

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 410

Short Title: Occ. Lic./Refrigeration Exam. Board Changes. (Public)

Sponsors: Representative Stevens (Primary Sponsor).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Regulatory Reform, if favorable, Finance.

April 1, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE NAME OF THE STATE BOARD OF REFRIGERATION  
3 EXAMINERS TO THE STATE BOARD OF COMMERCIAL REFRIGERATION  
4 EXAMINERS AND TO MAKE CHANGES TO THE MAKEUP THE OF BOARD AND  
5 TO CREATE NEW LICENSE CLASSIFICATIONS AND CIVIL PENALTIES TO BE  
6 ADMINISTERED BY THE BOARD.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 5 of Chapter 87 of the General Statutes is reads as rewritten:

9 "Article 5.

10 "Commercial Refrigeration Contractors.

11 "**§ 87-52. State Board of Commercial Refrigeration Examiners; appointment; term of**  
12 **office.**

13 (a) For the purpose of carrying out the provisions of this Article, the State Board of  
14 Commercial Refrigeration Examiners is created, consisting of seven members appointed by the  
15 Governor to serve seven-year staggered terms. The Board shall consist of ~~one member who is a~~  
16 ~~wholesaler or a manufacturer of refrigeration equipment; one member from an engineering~~  
17 ~~school of The University of North Carolina, one member from the Division of Public Health of~~  
18 ~~The University of North Carolina, two licensed refrigeration contractors, one member who has~~  
19 ~~no ties with the construction industry to represent the interest of the public at large, and one~~  
20 ~~member with an engineering background in refrigeration of:~~

21 (1) One member who is a wholesaler or a manufacturer of refrigeration  
22 equipment.

23 (2) One member from an accredited engineering school located in this State.

24 (3) One member from the field of public health with an environmental science  
25 background from an accredited college or university located in this State.

26 (4) Two members who are licensed refrigeration contractors.

27 (5) One member who has no ties with the construction industry to represent the  
28 interest of the public at large.

29 (6) One member with an engineering background in refrigeration.

30 (b) The term of office of one member shall expire each year. Vacancies occurring  
31 during a term shall be filled by appointment of the Governor for the unexpired term. Whenever  
32 the term "Board" is used in this Article, it means the State Board of Refrigeration Examiners.  
33 No Board member shall serve more than one complete consecutive term.

34 ...

35 "**§ 87-58. Definitions; contractors licensed by Board; examinations.**



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1 (a) ~~As applied~~ The provisions of this Article shall not repeal any wording, phrase, or  
2 paragraph as set forth in Article 2 of this Chapter. The following definitions apply in this  
3 Article, Article:

4 (1) Commercial refrigeration contractor. – "refrigeration trade or business" is  
5 defined to include all All persons, firms–firms, or corporations engaged in  
6 the installation, maintenance, servicing and repairing of refrigerating  
7 machinery, equipment, devices and components relating thereto and within  
8 limits as set forth in the codes, laws and regulations governing refrigeration  
9 installation, maintenance, service and repairs within the State of North  
10 Carolina or any of its political subdivisions. The provisions of this Article  
11 shall not repeal any wording, phrase, or paragraph as set forth in Article 2 of  
12 Chapter 87 of the General Statutes, thereto.

13 (2) Industrial refrigeration contractor. – All persons, firms, or corporations  
14 engaged in commercial refrigeration contracting with the use of ammonia as  
15 a refrigerant gas.

16 (3) Transport refrigeration contractor. – All persons, firms, or corporations  
17 engaged in the business of installation, maintenance, repairing, and servicing  
18 of transport refrigeration.

19 (a1) This Article shall not apply to any of the following:

20 (1) The installation of self-contained commercial refrigeration units equipped  
21 with an Original Equipment Manufacturer (OEM) molded plug that does not  
22 require the opening of service valves or replacement of lamps, fuses, and  
23 door gaskets.valves.

24 (2) The installation and servicing of domestic household self-contained  
25 refrigeration appliances equipped with an OEM molded plug connected to  
26 suitable receptacles which have been permanently installed and do not  
27 require the opening of service valves.

28 (3) Employees of persons, firms, or corporations or persons, firms or  
29 corporations, not engaged in refrigeration contracting as herein defined, that  
30 install, maintain and service their own refrigerating machinery, equipment  
31 and devices.

32 (4) Any person, firm or corporation engaged in the business of selling, repairing  
33 and installing any comfort cooling devices or systems.

34 (5) The replacement of lamps, fuses, and door gaskets.

35 (b) ~~The term "refrigeration contractor" means a person, firm or corporation engaged in~~  
36 ~~the business of refrigeration contracting.~~ The Board shall establish and issue the following  
37 licenses:

38 (1) A Class I license shall be required for any person engaged in the business of  
39 commercial refrigeration contracting.

40 (2) A Class II license shall be required for any person engaged in the business of  
41 industrial refrigeration contracting.

42 (3) A Class III license shall be required for any person engaged in the business  
43 of repair, maintenance, and servicing of commercial equipment.

44 (4) A Class IV license shall be required for any person engaged in the business  
45 of transport refrigeration contracting.

46 (b1) ~~The term "transport refrigeration contractor" means a person, firm, or corporation~~  
47 ~~engaged in the business of installation, maintenance, servicing, and repairing of transport~~  
48 ~~refrigeration.~~

49 (c) Any person, firm or corporation who for valuable consideration engages in the  
50 refrigeration business or trade as herein defined shall be deemed and held to be in the business  
51 of refrigeration contracting.

1 (d) In order to protect the public health, comfort and safety, the Board shall prescribe  
2 the standard of experience to be required of an applicant for license and shall give an  
3 examination designed to ascertain the technical and practical knowledge of the applicant  
4 concerning the analysis of plans and specifications, estimating cost, fundamentals of  
5 installation and design as they pertain to refrigeration; and as a result of the examination, the  
6 Board shall issue a certificate of license in refrigeration to applicants who pass the required  
7 examination and a license shall be obtained in accordance with the provisions of this Article,  
8 before any person, firm or corporation shall engage in, or offer to engage in the business of  
9 refrigeration contracting. The Board shall prescribe standards for ~~and issue licenses for~~  
10 ~~refrigeration contracting and for transport refrigeration contracting. A transport refrigeration~~  
11 ~~contractor license is a specialty license that authorizes the licensee to engage only in transport~~  
12 ~~refrigeration contracting. A refrigeration contractor licensee is authorized to engage in transport~~  
13 ~~refrigeration and all other aspects of refrigeration contracting.~~ all license classifications.

14 Each application for examination shall be accompanied by a check, post-office money order  
15 or cash in the amount of the annual license fee required by this Article. Regular examinations  
16 shall be given in the Board's office by appointment.

17 ...

18 (k) Upon application and payment of the fee for license renewal provided in G.S. 87-64,  
19 the Board shall issue a certificate of license to any licensee whose business activities require a  
20 Class I or Class II license if that licensee had an established place of business and was licensed  
21 pursuant to this Article prior to January 1, 2016.

22 ...

23 "**§ 87-64. Examination and license fees; annual renewal.**

24 (a) Each applicant for a license by examination shall pay to the Board of Refrigeration  
25 Examiners a nonrefundable examination fee in an amount to be established by the Board not to  
26 exceed the sum of ~~forty one hundred dollars (\$40.00).~~ In the event the applicant successfully  
27 passes the examination, the examination fee shall be applied to the license fee required of  
28 licensees for the current year in which the examination was taken and passed. ~~(\$100.00).~~

29 (b) The license of every person licensed under the provisions of this statute shall be  
30 annually renewed. Effective January 1, 2012, the Board may require, as a prerequisite to the  
31 annual renewal of a license, that licensees complete continuing education courses in subjects  
32 related to refrigeration contracting to ensure the safe and proper installation of commercial and  
33 transport refrigeration work and equipment. On or before November 1 of each year the Board  
34 shall cause to be mailed an application for renewal of license to every person who has received  
35 from the Board a license to engage in the refrigeration business, as heretofore defined. On or  
36 before January 1 of each year every licensed person who desires to continue in the refrigeration  
37 business shall forward to the Board a nonrefundable renewal fee in an amount to be established  
38 by the Board not to exceed ~~forty eighty~~ dollars ~~(\$40.00)~~(\$80.00) together with the application  
39 for renewal. Upon receipt of the application and renewal fee the Board shall issue a renewal  
40 certificate for the current year. Failure to renew the license annually shall automatically result  
41 in a forfeiture of the right to engage in the refrigeration business.

42 (c) Any licensee who allows the license to lapse may be reinstated by the Board upon  
43 payment of a nonrefundable late renewal fee in an amount to be established by the Board not to  
44 exceed ~~seventy five one hundred sixty dollars (\$75.00).~~ (\$160.00) together with the application  
45 for renewal. Any person who fails to renew a license for two consecutive years shall be  
46 required to take and pass the examination prescribed by the Board for new applicants before  
47 being licensed to engage further in the refrigeration business."

48 **SECTION 2.** This act becomes effective January 1, 2016, and applies to  
49 applications submitted and Board membership appointments on or after that date.