



# Representative Chris Tuck

## House Majority Leader

Serving House District 23 • Dimond Estates, Foxridge, Taku, Campbell, Northwood, and Windemere

### House Bill 255 Certificate of Fitness Sponsor Statement

House Bill 255 will change enforcement policies for individuals performing electrical or plumbing work without a valid certificate of fitness. Current enforcement techniques are ineffective, and the revisions proposed in this legislation will give the Department of Labor a substantive way of enforcing certificate of fitness requirements.

A certificate of fitness is issued by the Mechanical Inspection section of the Division of Labor Safety & Standards in the Department of Labor and Workforce Development, and is essentially an occupational license for performing electrical or plumbing work. Alaska statute prohibits individuals from performing these types of work without a valid certificate of fitness.

The current enforcement for operating without a valid certificate of fitness is ineffective. AS 18.62.080 states that it is a misdemeanor to perform work requiring a certificate of fitness without having one. However, enforcement requires filing a written complaint through the Department of Law and taking the matter to the superior court, and often these offenses are too minor to merit the interest of the District Attorney's office. The department's other enforcement option is to issue a civil order to cease and desist, which carries no punitive sanction, and so provides little motivation for the offender to remedy the situation. Therefore, offenders often go unpunished.

House Bill 255 will change the penalty from a misdemeanor to a violation, which will allow the department to issue citations and civil penalties to individuals and to employers using employees who are operating without a valid certificate. New sections of statute added by this legislation give the department authority to issue citations, outline the procedures for issuing citations, and set the amount of and the procedure for administering civil penalties. The penalty is set at \$125 for an individual and \$250 for an employer for a first offense, and \$250 for an individual and \$500 for an employer for subsequent offenses.

Changing the penalty from a rarely-enforced misdemeanor to the graduated enforcement steps of civil penalties and citations will provide more effective motivation for individuals and employers in the electrical and plumbing industries to comply with certificate of fitness requirements, and ensure public safety. Thank you for your support of HB 255.

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