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

CHAPTER 440-X-3 LICENSING AND FEES

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440-X-3-.01 Definitions.

(1) Applicant - Any person or entity making a formal application for an examination or certification of any type.

(2) Certification/License - The determination that the qualifications for the knowledge and skill of an individual with respect to heating, air conditioning, commercial refrigeration, or duct air tightness system has been met. The term certification and license may be used interchangeably in throughout this section.

(3) Entity - Any being that possess a certification, license, or registration by this Board.

(4) Person in Responsible Charge - A certification or license holder at the direction of projects involving the installation or service and repair of heating, air conditioning, and refrigeration

systems requiring initiation, professional skills, technical knowledge, and independent judgement.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-26.
History: **New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule No. 440-X-3-.01 was renumbered 02, and Replaced as New Rule .01, Definitions, as per certified published November 30, 2022; effective January 4, 2023.

440-X-3-.02 Requirements For Licensing Of Certified Contractors.

(1) All certified contractors shall have and maintain a current license issued by the Board. A license is current only during the calendar year in which it is issued and shall expire on December 31 annually. A license shall automatically lapse at the end of the calendar year in which it was issued if it is not renewed prior to 11:59 pm December 31st annually.

(2) Certification by the Board is required for at least one person in responsbile charge employed by realty management companies who perform heating, air conditioning, or commercial refrigeration installation, service or repair on property owned by a party other than themselves.

(3) Certification by the Board is required for work involving air duct cleaning services, filter changing services, test and balance services, and the cleaning of heating, air conditioning or refrigeration equipment or systems.

(4) Certification by the Board is required for heating and air conditioning installation, service, or repair work performed preowned, previously set manufactured or modular homes.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-18.
History: Filed February 21, 1991. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Rule No. 440-X-3-.01 entitled "Distinction Between Installation and Service Repair" filed September 30, 1982. **Repealed and new rule entitled "Registered Contractor" adopted in lieu thereof:** Filed September 21, 1987. **Repealed and new rule entitled "Failure to Renew Before March 1" adopted in lieu thereof:** Filed July 12, 1988. **Repealed and new rule entitled "Failure to Renew" adopted in lieu thereof:** Filed February 21, 1991. Previous Rule .01 was renumbered .02 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.03 Renewal And Licensing Filing Requirements.

All new licensure applications, application for examination, annual renewal application, or any other submissions to the Board required by these rules, shall be deemed filed when received by the executive director or their designee. The executive director or designee may reject any application for licensure, application for examination, annual renewal application, or other submission to the Board that appear inaccurate, are incomplete, are for an individual or entity of whom which any fees and past due administrative fines have not been paid at the time the application or renewal is filed.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-18.
History: Filed July 12, 1988. **Amended:** Filed February 21, 1991. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .02 was renumbered .03 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.04 Forms Of Licensing.

(1) Any individual with the desire to qualify as a certified heating and air conditioning contractor or refrigeration contractor via examination process shall be required to sit for a prelicensure examination prior to being considered for licensing by the Board. Any applicant who fails to pass their prelicensure examination the first time taken, shall be entitled to take the same written examination, upon request by the applicant, a practical examination which is equivalent to the written examination, again within six months from the date he or she failed the examination the first time. Certifications shall be issued only to those individuals or legal entities who have properly submitted the appropriate applications to the Board under Alabama law and the Board's rules and regulations, and who have taken and passed the Board's written examination or practical examination as provided in Alabama law.

(2) An individual who desires to obtain status as a certified heating and air conditioning contractor or refrigeration contractor via reciprocity may qualify if they hold a current and valid license in a qualifying reciprocal state with no previous or pending disciplinary action. Certifications shall be issued only to those individuals or legal entities who have properly submitted

the appropriate applications to the Board under Alabama law and the Board's rules and regulations.

(3) Any individual applying for a heating and air conditioning license must personally satisfy all licensure requirements before issuance of the license as certified contractor by the Board.

(4) Any person or legal entity applying for a refrigeration license must satisfy all licensure requirements before issuance of a license as a certified refrigeration contractor by the Board.

(5) All new heating and air conditioning, or refrigeration contractor applicants must provide a performance bond in the amount of Twenty Thousand Dollars ($20,000.00) to the Board. Proof of bond may be required annually during the renewal process.

(6) Applying for certification by the Board to engage in the business of heating and air condition and/or refrigeration installation, service, or repair as a partnership, corporation, business trust, or other legal entity must be done so through a person in responsible charge as defined by Alabama law and the Rules and Regulations of the Board. The application to the Board shall provide the name of the partnership and its partners; the name of the corporation and its officers and directors; the name of the business trust and its trustees; or the name of any other legal entity and its members. The application to the Board shall establish that the person in responsible charge under Alabama law and these Rules and Regulations is legally qualified to act for the business organization in all matters connected with its heating, air conditioning, and/or refrigeration installation, service, or repair business. The heating and air conditioning, and/or refrigeration certification by the Board issued upon such application described in this Rule shall be issued in the name of the person in responsible charge and shall include the name of the business organization engaged in the heating, air conditioning, and/or refrigeration installation, service, or repair business.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-18.
History: Filed July 12, 1988. **Amended**: Filed June 9, 1999; effective July 14, 1999. **Repealed and New Rule**: Filed April 9, 2003; effective May 14, 2003. **Amended**: Filed August 14, 2009; effective September 18, 2009. **Amended**: Published December 31, 2019; effective February 14, 2020. **Repealed and New Rule**: Published November 30, 2022; effective January 14, 2023. **Amended**: Published August 30, 2024; effective October 14, 2024, operative October 15, 2024.

Ed. Note: Previous Rule .03 was renumbered .04 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.05 Exemptions.

The licensing requirements for certified contractors do not apply to the following:

(1) Retail sellers of heating, air conditioning or refrigeration systems who do not provide installation, nor contracting for the installation, nor contracting for the installation, service, or repair of said systems;

(2) Heating and air conditioning, or refrigeration installation, service or repair work performed by an owner of a building that is the real property of said owner;

(3) Heating and air conditioning, or refrigeration installation, or service and repair, performed by anyone who is regularly employed as a maintenance person incidental to and in connection with the business in which he or she is employed, provided said heating and air conditioning work is done on the premises of said owner, and repairperson does not engage in heating and air conditioning work for others.

(4) In instances where a certified heating and air conditioning contractor bids installation work and is responsible for obtaining all required permits, the certified contractor may subcontract the installation of duct work only to an uncertified person who is performing the work under the supervision of the certified contractor as the person in responsible charge. The certified contractor is responsible for all such work performed and is considered by the Board as the person in responsible should the work fail to meet the minimum standards under these Rules. This exemption does not apply to design and installation of duct work not performed under the responsible supervision of a certified contractor.

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-25, 34-31-26.
History: Filed July 12, 1988. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .04 was renumbered .05 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.06 Failure To Renew.

(1) Any certified contractor who has not renewed their certification by 11:59 pm on December 31st annually is immediately considered lapsed and shall have until 11:59 pm on December 31st of the calendar year immediately following the lapse of certification to renew his certification. An additional $250.00 late fee will be imposed on all late renewals, without additional testing by the Board.

(2) Any certified contractor who remains unlicensed for a period of one calendar year (365 days), or more, is considered expired and shall be required to sit for and pass the written prelicensure examination prior to applying for re-licensure as a new applicant. Expired licenses are not eligible for late fees nor prelicensure waivers for any reason.
Author: Jeffrey Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-28; 34-31-16.
History: Filed July 12, 1988. **Repealed and replaced with new rule (same title):** Filed February 13, 1992. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Published December 31, 2019; effective February 14, 2020. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .05 was renumbered .06 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.07 Alternative Method Of Testing.

In the event an individual has taken the written examination without achieving a passing score they may, upon specific written request to the Board, be given an opportunity to take a practical examination equivalent to the written examination. This practical examination shall be held within six months from the date of the applicant's last unsuccessful written examination.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-28(b).
History: Filed July 12, 1988. **Amended:** Filed November 29, 1990. **Amended:** Filed December 1990; February 21, 1991; August 18, 1993; effective September 22, 1993. **Amended:** Filed July 28, 1994; effective September 1, 1994. **Amended:** Filed November 5, 1996; effective December 10, 1996. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .06 was renumbered .07 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.08 Procedure In The Event Of The Loss, Death, Or Incapacitation Of A Certified Contractor.

(1) In the event a certified contractor in responsible charge separates by termination, layoff, or voluntary resignation from a partnership, corporation, business trust, or other legal entity operating under his or her certification, the certified contractor and entity shall notify the Board within five {5} days of the separation by submitting a severance notification form prescribed by the Board. The entity must immediately cease entering all contracts, both verbal and written, and the installation, service and/or repair of any heating and air conditioning or refrigeration system until a certified contractor applies to, and is approved by, the Board as responsible in charge for the entity. Operating without a certified contractor in responsible charge is a violation of Section 31-31-32(a), Code of Ala. 1975.

(2) In the event of the death or incapacitation of a certified contractor in writing within 45 days by any partnership, corporation, business trust, or other legal entity operating under the certification of the deceased or incapacitated person in responsible charge. These business entities are eligible to apply for an emergency certification on an application prescribed by the Board and must provide a death certificate or official statement from a physician attesting to incapacitation, and new bond or bond rider.

An emergency certification shall be active for no longer than 90 days before expiring. The entity may continue to enter new contracts and engage in the installation, service or repair of heating and air conditioning or refrigeration systems while the certification remains active. Once expired the entity must immediately cease entering all contracts, both verbal and written, and the installation, service and/or repair of any heating and air conditioning or refrigeration system until a certified contractor applies to, and is approved by, the Board as responsible in charge for the entity. Failure to notify the Board of the death of a contractor is a violation of Section 34- 31-32(a), Code of Ala. 1975.

Author: Jeffery M. Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-18; 34-31-32; 41-9A-3.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003.
Amended: Filed August 14, 2009; effective September 18, 2009.
Amended: Published September 30, 2021; effective November 14,

2021. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.09 Person In Responsible Charge.

(1) The person in responsible charge must direct the projects involving the installation or service and repair of heating, air conditioning or refrigeration systems under Alabama law. The person in responsible charge must be regularly employed person, a person who is an actual employee of the business, not an independent contractor and must receive a W-2 for all earnings. The person must work an average of 30 or more hours per week for the heating, air conditioning, or refrigeration business as a full-time employee. The responsible charge may also be an owner, partner, or corporate officer of the partnership, corporation, business trust, or other legal entity. The responsible charge must possess the requisite skill, knowledge, and experience and have the responsibility to supervise, direct, manage, and control the installation, service, or repair activities of the business entity with which he is affiliated. The Board shall examine the technical and personal qualifications of the person in responsible charge and may investigate and/or examine that person's qualifications.

(2) If the person in responsible charge of a business entity desires to qualify a second or additional business entity by holding dual certifications with the Board, that person is required to appear at a meeting of the Board and present evidence of ownership, ability to supervise, direct, manage and control that business entity. The person in responsible charge must also present evidence at or before this Board meeting of his financial responsibility for the additional business entity. The person in responsible charge shall also pay an additional licensing fee to the Board for this additional business entity and shall provide a bond in the amount required for certified contractors under these Rules. It is entirely within the Board's discretion to allow or disallow the additional business entity to be certified under the certified contractors responsible charge.

(3) The person in responsible charge, as a certified contractor, is responsible for electrical work, to include circuit protection and wiring, from the appliance to the means of disconnect related to commercial and residential heating and air conditioning, and/or commercial refrigeration equipment, and is considered by the Board as the person responsible for such work should the work fail to meet the minimum standards outlined in Section 440-X-5 of these rules.

(4) The person in responsible charge, as a certified contractor, is responsible for gas piping from the appliance to the means of disconnect, related to commercial and residential heating and air conditioning, and/or commercial refrigeration equipment, and is

considered by the Board as the person responsible for such work should the work fail to meet the minimum standards in Section 440-X-5 of these Rules.
Author: Jeffrey Becraft
Statutory Authority: Code of Ala. 1975, §34-31-18.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Published December 31, 2019; effective February 14, 2020. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.10 Fees And Charges.

(1) The following fees and charges have been established by the Board effective October 14, 2024.

(a) Written examination fee	$175.00
(b) Practical examination fee	$375.00
(c) Initial certification fee for ACTIVE heating and air conditioning license	$220.00
(d) Annual renewal fee for ACTIVE heating and air conditioning license	$220.00
(e) Initial certification fee for ACTIVE refrigeration license	$220.00
(f) Annual renewal fee for ACTIVE refrigeration license	$220.00
(g) Initial certification fee for INACTIVE heating and air conditioning license	$110.00
(h) Annual renewal fee for INACTIVE heating and air conditioning license	$110.00
(i) Initial certification fee for INACTIVE refrigeration license	$110.00
(j) Annual renewal Fee for INACTIVE refrigeration license	$110.00
(k) Late fee for certification renewal received after December 31 annually	$250.00
(l) Continuing Education Deficiency fee	$ 25.00

(m) Dishonored check fee	$ 30.00
(n) Continuing Provider Application Fee	$ 75.00
(o) Continuing Education Course Fee	$ 25.00
(p) Continuing Education Instructor Fee	$ 25.00
(q) Non-Traditional Continuing Education Application	$ 25.00
(r) Duct Air Tightness Testing Contractor Registration Fee	$ 50.00
(s) Duct Air Tightness Testing Contractor Registration Late Fee	$ 50.00
(t) Issuance of printed certification cards	$ 25.00

(Inactive contractors are not eligible to purchase local licenses or permits until the inactive contractor returns to an active certified contractor status and meets all requirements for licensing as an active certified contractor, including payment of the proper fee(s))

(2) Examination fees are in addition to the fees required for initial certification, renewals, inactive contractor status, and the late fees for late renewals.

(3) All fees established by the Board shall be submitted with the application for examination to become certified with the Board, and no part of said fees shall be refunded. These fees shall be received by the Board and held for the purpose of paying the expenses associated with processing the application and to pay the expenses associated with testing.

(4) The Board may pass along to the applicant the service fee charged by any credit card company, bank, or card processing organization to process any online or in house credit card fee.
Author: Jeffrey Becraft, Kathy S. Byrom
Statutory Authority: Code of Ala. 1975, §§34-31-24, 34-31-25.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003.
Amended: Filed August 14, 2009; effective September 18, 2009.
Amended: Filed October 13, 2015; effective November 17, 2015.
Amended: Filed September 11, 2018; effective October 26, 2018.
Amended: Published January 31, 2020; effective March 16, 2020.
Repealed and New Rule: Published November 30, 2022; effective January 14, 2023. **Amended:** Published August 30, 2024; effective October 14, 2024. **Amended:** Published May 30, 2025; effective July 14, 2025.

440-X-3-.11 License Modifications.

(1) All licenses issued after July 26, 2019, are available for each contractor to view and print through an online portal provided by the Board. The Board may issue a copy of a license prior to 2019 for a certified contractor by request.

(2) The Board may modify the information on a license for a certified contractor who submits a written, sworn, and notarized statement to the Board that includes information establishing that the certified contractor's name has been changed by marriage or court order. If the certified contractor seeks issuance of a replacement licensed to accommodate a name change, the originally issued certification card must be returned to the Board as a condition of the issuance of the new certified contractor card.

(3) A certified contractor may apply to the Board to change the business name on their license by submitting a new application for licensure with their current certification number listed.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-27.
History: New Rule: Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.12 Dishonored Checks.

The Board may charge a dishonored check fee as set by the Code of Alabama and established by these regulations for any check that has been dishonored by the financial institution that it was drawn on. Pursuant to Code of Ala. 1975, §8-8-15, this fee must accompany a new payment in guaranteed funds. The Board may suspend the certified contractor's license until the dishonored check plus the dishonored check fee has been received by the Board and cleared by the payer's financial institution.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §8-8-15.
History: New Rule: Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.13 Building Official Waiver.

(1) Any building official or mechanical inspector who holds an inactive heating and air conditioning license and/or refrigeration

license, or who has sat for and passed the examination for certification shall not be required to submit payment of fees for an inactive certification if they meet one of the following requirements:

(a) Maintaining International Code Council certification as a certified:

1. Residential Mechanical Inspector,

2. Commercial Mechanical Inspector,

3. Mechanical Inspector,

4. Certified Mechanical Code Official,

5. Master Code Professional,

6. Mechanical Inspector (Uniform Mechanical Code),

7. State Mechanical Inspector CMC.

(b) Contractor must submit proper form prescribed by the Board along with documentation of certification listed in 1-7 above.

(2) If at any point the building official desires to become an active heating and air conditioning and/or refrigeration certified contractor, they will be required follow the initial application process for an active contractor as well as pay the full active certification fee for the remainder of the year and each year they hold active certification with the board.
Author: Jeffrey Becraft
Statutory Authority: Code of Ala. 1975, §34-31-28(d); Act No. 2009-486.
History: **New Rule:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.14 Background Checks.

(1) The Board may require an individual to provide a background check prior to applying for examination. Once the background check has been completed and reviewed, and all further documents have also been reviewed by the Board, a determination of a candidate's fitness to sit for examination will be made.
Author: Jeffrey Becraft, Kathy S. LeCroix
Statutory Authority: Code of Ala. 1975, §34-31-21(a); Act No. 2009-486.
History: **New Rule:** March 6, 2013; effective April 10, 2013.
Amended: Filed October 13, 2015; effective November 17, 2015.

Repealed and New Rule: Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .15 was renumbered .14 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.15 Duct Air Tightness Testing Contractor Registration.

(1) The Duct Air Tightness Testing (DATT} Contractor Registration is for individuals who perform duct leakage and duct tightness testing on heating and air conditioning systems in conjunction with energy code compliance as required by the International Energy Conservation Code or the Alabama Residential Energy Code Board. Each Duct Air Tightness Testing Contractor is an independent Registration. Renewal of the DATT Registration is required annually.

(2) Any individual applying for a Duct Air Tightness Contractor Registration must complete their registration on a form prescribed by the Board and will be issued a separate registration. Prior to being issued a registration, he or she must first provide proof that they successfully completed one of the following approved programs:

(a) Home Builders Association of Alabama Qualified Credentialed Air Tightness Verifier or equivalent,

(b) Building Performance Institute Building Analyst Training (BPI Energy Auditor),

(c) Residential Energy Services Network Home Energy Rating System (RESNETHERS Rater).

Author: Jeffrey Becraft, Kathy S. LeCroix
Statutory Authority: Code of Ala. 1975, §34-31-24(4)(1); Act No. 2015-169.
History: **New Rule:** Filed October 13, 2015; effective November 17, 2015. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .16 was renumbered .15 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.16 Military Members And Spouses, And Federal Government Personnel.

(1) Acceptance of Military Education, Training, or Service.

(a) The Board may accept education, training, or service completed by an individual as a member of the Armed Forces or reserves of the United States, the National Guard of any state, the military reserves of any state, or the naval militia of any state as sufficient education or experience to sit for examination.

(2) Acknowledgement of Military and Federal Government Personnel and Military Spouses

(a) After receiving military orders or federal government transfer to the State of Alabama, the Board may waive the heating and air conditioning and/or refrigeration examination for military or Federal Government personnel and military spouses who hold a current and valid heating and air conditioning, refrigeration, or mechanical license or certification in another state, district, or territory of the United States, or in any branch of the United States Armed Forces, including the National Guard, with licensing or certification; or U.S. Dept of Justice, FBI, U.S. Attorney's Office, Bur of ATF, DEA(Drug), U.S. Marshall Services and NASA

(b) The Board will waive the licensing fee for military spouses upon initial certification during a transfer of station ordered by the Armed Forces or reserves of the United States.

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §§31-12A-2, §§31-1-6.
History: New Rule: Published November 30, 2021; effective: January 14, 2022. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .17 was renumbered .16 as per certification published November 30, 2022; effective January 14, 2023.