractor, " "installation," "service and repair," "board," "heating, air conditioning and refrigeration system or systems," "administrative procedures law: and "responsible charge."

(2) Act. The term "Act" as used in these rules shall mean Title 34, Chapter 31 of the Code of Ala. 1975, regulating the heating, air conditioning, and commercial refrigeration contractors industry.

(3) Alabama Administrative Procedure Act. The term "Alabama Administrative Procedure Act" refers to the Act .codified at Title 41, Chapter 22, of the Code of Ala. 1975

(4) Board. The term "Board" as used in these Rules shall mean the State Board of Heating, Air Conditioning and Refrigeration Contractors. The Board shall be comprised of members appointed by the Governor, Lieutenant Governor, Speaker of the House, and President Pro Tempore of the Senate pursuant to Section 34-31-20, Code of Ala. 1975. The public may make submissions and requests to the Board in writing at the following mailing address:

State of Alabama
Board of Heating, Air Conditioning
and Refrigeration Contractors
100 North Union Street, Suite 986
Montgomery, Alabama 36130

(5) Certificate. The term "certificate" as used in these Rules shall mean a certificate issued to or renewed by a certified contractor by the Board pursuant to the Act. The term certificate may also be interchanged with the term "license".

(6) Certified Contractor. The term "certified contractor" as used in these Rules shall mean any individual or any regularly employed

person for any partnership or corporation who for hire is engaged in the installation or service and repair of heating, air conditioning or refrigeration systems; provided that nothing in this chapter shall apply to retail sellers of heating, air conditioning or refrigeration systems who do not install said systems themselves. A certified contractor is authorized to install or service and repair or replace natural gas heating, air conditioning or refrigeration appliances, including specifically the servicing, repair, or replacement of those appliances, including specifically the servicing, repair, or replacement of those appliances in manufactured housing set up as stationary housing, but excluding the piping to such appliances, and except as otherwise prohibited by law.

(7) Retail Seller. The term "retail seller" shall mean any person (as defined in these rules) who sells a heating, air conditioning or refrigeration system or systems, but does not provide for the service, repair or installation of said system.

(8) Inactive Contractor. The term "inactive contractor" refers to any certified contractor who elects to obtain inactive status as a certified contractor. To obtain status as an inactive contractor, the certified contractor shall notify the Board in writing of his desire to seek inactive contractor status and return his licensing card reflecting his status as a certified contractor. The Board shall then issue the contractor an inactive contractor-1icensing card. Inactive contractors shall be required to pay an annual licensing fee in an amount that does not exceed one-half of the annual licensing fee for certified contractors. An "inactive contractor" shall not be eligible or allowed to purchase local licenses or be issued any permits to perform installation, service, or repair work, or to solicit or bid to perform installation, service or repair work, on heating, air conditioning or refrigeration systems. An inactive contractor may be allowed by the Board to reactivate certification as a "certified contractor" at any time by notifying the Board in writing of his desire to return to "certified contractor" status and by informing the Board that he or she has obtained the proper bond pursuant to Alabama law and the Rules and Regulations of the Board. The inactive contractor shall also submit payment to the Board of the difference in fees between "certified contractor" and "inactive contractor" status.

(9) Person. The term "person" as used in these Rules shall mean any natural person, limited or general partnership, corporation, association, limited liability company, or other legal entity, or any combination thereof.

(10) Bond. The term "bond" as used in these Rules shall mean that performance bond described in the Act.

(11) Minimum Standards. The term "minimum standards" as used in these Rules shall mean those minimum repair and service standards

adopted for certified contractors by the Board pursuant to the Act.

(12) Continuing Education. The term "continuing education" as used in these rules shall mean the required hours of continuing education required by state law for certified contractors.

(13) Regularly Employed Person. The term "regularly employed person" as used in these rules shall mean a person who is an actual employee of the business, not an independent contractor, who works at least 30 hours or more per week and receives a W-2 wage form not a 1099 form from the employer.
Author: Kathy LeCroix, Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-18.
History: Filed September 30, 1982. **Amended:** Filed September 21, 1987; May 18, 1992. **Amended:** Filed November 5, 1996; December 10, 1996. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: The following rules were repealed due to certification filed April 9, 2003; effective May 14, 2003.

440-X-1-.01 Description Of Organization. (Repealed)
Author: James A. Ball
Statutory Authority: Code of Ala. 1975, §§34-31-18, et seq.
History: Filed September 30, 1982. **Amended:** Filed September 21, 1987; May 18, 1992. **Amended:** Filed November 5, 1996; December 10, 1996. **Repealed:** Filed April 9, 2003; effective May 14, 2003.

440-X-1-.02 Formal And Informal Procedures. (Repealed)
Author: 7-Member Board
Statutory Authority: Code of Ala. 1975, §§34-31-18, et seq.
History: Filed September 30, 1982. **Repealed:** Filed April 9, 2003; effective May 14, 2003.

440-X-1-.03 Notice Of Administrative Hearing. (Repealed)
Author: Jane E. Parker
Statutory Authority: Code of Ala. 1975, §34-31-20.
History: New Rule: Filed June 26, 1995; effective July 31, 1995.
Repealed: Filed April 9, 2003; effective May 14, 2003.