

## **815 KAR 8:070. Installation permits.**

RELATES TO: KRS 198B.654, 198B.6673 198B.6678, EO 2009-535

STATUTORY AUTHORITY: KRS 198B.654, 198B.6671, 198B.6672, 198B.6673, 198B.6674, 198B.6675, 198B.6676, 198B.6677, 198B.6678, EO 2009-535

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations for the enforcement, administration and coordination of KRS 198B.650 through 198B.689. KRS 198B.6673 requires the board to establish a reasonable schedule of fees and charges to be paid for HVAC installation permits and inspections. EO 2009-535, effective June 12, 2009, reorganized the Office of Housing, Buildings and Construction as the Department of Housing, Buildings, and Construction, and established the commissioner, rather than executive director, as the head of the department. This administrative regulation establishes the fees and charges for HVAC installation permits in Kentucky.

Section 1. Issuance of Permits. (1) Permits to construct, install, or alter a heating, ventilation, or air conditioning system shall only be issued to a licensed master heating, ventilation, and air conditioning contractor except as provided by subsection (3) of this section.

(2) A journeyman shall not construct, install, or alter a heating, ventilation, or air conditioning system unless the work is performed under the supervision of a licensed master HVAC contractor.

(3) A permit to construct, install, or alter a heating, ventilation, or air conditioning system shall be issued to a homeowner who installs a heating, ventilation, or air conditioning system in the homeowner's legal residence or in a home constructed by a homeowner for personal residential use, if all the following requirements are met:

(a) Application shall be made on the HVAC Construction Permit Application: One & Two Family Dwellings, for the permit prior to the initiation of the HVAC work;

(b) The homeowner shall file with the application:

1. An affidavit stating that the homeowner shall abide by the terms of this administrative regulation;

2. Proof of adequate sizing of heating, ventilation, or air conditioning system to be installed; and

3. A complete design plan of all related duct and piping of system;

(c) All work shall be performed in compliance with the Kentucky Residential Code and the Kentucky Building Code.

(d) All the work shall be personally performed by the owner.

(4) Only one (1) homeowner permit for construction of a new home shall be issued to an individual within a five (5) year period.

Section 2. Permit Required. (1) An application shall be made for a permit prior to installation on one (1) of the following forms:

(a) HVAC Construction Permit Application: Commercial Buildings;

(b) HVAC Construction Permit Application: Multi-family Dwellings; or

(c) HVAC Construction Permit Application: One & Two Family Dwellings.

(2) An HVAC installation permit shall be required for the initial heating, ventilation, or air conditioning system:

(a) For all new construction installations of heating, ventilation, or air conditioning systems;

(b) For construction additions in which an additional heating, ventilation, or air conditioning system is installed;

(c) For all existing buildings in which the first heating, ventilation, or air conditioning system is being installed; and

(d) For projects in which a contractor assumes responsibility to:

1. Make corrections;

2. Test an installation performed by another contractor; or

3. Install a system for which another master contractor has obtained a permit.

Section 3. A permit shall be issued and inspections performed upon request for the replacement of the following:

(1) Furnaces;

(2) Condensing units;

(3) Heat pumps;

(4) Fan coil units;

(5) Chiller systems; or

(6) Heating boiler systems not covered by KRS Chapter 236.

Section 4. HVAC Installation Permit Fees. (1) One- and Two-Family Dwelling Installations. The fee for each heating, ventilation, or air conditioning system installation permit for one- and two- family dwellings shall be seventy-five (75) dollars for the first system plus fifty (50) dollars for each additional system.

(2) Multi-Family Dwelling Installations. The fee for each heating, ventilation, or air conditioning system installation permit for multi-family dwellings other than duplexes, shall be seventy-five (75) dollars for the first system plus twenty-five (25) dollars for each additional system.

(3) Commercial installations.

(a) The fee for each heating, ventilation, or air conditioning system installation permit other than one (1)-, two (2)-, and multi-family dwellings shall be based upon the total dollar value of each HVAC installation, either actual or estimated.

(b)1. It shall be the obligation of the installing contractor to supply the complete value, including labor and material costs regardless of the purchaser.

2. Except as provided in subparagraph 3b of this paragraph, an exact figure does not need to be quoted or divulged to the HVAC inspector or department.

3. The permit application shall include an affirmative, signed statement that the true value lies within certain limits, as listed in the left column of the table in this subparagraph.

a. The fees for heating, ventilation, or air conditioning system installation are listed in the right column of the table.

b. The department may request documented proof of costs from the permit applicant if the true value is in question.



Amount in dollars	Permit fee
\$2,000 or less	\$75
\$2,001 to \$10,000	\$150
\$10,001 to \$25,000	\$225
\$25,001 to \$50,000	\$275
\$50,001 to \$75,000	\$325
\$75,001 to \$100,000	\$435
\$100,001 to \$150,000	\$550
\$150,001 to \$200,000	\$660
\$200,001 to \$250,000	\$770
\$250,001 to \$300,000	\$890
\$300,001 to \$400,000	\$1,000
\$400,001 to \$500,000	\$1,350
\$500,001 to \$600,000	\$1,500
\$600,001 to \$700,000	\$1,650
\$700,001 to \$800,000	\$1,850
\$800,001 to \$900,000	\$2,050
\$900,001 to \$1,000,000	\$2,250
\$1,000,001 to \$1,100,000	\$2,450
\$1,100,001 to \$1,200,000	\$2,650
\$1,200,001 to \$1,300,000	\$2,850
\$1,300,001 to \$1,400,000	\$3,050
\$1,400,001 to \$1,500,000	\$3,250
\$1,500,001 and above	\$3,450

(4) Correction and Testing Permits. The permit fee shall be the base fee of seventy-five (75) dollars if the application for permit does not include any new installation, but is to make corrections or provide testing for an installation made by someone else.

Section 5. Inspection Fees. (1) Each heating, ventilation, or air conditioning system permit shall include three (3) heating, ventilation, or air conditioning system inspections at no additional cost.

(2)(a) All heating, ventilation, or air conditioning system inspections in excess of the three (3) provided with purchase of permit shall be performed at the rate of fifty (50) dollars per inspection.

(b) Payment shall be received by the inspecting authority prior to the final inspection approval being granted.

Section 6. Expiration of Permits. (1) All heating, ventilation, or air conditioning system installation permits issued under this administrative regulation shall expire six (6) months after the date of issuance unless the permitted work has begun.

(2) If construction begins within six (6) months of permit issuance:

(a) The permit shall be effective until completion of the planned heating, ventilation, or air conditioning system inspection; or

(b) If the work ceases on a permitted project for a period exceeding twelve (12) months, the permit shall be void.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "HVAC Construction Permit Application: Commercial Buildings", April 2010;
- (b) "HVAC Construction Permit Application: Multi-family Dwellings", April 2010; and
- (c) "HVAC Construction Permit Application: One & Two Family Dwellings", April 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Housing, Buildings, and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405, Monday through Friday, 8:30 a.m. to 4:30 p.m. (36 Ky.R. 2004; Am. 2194; eff. 6-4-2010.)

## **815 KAR 8:080. Inspections and tests.**

RELATES TO: KRS 198B.6671, 198B.6672, 198B.6673, 198B.6674, 198B.6675, 198B.6676, 198B.6677, 198B.6678, EO 2009-535

STATUTORY AUTHORITY: KRS 198B.654, EO 2009-535

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 authorizes the Board of Heating, Ventilation and Air Conditioning contractors to promulgate administrative regulations to enforce KRS 198B.650-689. EO 2009-535, effective June 12, 2009, reorganized the Office of Housing, Buildings and Construction as the Department of Housing, Buildings, and Construction, and established the commissioner, rather than executive director, as the head of the department. This administrative regulation establishes the requirements for the tests and inspections that are necessary to ensure compliance with the Uniform State Building Codes.

Section 1. Inspections. The department or authorized local HVAC permitting and inspection program shall inspect the following initial installations to ensure compliance with the Uniform State Building Code and the Uniform State Residential Code:

- (1)(a) Air conditioning or cooling system;
  - (b) Heating system; and
  - (c) Ventilation system; and.
- (2) In buildings condemned by local jurisdictions, alterations of an HVAC system, which shall be considered an initial HVAC system installation.

Section 2. Major Repairs. The department or authorized local HVAC permitting and inspection program may inspect major repairs, if requested and permitted. This shall not pertain to inspections that arise from violations or complaints.

Section 3. Access. All access, equipment, and material necessary for inspections and tests shall be furnished by the persons obtaining the HVAC installation permit.

Section 4. Residential Inspections. (1) It shall be the responsibility of the person who obtained the HVAC installation permit to notify the department or authorized local HVAC permitting and inspection program and request all inspections.

(2) Prior to, or at the time of the first inspection, sizing calculations shall be provided to the department or authorized local HVAC permitting and inspection program or inspector.

(3) The inspector shall verify the:

- (a) Date of calculation;
- (b) Orientation of structure;
- (c) Design conditions;
- (d) Heat gain;
- (e) Heat loss;
- (f) Square footage; and
- (g) Additional documentation necessary to support sizing calculations.

(4)(a) If any portion of the HVAC system is below ground, the underground portion of the system shall be inspected and approved prior to covering.



(b) If conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.

(c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage.

(5)(a) Rough-in inspections shall be conducted on all work prior to covering or concealment.

(b) If conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.

(c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage.

(6) A final inspection shall be conducted after all equipment has been set, in working order, and prior to occupancy.

Section 5. Commercial Inspections. (1) It shall be the responsibility of the person who obtained the HVAC installation permit to notify the department or authorized local HVAC permitting and inspection program and request all inspections.

(2) Approved plans shall be made available to an inspector on site during an inspection.

(3)(a) If any portion of the HVAC system is below ground, the underground portion of the system shall be inspected and approved prior to covering.

(b) If conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.

(c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage.

(4)(a) Rough-in inspections shall be conducted on all work prior to covering, concealment, or setting equipment.

(b) If conditions require partial coverage of the permitted system, permission shall be requested of, and received from the inspector prior to coverage.

(c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage..

(5) A final inspection shall be conducted after all equipment has been set, in working order, and prior to occupancy.

(6) A partial or temporary final inspection may be conducted if:

(a) The HVAC system's service area of the building is completed; and

(b) The temporary or partial final inspection will not prevent the remaining portion of the system from being inspected.

Section 6. Extent of Inspections. (1) Inspections shall include the following:

- (a) Heating systems;
- (b) Cooling systems;
- (c) Residential exhaust and ventilation systems;
- (d) Commercial exhaust and ventilation systems; and
- (e) Dryer venting.

(2) An inspection shall not consist of gas piping on the supply side of equipment shut offs.

Section 7. Certificate of Approval. Upon the satisfactory completion of final inspection of the HVAC system, a certificate of approval shall be issued by the department or authorized local HVAC permitting and inspection program. (36 Ky.R. 2006; Am. 2048-A; 2195; eff. 6-4-2010.)

#### **815 KAR 8:090. Fees and refunds.**

RELATES TO: KRS 198B.656, 198B.658, 198B.660, 198B.664, 198B.6671, EO 09-535

STATUTORY AUTHORITY: KRS 198B.656, 198B.660(1)(b), (2), 198B.662, 198B.664, 198B.6671, EO 09-535

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.656, 198B.660, 198B.662, 198B.664, and 198B.6671 authorize the Board of Heating, Ventilation and Air Conditioning Contractors to establish license and permit fees. EO 1009-535, effective June 12, 2009, reorganized the Office of Housing, Buildings and Construction as the Department of Housing, Buildings, and Construction, and established the commissioner,

rather than the executive director, as the head of the department. This administrative regulation establishes procedures pertaining to fee payments and refunds.

Section 1. A fee submitted to the Division of HVAC shall be made payable to the Kentucky State Treasurer.

Section 2. (1) If a fee is returned to the Division of HVAC for nonpayment or insufficient funds, the payor shall pay thirty-five (35) dollars, unless proof of financial institution error is provided.

(2) If a company or individual submits a check returned to the division for insufficient funds, the payor shall not, for a period of at least six (6) months, make a payment to the Division of HVAC by personal check.

Section 3. A refund for an installation permit shall be given if:

(1) The refund request is made within six (6) months of purchase; and

(2) Work has not begun on the project for which the permit was issued. (36 Ky.R. 2008; Am. 2196; eff. 6-4-2010.)