

1 HB265  
2 148041-1  
3 By Representative Williams (J)  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 12-FEB-13

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would amend the statute relating  
9 to the State of Alabama Plumbers and Gas Fitters  
10 Examining Board and the licensing and regulation of  
11 plumbers and gas fitters.

12 This bill would provide further for  
13 definitions; provide that unencumbered funds be  
14 transferred to the Alabama Home Builders Foundation  
15 for classroom training; provide further for  
16 displaying business names and require master  
17 plumbers and journeymen plumbers to have current  
18 certification for installing, testing, or  
19 maintaining backflow prevention devices; provide  
20 further for renewal of certificates; provide for  
21 reissuance fees for replacement certificates;  
22 provide for certain disciplinary actions by the  
23 board; provide for posting of bonds by principal  
24 master plumbers and gas fitters; provide further  
25 for inactive status of certified plumbers and gas  
26 fitters; provide further for exempted activities  
27 and entities; and provide further for

1 administrative and disciplinary actions by the  
2 board.

3 Amendment 621 of the Constitution of Alabama  
4 of 1901, now appearing as Section 111.05 of the  
5 Official Recompilation of the Constitution of  
6 Alabama of 1901, as amended, prohibits a general  
7 law whose purpose or effect would be to require a  
8 new or increased expenditure of local funds from  
9 becoming effective with regard to a local  
10 governmental entity without enactment by a 2/3 vote  
11 unless: it comes within one of a number of  
12 specified exceptions; it is approved by the  
13 affected entity; or the Legislature appropriates  
14 funds, or provides a local source of revenue, to  
15 the entity for the purpose.

16 The purpose or effect of this bill would be  
17 to require a new or increased expenditure of local  
18 funds within the meaning of the amendment. However,  
19 the bill does not require approval of a local  
20 governmental entity or enactment by a 2/3 vote to  
21 become effective because it comes within one of the  
22 specified exceptions contained in the amendment.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1                   Relating to the State of Alabama Plumbers and Gas  
2 Fitters Examining Board and the regulations of plumbers and  
3 gas fitters; to amend Sections 34-37-1, 34-37-2, 34-37-5,  
4 34-37-6, 34-37-8, 34-37-9, 34-37-12, 34-37-13, 34-37-14,  
5 34-37-15, and 34-37-17, Code of Alabama 1975; so as to provide  
6 further for defined terms, the name of the board, deposit and  
7 disbursement of funds for classroom training purposes; to  
8 provide further for certification, requirements; to provide  
9 for installing, testing, and maintaining backflow prevention  
10 devices; to provide further for fees for reissuance of lost  
11 certificates; to provide further for disciplinary actions by  
12 the board; to provide further for bonds of principal master  
13 plumbers and gas fitters; to provide for inactive  
14 certifications; to provide further for exempted actions and  
15 entities; and to provide further for disciplinary actions of  
16 the board; and in connection therewith would have as its  
17 purpose or effect the requirement of a new or increased  
18 expenditure of local funds within the meaning of Amendment 621  
19 of the Constitution of Alabama of 1901, now appearing as  
20 Section 111.05 of the Official Recompilation of the  
21 Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23                   Section 1. Sections 34-37-1, 34-37-2, 34-37-5,  
24 34-37-6, 34-37-8, 34-37-9, 34-37-12, 34-37-13, 34-37-14,  
25 34-37-15, and 34-37-17, Code of Alabama 1975, are amended to  
26 read as follows:

27                   "§34-37-1.

1           "For purposes of this chapter, the following terms  
2 shall have meanings respectively ascribed to them herein  
3 unless the context clearly requires a different meaning:

4           "(1) APPRENTICE GAS FITTER OR PLUMBER. A person  
5 other than a master or journeyman gas fitter or plumber, who  
6 is engaged in learning and assisting in the installation of  
7 gas pipe, equipment, apparatus, and appliances, and shall work  
8 directly under the supervision of a journeyman or master gas  
9 fitter or plumber, and who has successfully fulfilled the  
10 registration requirements of the board and has been duly  
11 registered by the board as such for the current year.

12           "(2) BACKFLOW PREVENTION DEVICE. A device installed  
13 within a water supply or a building distribution system on the  
14 consumer side of the meter to protect the potable water supply  
15 from contamination.

16           "~~(2)~~ (3) BOARD. The State of Alabama Plumbers and  
17 Gas Fitters Examining Board as renamed by this chapter. The  
18 board shall examine, certify, and regulate plumbers, gas  
19 fitters, and medical gas piping fitters on a statewide basis  
20 pursuant to this chapter.

21           "~~(3)~~ (4) CERTIFICATION. The process of testing at  
22 the state level to determine the knowledge and skill of an  
23 individual with respect to plumbing and gas fitting, and the  
24 issuing of certificates to indicate that an individual has  
25 passed the examination.

26           "~~(4)~~ (5) GAS FITTING, GAS SYSTEMS, or GAS WORK. The  
27 installation, repair of pipes, fixtures, fittings, appliances,

1 or apparatus necessary for supplying natural gas for  
2 residential or commercial use from the point of delivery and  
3 all gas piping before connection to the combustion zone and  
4 including the applicable venting of flue gases to the outside  
5 atmosphere and the provisions for air for combustion and  
6 ventilation. This chapter shall not be construed to prevent  
7 any contractor certified by the Alabama Board of Heating, ~~and~~  
8 Air Conditioning, and Refrigeration Contractors from  
9 installing, replacing, or performing service or repair on  
10 natural gas fired air heating/cooling appliances, excluding  
11 piping to them provided the installing contractor has a valid  
12 certificate issued by the Alabama Board of Heating, ~~and~~ Air  
13 Conditioning, and Refrigeration Contractors.

14 "~~(5)~~ (6) JOURNEYMAN GAS FITTER. A person who engages  
15 in or works at the actual installation, repair, or replacement  
16 of gas work, who has successfully fulfilled the examination  
17 requirements of the board, has been issued a journeyman gas  
18 fitter certificate by the board, and possesses a valid and  
19 current annual certificate issued by the board. The  
20 certificate shall be available for inspection on request.

21 "~~(6)~~ (7) JOURNEYMAN PLUMBER. A person who engages in  
22 or works at the actual installation, repair, or replacement of  
23 plumbing systems, who has successfully fulfilled the  
24 examination requirements of the board, has been issued a  
25 journeyman plumber certificate by the board, and possesses a  
26 valid and current annual certificate issued by the board. The  
27 certificate shall be available for inspection on request.

1           "~~(7)~~ (8) MASTER GAS FITTER. Any person engaged in or  
2 proposing to engage in the business of contracting to do, or  
3 of superintending the installation, maintenance, or repair of  
4 gas systems or gas work, either or both. The individual shall  
5 qualify to be a certified master gas fitter. If the business  
6 be a firm or corporation, at least one active employee of the  
7 firm or corporation shall be a duly registered and certified  
8 master gas fitter, actively and continuously connected with  
9 the conduct of the business. The master gas fitter shall have  
10 in his or her possession a current annual certificate issued  
11 by the board. The certificate shall be available for  
12 inspection on request. A person who engages in or works at the  
13 actual installation, repair, or replacement of gas systems,  
14 who has successfully fulfilled the examination requirements of  
15 the board, has been issued a master gas fitter certificate by  
16 the board, and possesses a valid and current annual  
17 certificate issued by the board. The master gas fitter shall  
18 have in his or her possession a current annual certificate.  
19 The certificate shall be available for inspection on request.  
20 This person may at any time register with the board as  
21 principal for any business, firm, or coroporation.

22           "~~(8)~~ (9) MASTER PLUMBER. Any person engaged in or  
23 proposing to engage in the business of contracting to do, or  
24 of superintending the installation, maintenance, or repair of  
25 plumbing, or both. The individual shall qualify to be a  
26 certified master plumber. If the business is a firm or  
27 corporation, at least one active employee of the firm or

1 ~~corporation shall be a duly registered and certified master~~  
2 ~~plumber, actively, continuously connected with the conduct of~~  
3 ~~the business. The master plumber shall have in his or her~~  
4 ~~possession a current annual certificate issued by the board.~~  
5 ~~The certificate shall be available for inspection on request.~~  
6 A person who engages in or works at the actual installation,  
7 repair, or replacement of plumbing systems, who has  
8 successfully fulfilled the examination requirements of the  
9 board, has been issued a master plumber certificate by the  
10 board, and possesses a valid and current annual certificate  
11 issued by the board. The master plumber shall have in his or  
12 her possession a current annual certificate. The certificate  
13 shall be available for inspection on request. This person may  
14 at any time register with the board as principal for any  
15 business, firm, or corporation.

16 ~~"(9)~~ (10) MEDICAL GAS PIPING FITTER. A master  
17 plumber or master gas fitter whose certificate bears an  
18 endorsement for installation of medical gas piping. A  
19 journeyman plumber or journeyman gas fitter whose certificate  
20 bears an endorsement for installation of medical gas piping  
21 shall be entitled to install medical gas piping under the  
22 direction of a master plumber or master gas fitter whose  
23 certificate entitles him or her to install medical gas piping.  
24 The medical gas piping fitter shall have in his or her  
25 possession a current annual certificate with endorsement  
26 issued by the board. The certificate shall be available for  
27 inspection on request.



1           "~~(10)~~ (11) MEDICAL GAS PIPING. Piping used solely to  
2 transport gases used for medical purposes.

3           "~~(11)~~ (12) PLUMBING, PLUMBING SYSTEMS, or PLUMBING  
4 WORK. The installation, repair, or replacement of pipes,  
5 fixtures, or other apparatus necessary either for supplying  
6 water or for removing liquid or waterborne waste. The term is  
7 also used to denote installed fixtures, drainage, vents, and  
8 water distribution systems.

9           "(13) PRINCIPAL. The individual responsible for the  
10 contracting, superintending, installation, maintenance, or  
11 repair of plumbing and/or gas fitting systems for a business,  
12 firm, or corporation, who is actively and continuously  
13 connected with the conduct of the business and is solely  
14 responsible to the board for the same.

15           "~~(7)~~ (14) PRINCIPAL MASTER GAS FITTER. Any person  
16 engaged in or proposing to engage in the business of  
17 contracting to ~~do~~ conduct, or of superintending the  
18 installation, maintenance, or repair of gas systems or gas  
19 work, either or both. The individual shall qualify to be a  
20 certified master gas fitter. If the business be a firm or  
21 corporation, at least one active employee of the firm or  
22 corporation shall be a duly registered and certified master  
23 gas fitter, actively and continuously connected with the  
24 conduct of the business and registered with the board as the  
25 principal of the business and hold the required bond. The  
26 master gas fitter shall have in his or her possession a

1 current annual certificate issued by the board. The  
2 certificate shall be available for inspection on request.

3 ~~"(8)~~ (15) PRINCIPAL MASTER PLUMBER. Any person  
4 engaged in or proposing to engage in the business of  
5 contracting to ~~do~~ conduct, or of superintending the  
6 installation, maintenance, or repair of either plumbing  
7 systems or plumbing work, or both. The individual shall  
8 qualify to be a certified master plumber. If the business is a  
9 firm or corporation, at least one active employee of the firm  
10 or corporation shall be a duly registered and certified master  
11 plumber, actively, continuously connected with the conduct of  
12 the business and registered with the board as the principal of  
13 the business and hold the required bond. The master plumber  
14 shall have in his or her possession a current annual  
15 certificate issued by the board. The certificate shall be  
16 available for inspection on request.

17 "§34-37-2.

18 "The Plumbers Examining Board as created by Act No.  
19 529 of the 1949 Regular Session of the Legislature (Acts 1949,  
20 p. 827), as amended, is renamed the State of Alabama Plumbers  
21 and Gas Fitters Examining Board and the authority of the board  
22 is expanded to allow the board to examine, certify, and  
23 regulate plumbers, gas fitters, and medical gas piping fitters  
24 on a statewide basis. The board may make and enforce rules  
25 adopted in accordance with Chapter 22 of Title 41, the Alabama  
26 Administrative Procedure Act.

27 "§34-37-5.

1           "(a) There is established a separate special revenue  
2 trust fund in the State Treasury to be known as the State of  
3 Alabama Plumbers and Gas Fitters Examining Board Fund. All  
4 receipts collected by the board under this chapter shall be  
5 deposited in this fund and used only to carry out this  
6 chapter. The fund shall be disbursed only by warrant of the  
7 state Comptroller upon the State Treasury upon itemized  
8 vouchers approved by the executive director of the board or,  
9 in the absence of the executive director, by the deputy  
10 director. No funds shall be withdrawn or expended except as  
11 budgeted and allotted according to Sections 41-4-80 to  
12 41-4-96, inclusive, as amended, and only in amounts as  
13 stipulated in the general appropriation bill or other  
14 appropriation bills. Any funds unspent and unencumbered at the  
15 end of each fiscal year that exceed 25 percent of the board's  
16 budget for the previous fiscal year shall be transferred to  
17 the 501(c)(3) nonprofit Alabama Home Builders Foundation to be  
18 used exclusively for classroom training tools at educational  
19 facilities that provide plumbing and gas fitting curriculums.  
20 If, at any time, the Alabama Home Builders Foundation should  
21 lose its nonprofit status, those funds shall be transferred to  
22 the State General Fund.

23           "(b) The executive director and the deputy director  
24 of the board shall, before entering upon the duties of their  
25 office, make and file with the Secretary of State an official  
26 bond in the sum of five thousand dollars (\$5,000), unless  
27 covered by the state blanket bond. The appropriate premiums on

1 the bond shall be paid out of the funds of the board, and the  
2 bond shall be executed by an approved bonding fidelity or  
3 guaranty company qualified to do business in Alabama and  
4 acceptable to the Secretary of State.

5 "§34-37-6.

6 "(a) It shall be unlawful for any person, firm, or  
7 corporation to advertise, bid, or purchase a business license  
8 or to do or perform, or to contract, direct, or superintend  
9 any plumbing, gas fitting, or medical gas piping within any  
10 incorporated city or town or county of this state unless the  
11 person has first received a certificate of competency,  
12 hereinafter referred to as "certificate," that is in force and  
13 effect at the time the plumbing, gas fitting, or medical gas  
14 piping is ~~done~~ performed, directed, or superintended, except  
15 as hereinafter provided.

16 "(b) The business name which is registered with the  
17 board for each company engaged in plumbing or gas fitting  
18 shall be displayed in a prominent manner on two sides of each  
19 service or construction vehicle. The lettering shall be a  
20 minimum of four inches in height.

21 "~~(b)~~ (c) The board shall register every person who  
22 may apply for an apprentice plumber or gas fitter registration  
23 certificate upon forms provided by the board, upon the  
24 applicant first paying all prescribed fees.

25 "~~(c)~~ (d) The board shall examine and pass upon the  
26 qualification of every person who applies for a journeyman's

1 plumber or gas fitter certificate upon forms provided by the  
2 board.

3 "(1) An applicant for examination for a journeyman's  
4 plumber or gas fitter certificate shall submit proof that the  
5 applicant has two years of work experience as an apprentice  
6 plumber or gas fitter or has completed an apprentice training  
7 program approved by the board.

8 "(2) Applicants for journeyman plumber or gas fitter  
9 shall be examined, orally or in writing, upon the fundamentals  
10 of plumbing or gas fitting, the theory and practice of  
11 plumbing installation and construction or gas fitting work,  
12 and the experience and ability of the applicant in practical  
13 plumbing installation and construction or gas fitting work.

14 "(3) If the applicant is found to possess an  
15 accurate knowledge of the theory and correct practice of  
16 plumbing installation and construction or gas fitting work,  
17 and sufficient experience and ability in plumbing installation  
18 and construction or gas fitting work to safely and competently  
19 apply that knowledge and practice, the board shall issue a  
20 certificate, upon the applicant first paying all prescribed  
21 fees.

22 "(4) The examination ~~shall~~ may be administered by an  
23 independent examining agency.

24 "~~(d)~~ (e) The board shall examine and pass upon the  
25 qualifications of every person who applies for a master's  
26 plumber or gas fitter certificate upon forms provided by the  
27 board.

1           "(1) Applicants for examination for a master plumber  
2 certificate shall submit proof to the board that the applicant  
3 has at least one year of work experience as a journeyman  
4 plumber.

5           "(2) Applicants for examination for a master gas  
6 fitter's certificate shall submit proof to the board that the  
7 applicant has at least one year of work experience as a  
8 journeyman gas fitter.

9           "(3) An applicant for a master's certificate shall  
10 be examined upon knowledge, training, and ability, in the  
11 planning, laying out, and supervision of plumbing installation  
12 and construction work or gas fitting work, and if found to  
13 possess those qualifications, the applicant shall be issued a  
14 master's plumber or gas fitter certificate by the board upon  
15 the applicant first paying all prescribed fees.

16           "(4) The examination may be administered by an  
17 independent examining agency.

18           "~~(e)~~ (f) No person shall be issued a certificate  
19 without passing the prescribed examination. A person who has  
20 passed the examination must become certified within 90  
21 calendar days and shall not be required to take the  
22 examination thereafter in order to secure a certificate in  
23 subsequent years. A person who passes the examination but  
24 fails to become certified shall be required to retake the  
25 examination. At least four examinations per year shall be  
26 conducted, at a time and place prescribed by the board after  
27 reasonable notice.

1           "~~(f)~~ (g) Any master plumber, master gas fitter,  
2 journeyman plumber, or journeyman gas fitter performing  
3 medical gas piping shall provide proof to the board that he or  
4 she has successfully completed a current medical gas piping  
5 certification program approved by the board. The approval by  
6 the board shall be indicated by endorsement as a medical gas  
7 piping fitter on his or her certificate. Any journeyman  
8 performing medical gas piping shall work under the direction  
9 of a master plumber or master gas fitter whose certificate  
10 entitles him or her to install medical gas piping.

11           "~~(g)~~ ~~An applicant for any type of certification~~  
12 ~~shall be a United States citizen or, if not a citizen of the~~  
13 ~~United States, a person who is legally present in the United~~  
14 ~~States with appropriate documentation from the federal~~  
15 ~~government.~~

16           "(h) Any master plumber or journeyman plumber  
17 installing or maintaining a backflow prevention device shall  
18 have in his or her possession a current certification issued  
19 by the board. The installation and maintenance of backflow  
20 prevention devices shall be performed under the direction of a  
21 master plumber.

22           "§34-37-8.

23           "(a) Any person who holds a certificate issued by  
24 the board shall be issued statewide certification upon the  
25 annual renewal of their existing certificate.

26           "(b) Any certificate issued by the board shall be  
27 acceptable by any city, town, or county in the state and any

1 existing local statute or ordinance contrary to this section  
2 is repealed, and no other competency certification or  
3 examination shall be required of plumbers, gas fitters, or  
4 medical gas piping fitters by any local governmental entity.

5 "(c) Any current registration or annual certificate  
6 issued to any person by the board shall be in possession of  
7 the person at any time he or she engages in or proposes to  
8 engage as a master, journeyman, or apprentice plumber, gas  
9 fitter, ~~or~~ medical gas piping fitter, or while installing,  
10 testing, or maintaining a backflow prevention device, as the  
11 case may be, and upon request he or she shall make the  
12 certificate or registration available for inspection and  
13 identification by any person or persons for whom he or she  
14 engages or proposes to engage as such, and for identification  
15 by plumbing, gas, or other authorized enforcement personnel of  
16 any governmental entity, board, or agency when requested.

17 "§34-37-9.

18 "The board shall set the necessary fees to  
19 administer the requirements of this chapter and when adopted,  
20 such fee schedule shall be in lieu of any fee schedule  
21 heretofore prescribed by the board. The board shall not change  
22 the fee schedule to be effective in the middle of a calendar  
23 year.

24 "The certificates provided for herein shall be  
25 issued by the board upon the payment of the prescribed fees.  
26 All annual certificates shall expire on December 31 of the  
27 year in which they are issued. The certificate fees herein



1 prescribed shall be in addition to all privilege or license  
2 taxes otherwise levied. Certificates renewed after December 31  
3 shall include the late renewal penalty established by the  
4 board.

5 "All applicants requesting replacement of lost or  
6 stolen certificates shall be required to pay a \$5 reissuance  
7 fee based on the regular fee schedule.

8 "All persons serving in the armed forces will not be  
9 required to pay any back years for a renewal certificate  
10 during the calendar year he or she is released from active  
11 military duty. All other persons shall pay back years unless  
12 proof satisfactory to the board is furnished indicating that  
13 the individual was not employed in such years in the plumbing  
14 or gas fitting trade.

15 "§34-37-12.

16 "The board may revoke or suspend any certificate ~~if~~  
17 obtained through concealment, misstatement, or  
18 misrepresentation of any material fact in the application for  
19 such certificate~~7~~. The board may discipline any certificate  
20 holder ~~or~~ for a ~~willful~~ violation of any law or ordinance  
21 pertaining to the business of the holder ~~of such certificates~~.  
22 Before a certificate may be suspended or revoked, the holder  
23 thereof shall have notice in writing, enumerating the charges  
24 against him or her, and be entitled to a hearing by the board  
25 not sooner than five days from receipt of notice. The holder  
26 of such certificate shall be given an opportunity to present  
27 testimony, oral or written, and right of cross-examination and

1 representation by counsel. All testimony shall be given under  
2 oath. The board shall have power to administer oaths, issue  
3 subpoenas, and compel the attendance of witnesses.

4 "The decision of the board shall be based on the  
5 evidence produced at the hearing and made a part of the record  
6 thereof. The board may suspend any certificate up to one year  
7 or may revoke the certification. The person whose certificate  
8 has been revoked shall not be permitted to apply for a license  
9 for one year from the date of revocation. No certification  
10 shall be suspended or revoked unless the majority of the board  
11 members concur. Board procedure shall be the same as defined  
12 in the Alabama Administrative Procedure Act, Chapter 22 of  
13 Title 42. The board may establish additional procedures as  
14 needed provided that any additional procedures are published  
15 and made public and are not in conflict with state law.

16 ~~"Hearings shall be conducted by a hearing officer~~  
17 ~~appointed by the board. The hearing officer may be a board~~  
18 ~~member, the executive director, or such other person as the~~  
19 ~~board may deem fit and proper to hold such hearing. The~~  
20 ~~testimony adduced at the hearing, along with all other~~  
21 ~~proceedings, shall be taken down by a competent stenographer~~  
22 ~~and shall be preserved as a record of the board and shall be~~  
23 ~~open to the public inspection at all reasonable times. A copy~~  
24 ~~of the record so adduced shall be furnished to each member of~~  
25 ~~the board, and no license shall be revoked unless a majority~~  
26 ~~of the board members concur with the revocation of same.~~

1           ~~"No annual certificate shall be issued to any~~  
2 ~~certificate holder whose certificate shall have been revoked~~  
3 ~~by the board after such hearing until one year from and after~~  
4 ~~the date of such revocation unless the certificate holder~~  
5 ~~whose certificate shall have been so revoked shall enter into~~  
6 ~~a bond with good and sufficient surety in the penal sum of~~  
7 ~~\$1,000 to faithfully comply with the provisions of this~~  
8 ~~chapter and of all rules and regulations and codes adopted by~~  
9 ~~the board, provided, however, that such certificate holder~~  
10 ~~whose certificate shall be so revoked may within five days~~  
11 ~~after such revocation appeal from the board's decision or~~  
12 ~~revocation to the circuit court of the county in which the~~  
13 ~~certificate holder resides, does business, or is employed.~~

14           ~~"§34-37-13.~~

15           ~~"In order to protect the public from damages arising~~  
16 ~~from plumbing and gas fitting or plumbing work and gas fitting~~  
17 ~~work failing to comply with the requirements of any state laws~~  
18 ~~applicable thereto, or with the ordinances of any municipal~~  
19 ~~corporation applicable thereto, it is hereby provided that~~  
20 ~~before any person engages in the business of principal master~~  
21 ~~plumber or principal master gas fitter, he or she shall~~  
22 ~~execute and deposit with the judge of probate in the county of~~  
23 ~~his or her principal place of business board a bond in the sum~~  
24 ~~of ~~\$2,000~~ fifteen thousand dollars (\$15,000). Such bond shall~~  
25 ~~be a cash bond of \$2,000 or executed by a surety authorized~~  
26 ~~and qualified to write surety bonds in the State of Alabama,~~  
27 ~~and shall be approved by the probate judge. Such bond shall be~~

1 conditioned upon all plumbing and gas fitting work ~~done~~  
2 performed or supervised by such principal master plumber or  
3 principal master gas fitter complying with the provisions of  
4 any laws or ordinances relating to plumbing and gas fitting  
5 and applicable thereto. Action on such bond may be brought  
6 against the principal and surety thereon in the name of, and  
7 for the benefit of, any person who suffers damages as a  
8 consequence of the principal master plumber's or principal  
9 master gas fitter's work not conforming to the requirements of  
10 any laws or ordinances pertaining to plumbing and gas fitting  
11 and applicable thereto, provided, however, that the aggregate  
12 liability of the surety to all persons so damaged shall, in no  
13 event, exceed the sum of the bond. This shall be a statewide  
14 bond. No principal master plumber, principal master gas  
15 fitter, business, firm, or corporation who holds an active  
16 performance bond with the board shall be required to purchase  
17 a performance bond within any incorporated city or county  
18 within the State of Alabama.

19 "§34-37-14.

20 "(a) No person who has obtained a certificate shall  
21 allow his or her name to be used by another person, either for  
22 the purpose of obtaining permits, or doing business or work  
23 under his or her certificate; and every person certified shall  
24 notify the board of the address of his or her place of  
25 business and the name under which such business is carried on,  
26 and shall give immediate notice to the board of any change in  
27 either.

1           "(b) Before any person certified by the board  
2 engages in the business of master plumber and/or master gas  
3 fitter, he or she shall notify the board of the address of the  
4 place of business he or she engages in as such and the name  
5 under which such business is carried on and shall give  
6 immediate notice of any change in either. All information  
7 required by this section shall be furnished on a business  
8 certification form furnished by the board.

9           "(c) Any certified master plumber or master gas  
10 fitter who desires to renew his or her annual certificate but  
11 does not intend to engage as a master, as defined in this  
12 chapter, shall complete an inactive status affidavit obtained  
13 from the board and shall remit the annual renewal fee set in  
14 the fee schedule. Code officials who hold a certification with  
15 the board and wish to be inactive shall be exempt from all  
16 renewal fees and examination requirements.

17           "§34-37-15.

18           "(a) The following acts, work, and conduct may be  
19 performed by anyone, without ~~license or a~~ certificate,  
20 provided, however, that all work and services herein named or  
21 referred to shall be subject to an inspection and approval in  
22 accordance with the terms of all state laws and applicable  
23 municipal ordinances:

24           "(1) ~~Plumbing Gas fitting work done~~ performed by  
25 anyone who is ~~regularly~~ employed ~~or~~ and acting as a  
26 maintenance man ~~acting under the supervision of a maintenance~~  
27 ~~engineer or maintenance engineer~~ incidental to and in

1 connection with the business in which he or she is employed  
2 and engaged, provided the ~~gas fitting~~ work is ~~done~~ performed  
3 on the premises of the employer, and who does not engage in  
4 the occupation of a plumber ~~or gas fitter~~ for the general  
5 public.

6 "(2) ~~Maintenance and reinstallation~~ Plumbing work  
7 ~~done~~ performed upon the premises or equipment of a railroad,  
8 or other businesses or industry, by an employee thereof who  
9 does not engage in the occupation of a plumber ~~or gas fitter~~  
10 for the general public.

11 "(3) Plumbing or gas fitting work ~~done~~ performed by  
12 persons engaged by or employed by any public utility company  
13 in the laying, maintenance, and operation of its service mains  
14 or lines and the installation, alteration, adjustment, repair,  
15 removal, and renovation of all types of appurtenances, and  
16 equipment, ~~and appliances~~, provided such ~~plumbing~~ work does  
17 not ~~necessitate tying into waste or sewer lines on the outlet~~  
18 ~~side of a trap or~~ alter gas piping on the consumer side of  
19 meter.

20 "~~(4) Appliances or fixture installations and service~~  
21 ~~work done in connecting appliances or fixtures to existing~~  
22 ~~piping installations.~~

23 "(4) Plumbing work performed by a property owner in  
24 or about a building owned or occupied by the owner.

25 "(b) Any person may install washing machines to  
26 existing piping installation or waste lines, provided such

1 plumbing work does not necessitate tying into waste or sewer  
2 lines on the outlet side of the trap.

3 ~~"(c) This chapter shall not apply to any natural gas~~  
4 ~~utility company having fewer than 350 employees that is~~  
5 ~~regulated by the Alabama Public Service Commission.~~

6 ~~"(d) (c)~~ This chapter does not apply to any plumbing  
7 work done by a property owner in or about a building owned or  
8 occupied by him or her, or plumbing work done by anyone who is  
9 regularly employed by the property owner to provide  
10 maintenance or other repair services if the work is incidental  
11 to and in connection with the property for which he or she is  
12 employed and engaged and is done on the premises of the  
13 employer.

14 "§34-37-17.

15 "(a) The board shall have the administrative  
16 authority to discipline or require a certificate holder to  
17 attend training specific to violations. The board has the  
18 authority to levy civil fines or penalties to any certificate  
19 holder for a violation of any provision of this chapter  
20 regulating plumbers, gas fitters, or medical gas fitters up to  
21 two thousand dollars (\$2,000) and actual costs of hearing the  
22 revocation.

23 (b) In addition to or in lieu of the criminal  
24 penalties and administrative sanctions provided in this  
25 chapter, the board may issue an order to any person, firm, or  
26 corporation engaged in any activity, conduct, or practice  
27 constituting a violation of this chapter, directing the

1 person, firm, or corporation to forthwith cease and desist  
2 from the activity, conduct, practice, or performance of any  
3 work then being performed or about to be commenced.

4 "(c) It shall be unlawful for any person to violate  
5 any provision of this chapter regulating plumbers, gas  
6 fitters, or medical gas piping fitters. Any person convicted  
7 of such violation shall be punished as prescribed for a Class  
8 B A misdemeanor."

9 Section 2. Although this bill would have as its  
10 purpose or effect the requirement of a new or increased  
11 expenditure of local funds, the bill is excluded from further  
12 requirements and application under Amendment 621, now  
13 appearing as Section 111.05 of the Official Recompilation of  
14 the Constitution of Alabama of 1901, as amended, because the  
15 bill defines a new crime or amends the definition of an  
16 existing crime.

17 Section 3. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.