

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Board of Heating, Air Conditioning & Refrigeration Contractors
Rule No. 440-X-5-.01
Rule Title: Minimum Standards For Installation, Service, and Repair.
_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by
a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama,
1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
Requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer 

Date: 12/10/12

(DATE FILED)
(STAMP)

APA-2
07/04

Alabama State Board of Heating, Air Conditioning & Refrigeration Contractors

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Heating, Air Conditioning & Refrigeration Contractors

RULE NO. & TITLE: 440-X-5-.01(1)(h)(i) - 2(d) Minimum Standards for Installation, Service, and Repair of Heating, Air Conditioning or Refrigeration Systems by Certified Contractors

INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend its requirements from the NFPA70 National Electrical Code 1996 to the NFPA70 National Electrical Code 2005 and to include compliance with State and Federal codes and ordinances and any and all applicable Alabama agencies, boards and commission's rules and regulations.

TIME, PLACE, MANNER OF PRESENTING VIEW:

Comments may be submitted in writing or orally at a public hearing to be held at 9:00am, February 21, 2013, in the 8 Commerce Street Auditorium located at 8 Commerce Street, Montgomery, Alabama 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

February 21, 2013

CONTACT PERSON AT AGENCY:

Kathy LeCroix
(334) 241-0840


Kathy S. LeCroix, Executive Director

440-X-5-.01. Minimum Standards for Installation, Service and Repair.

(1) The Board, pursuant to its authority under Section 34-31-21(g), *Code of Alabama 1975*, adopts the following minimum installation service, and repair standards for all certified heating and air conditioning contractors:

(a) All certified heating and air conditioning contractors shall comply with the minimum standard required by ASHRAE Standard 90.2P, as described in *Energy Efficient Design for Residential Structures*;

(b) All certified heating and air conditioning contractors shall comply with the minimum standards required by ASHRAE 15-94 as described in *Safety Code for Mechanical Refrigeration*;

(c) All certified heating and air conditioning contractors shall comply with the minimum standards required by ACCA/Manual N as described in *Load Calculation for Commercial Summer and Winter Air Conditioning* for using unitary equipment;

(d) All certified heating and air conditioning contractors shall comply with the minimum standards required by ACCA/Manual J as described in *Load Calculation for Residential Winter and Summer Air Conditioning*;

(e) All certified heating and air conditioning contractors shall comply with the minimum standards required by ACCA/Manual D as described in *Duct Design for Residential Winter and Summer Air Condition and Equipment Selection*;

(f) All certified heating and air conditioning contractors shall comply with the minimum standards required and described in the *International Mechanical Code*; including appendices, with the exception of section 601.1, mandating that the insulation value to conform to the requirements of the International Energy Conservation Code, the R value for duct insulation shall be set to a minimum of R 4.2.

(g) All certified heating and air conditioning contractors shall comply with the minimum standards required by and described in the *International Fuel Gas Code*;

(h) All certified heating and air conditioning contractors shall comply with the minimum standards required by and described in the NFPA 70 National Electrical Code: ~~1996~~ 2005;

(i) All certified heating and air conditioning contractors shall comply with the minimum standards required and described by applicable local, State, and Federal codes or ordinances, as well as any and all applicable Alabama agencies, Board's and Commissions' rules and regulations. Where there is conflict between the minimum standards adopted by the Board and the applicable local, State, or Federal codes or ordinances or any applicable Alabama agency, Board or Commission's, rules and regulations, the most restrictive will govern;

(j) All certified heating and air conditioning contractors shall comply with the minimum standards required by and described in *SMACNA HVAC Duct Construction Standards, Metal and Flexible*;

(k) All certified heating and air conditioning contractors shall comply with the minimum standards required by and described in *SMACNA Fibrous Glass Duct Construction Standards*;

(l) All certified contractors shall comply with the minimum standards required by and described in *Refrigeration and Air Conditioning* by ARI, the American Refrigeration Institute;

(m) All certified heating and air conditioning contractors shall comply with the minimum standards required for ACCA or equivalent ductulators;

(n) All certified contractors shall comply with the minimum standards of business law.

(o) All certified heating and air conditioning contractors must comply the minimum standards requires and described in the International Residential Code; including appendices, with the exception of section N1103.2.1, mandating that the duct insulation value, the R value for duct insulation shall be set to a minimum of R 4.2.

(2) The Board, pursuant to its authority under Section 34-31-21(g), *Code of Alabama 1975*, adopts the following minimum installation service, and repair standards for all certified refrigeration contractors:

(a) All refrigeration contractors shall comply with the minimum standards required by ASHRAE 15-94 as described in *Safety Code for Mechanical Refrigeration*;

(b) All refrigeration contractors shall comply with the minimum standards required and described in the *International Mechanical Code*; including appendices, with the exception of section 601.1, mandating that the insulation value to conform to the requirements of the International Energy Conservation Code, the R value for duct insulation shall be set to a minimum of R 4.2;

(c) All refrigeration contractors shall comply with the minimum standards required by and described in the *NFPA 70 National Electrical Code*; 1996

(d) All refrigeration contractors shall comply with the minimum standards required and described by applicable local, State, and Federal codes or ordinances, as well as any and all applicable Alabama agencies, Board's and Commissions' rules and regulations. Where there is conflict between the minimum standards adopted by the Board and the applicable local, State, or Federal codes or ordinances or any applicable Alabama agency, Board or Commission's, rules and regulations, the most restrictive will govern;

(e) All refrigeration contractors shall comply with the minimum standards required by and described in *Refrigeration and Air Conditioning* by ARI, the American Refrigeration Institute;

(f) All refrigeration contractors shall comply with the minimum standards of business law.

Author: Kathy S. LeCroix, Jeffrey Becraft, Mark Montiel

Statutory Authority: *Code of Alabama 1975*, Section 34-31-21(a); Act No. 2009-486

History: Filed January 21, 2003; October 15, 2008; June 19, 2009; December 12, 2012