

1 HB373  
2 166394-2  
3 By Representative Williams (JD)  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 31-MAR-15

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8 SYNOPSIS: This bill would amend various provisions of  
9 Chapter 37, Title 34, Code of Alabama 1975, of the  
10 Plumbers and Gas Fitters Law.

11 The bill would require an apprentice gas  
12 fitter or plumber to have a current annual  
13 certificate; provide additional defined terms;  
14 authorize the board to expend funds for public  
15 awareness purposes; provide further for the duties  
16 of the deputy director of the board; provide for  
17 the Home Builders Foundation; further define  
18 prohibited activities and disciplinary actions of  
19 the board; recognize registration as well as  
20 certificates; allow the board to consider requests  
21 for waiver back years and penalties; abolish  
22 temporary certificates; provide fees for reciprocal  
23 agreements; provide further for administrative  
24 fines, fees, and penalties, and other  
25 administrative disciplinary actions; abolish  
26 bonding requirements; provide for inactive status  
27 for persons registered by the board; provide

1 further for certain authorized acts and works  
2 subject to inspection; provide for exemptions;  
3 provide disciplinary training, fines, and  
4 penalties; and provide for records and  
5 confidentiality of board proceedings.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the State of Alabama Plumbers and Gas  
12 Fitters Examining Board and the practices and persons  
13 regulated by the board; to amend Sections 34-37-1, 34-37-2,  
14 34-37-4, 34-37-5, 34-37-6, 34-37-8, 34-37-9, 34-37-11,  
15 34-37-12, 34-37-14, 34-37-15, and 34-37-17, Code of Alabama  
16 1975; relating to defined terms, powers of the board to  
17 advertise and promote the professions; board hearings; to  
18 authorize the Alabama Home Builders Foundation; provide  
19 further for prohibited activities and disciplinary powers of  
20 the board; recognize registrations of the board; provide fees  
21 for reciprocal agreements; provide for inactive status of  
22 certified and registered individuals; provide further for  
23 exempted activity; to repeal Sections 34-37-10 and 34-37-13,  
24 Code of Alabama 1975, relating to temporary certificates and  
25 bonding requirements; and to add Section 34-37-17.1, relating  
26 to records of the board and confidentiality of records.  
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 34-37-1, 34-37-2, 34-37-4,  
2           34-37-5, 34-37-6, 34-37-8, 34-37-9, 34-37-11, 34-37-12,  
3           34-37-14, 34-37-15, and 34-37-17, Code of Alabama 1975, are  
4           hereby amended to read as follows:

5           "§34-37-1.

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

9           "(1) APPRENTICE GAS FITTER OR PLUMBER. A person  
10          other than a master or journeyman gas fitter or plumber, who  
11          is engaged in learning and assisting in the installation of  
12          gas pipe, equipment, apparatus, and appliances, and shall work  
13          directly under the supervision of a journeyman or master gas  
14          fitter or plumber, and who has successfully fulfilled the  
15          registration requirements of the board and has been duly  
16          registered by the board as such for the current year. The  
17          apprentice shall have in his or her possession a current  
18          annual certificate. The certificate shall be available for  
19          inspection on request.

20          "(2) BOARD. The State of Alabama Plumbers and Gas  
21          Fitters Examining Board as renamed by this chapter. The board  
22          shall examine, certify, and regulate plumbers, gas fitters,  
23          and medical gas piping fitters on a statewide basis pursuant  
24          to this chapter.

25          "(3) CERTIFICATION. The process of testing at the  
26          state level to determine the knowledge and skill of an  
27          individual with respect to plumbing and gas fitting, and the

1 issuing of certificates to indicate that an individual has  
2 passed the examination.

3 "(4) GAS FITTING, GAS SYSTEMS, or GAS WORK. The  
4 installation, repair of pipes, fixtures, fittings, appliances,  
5 or apparatus necessary for supplying natural gas for  
6 residential or commercial use from the point of delivery and  
7 all gas piping before connection to the combustion zone and  
8 including the applicable venting of flue gases to the outside  
9 atmosphere and the provisions for air for combustion and  
10 ventilation, including all gas fitting work further defined by  
11 any board rules and all codes currently adopted by the board.  
12 This chapter shall not be construed to prevent any contractor  
13 certified by the Alabama Board of Heating, ~~and~~ Air  
14 Conditioning, and Refrigeration Contractors from installing,  
15 replacing, or performing service or repair on natural gas  
16 fired air heating/cooling appliances, excluding piping to them  
17 provided the installing contractor has a valid certificate  
18 issued by the Alabama Board of Heating, ~~and~~ Air Conditioning, ~~and~~  
19 and Refrigeration Contractors.

20 "(5) JOURNEYMAN GAS FITTER. ~~A person~~ Every person  
21 who engages in or works at the actual installation, repair, or  
22 replacement of gas work, who has successfully fulfilled the  
23 examination requirements of the board, has been issued a  
24 journeyman gas fitter certificate by the board, and possesses  
25 a valid and current annual certificate issued by the board.  
26 The journeyman gas fitter shall have in his or her possession

1 a current annual certificate. The certificate shall be  
2 available for inspection on request.

3 "(6) JOURNEYMAN PLUMBER. ~~A person~~ Any person who  
4 engages in or works at the actual installation, repair, or  
5 replacement of plumbing systems, who has successfully  
6 fulfilled the examination requirements of the board, has been  
7 issued a journeyman plumber certificate by the board, and  
8 possesses a valid and current annual certificate issued by the  
9 board. The journeyman plumber shall have in his or her  
10 possession a current annual certificate. The certificate shall  
11 be available for inspection on request.

12 "(7) MASTER GAS FITTER. ~~Any person engaged in or~~  
13 ~~proposing to engage in the business of contracting to do, or~~  
14 ~~of superintending the installation, maintenance, or repair of~~  
15 ~~gas systems or gas work, either or both. The individual shall~~  
16 ~~qualify to be a certified master gas fitter. If the business~~  
17 ~~be a firm or corporation, at least one active employee of the~~  
18 ~~firm or corporation shall be a duly registered and certified~~  
19 ~~master gas fitter, actively and continuously connected with~~  
20 ~~the conduct of the business. The master gas fitter shall have~~  
21 ~~in his or her possession a current annual certificate issued~~  
22 ~~by the board. The certificate shall be available for~~  
23 ~~inspection on request.~~ Any person or legal entity that engages  
24 in or works at the actual installation, repair, or replacement  
25 of gas systems, that has successfully fulfilled the  
26 examination requirements of the board, that has been issued a  
27 master gas fitter certificate by the board, and that posses a

1 valid and current annual certificate issued by the board. The  
2 master gas fitter shall have in his or her possession a  
3 current annual certificate. The certificate shall be available  
4 for inspection on request. This person may at any time  
5 register with the board as principal for any business, firm,  
6 or corporation.

7 " (8) MASTER PLUMBER. ~~Any person engaged in or~~  
8 ~~proposing to engage in the business of contracting to do, or~~  
9 ~~of superintending the installation, maintenance, or repair of~~  
10 ~~plumbing, or both. The individual shall qualify to be a~~  
11 ~~certified master plumber. If the business is a firm or~~  
12 ~~corporation, at least one active employee of the firm or~~  
13 ~~corporation shall be a duly registered and certified master~~  
14 ~~plumber, actively, continuously connected with the conduct of~~  
15 ~~the business. The master plumber shall have in his or her~~  
16 ~~possession a current annual certificate issued by the board.~~  
17 ~~The certificate shall be available for inspection on request.~~  
18 Any person or legal entity that engages in or works at the  
19 actual installation, repair, or replacement of plumbing  
20 systems, that has successfully fulfilled the examination  
21 requirements of the board, has been issued a master plumber  
22 certificate by the board, and that possess a valid and current  
23 annual certificate issued by the board. The master plumber  
24 shall have in his or her possession a current annual  
25 certificate. The certificate shall be available for inspection  
26 on request. This person may at any time register with the  
27 board as principal for any business, firm, or corporation.

1           "(9) MEDICAL GAS PIPING FITTER. A master plumber or  
2 master gas fitter ~~whose certificate bears an endorsement~~ who  
3 holds a current certificate for installation of medical gas  
4 piping. A journeyman plumber, ~~or~~ journeyman gas fitter,  
5 apprentice plumber, or apprentice gas fitter who holds a  
6 current certificate ~~whose certificate bears an endorsement~~ for  
7 installation of medical gas piping shall be entitled to  
8 install medical gas piping under the direction of a master  
9 plumber or master gas fitter whose certificate entitles him or  
10 her to install medical gas piping. An apprentice plumber or  
11 apprentice gas fitter who holds a current certificate for  
12 medical gas piping shall at all times be under the direct  
13 supervision of either a master or journeyman who also holds a  
14 current certificate. The medical gas piping fitter shall have  
15 in his or her possession a current annual certificate ~~with~~  
16 ~~endorsement~~ issued by the board. The certificate shall be  
17 available for inspection on request.

18           "(10) MEDICAL GAS PIPING. Piping used solely to  
19 transport gases used for medical purposes.

20           "(11) PLUMBING, PLUMBING SYSTEMS, or PLUMBING WORK.  
21 ~~The~~ All work associated with the installation, repair, or  
22 replacement of pipes, fixtures, or other apparatus necessary  
23 either for supplying water or for removing liquid or  
24 waterborne waste located on private property. The term is also  
25 used to denote installed fixtures, backflow prevention  
26 devices, drainage, vents, and water distribution systems  
27 located on private property, and all plumbing work further



1 defined by board rules and all codes currently adopted by the  
2 board, with the exception of work allowed by this chapter.

3 "(12) PERSON or PERSONS. Any individual, apprentice  
4 plumber, apprentice gas fitter, corporation, professional  
5 corporation, limited liability company, or other legal entity,  
6 or any combination thereof.

7 "(13) PRINCIPAL. The individual responsible for the  
8 contracting, superintending, installation, maintenance, or  
9 repair of plumbing and/or gas fitting systems for any legal  
10 entity, who is actively and continuously connected with the  
11 conduct of the business, and is responsible to the board for  
12 those responsibilities. The individual shall qualify to be a  
13 certified master gas fitter or a certified master plumber, or  
14 both. In addition, a principal must meet these requirements.

15 "a. At least one active employee of the legal entity  
16 shall be a duly registered and certified master gas fitter or  
17 plumber as defined in this section, actively and continuously  
18 connected with the conduct of the business and registered with  
19 the board as the principal of the business.

20 "b. The principal master gas fitter or master  
21 plumber shall have in his or her possession a current annual  
22 certificate issued by the board. The certificate shall be  
23 available for the inspection on request.

24 "(14) REGISTRATION. The process of application with  
25 the board with regard to apprentice plumbers, apprentice gas  
26 fitters, all corporations, professional corporations, limited  
27 liability companies and all other legal entities engaging in

1 the business of plumbing and/or gas fitting within the State  
2 of Alabama.

3 "§34-37-2.

4 "(a) The Plumbers Examining Board as created by Act  
5 No. 529 of the 1949 Regular Session of the Legislature (Acts  
6 1949, p. 827), as amended, is renamed the State of Alabama  
7 Plumbers and Gas Fitters Examining Board and the authority of  
8 the board is expanded to allow the board to examine, certify,  
9 and regulate plumbers, gas fitters, and medical gas piping  
10 fitters on a statewide basis. The board may make and enforce  
11 rules adopted in accordance with Chapter 22 of Title 41, the  
12 Alabama Administrative Procedure Act.

13 "(b) The board is authorized to expend funds for  
14 purposes of public awareness of the board and its rules and  
15 regulations to include advertising, promotional materials,  
16 event exhibiting, and other means approved by the board.

17 "§34-37-4.

18 "(a) The board shall meet when necessary for the  
19 proper performance of its duties, but in no case less than  
20 once a year. Meetings shall be held at places in the state as  
21 the board deems necessary. At its first meeting next following  
22 May 2, 1989, and every two years thereafter, the board shall  
23 organize itself by electing from its membership a chair,  
24 vice-chair, and a recording secretary. The board shall  
25 appoint, employ, or contract with an executive director for  
26 the board, and may appoint, employ, or contract with a deputy  
27 director, neither of whom shall be subject to the state Merit

1 System. The executive director shall serve as treasurer of the  
2 board, but the deputy director may serve as treasurer of the  
3 board in the absence of the executive director or when  
4 otherwise directed by the board. ~~In addition to any other~~  
5 ~~duties, the deputy director may serve as a hearing officer for~~  
6 ~~the board in any license proceeding pursuant to Section~~  
7 ~~34-37-12.~~ The executive director and the deputy director shall  
8 not be a member of the board and shall not be engaged or  
9 otherwise connected with the plumbing or gas fitting industry.  
10 The board shall set the compensation of the executive director  
11 and the deputy director in accordance with regulations of the  
12 State Personnel Board. Four members of the board shall  
13 constitute a quorum for transacting business. Each member of  
14 the board shall receive as compensation for services the sum  
15 of two hundred dollars (\$200) per day for each day spent in  
16 active service for the board. In addition to per diem  
17 compensation, each board member shall be reimbursed for any  
18 necessary expense incurred in performing duties as a board  
19 member. The expenses allowable to each board member shall not  
20 exceed the per diem amount of state travel expenses allowed by  
21 law, from time to time, for state employees traveling on state  
22 business. Employees of the board shall also be entitled to  
23 reimbursement for traveling expenses incurred when traveling  
24 on official board business at the rate for state employees  
25 traveling on state business. The board may employ or contract  
26 for stenographic or clerical help and compliance officers when

1 needed, and may purchase necessary office supplies, equipment,  
2 and services.

3 "(b) The compensation and expense provided for in  
4 this section, and all other authorized expenses, shall be  
5 payable solely from fees collected by or on behalf of the  
6 board. In no event shall any expense incurred by the board be  
7 charged against any funds of the State of Alabama other than  
8 the funds collected under this chapter.

9 "§34-37-5.

10 "(a) There is established a separate special revenue  
11 trust fund in the State Treasury to be known as the State of  
12 Alabama Plumbers and Gas Fitters Examining Board Fund. All  
13 receipts collected by the board under this chapter shall be  
14 deposited in this fund and used only to carry out this  
15 chapter. The fund shall be disbursed only by warrant of the  
16 state Comptroller upon the State Treasury upon itemized  
17 vouchers approved by the executive director of the board or,  
18 in the absence of the executive director, by the deputy  
19 director. No funds shall be withdrawn or expended except as  
20 budgeted and allotted according to Sections 41-4-80 to  
21 41-4-96, inclusive, as amended, and only in amounts as  
22 stipulated in the general appropriation bill or other  
23 appropriation bills. ~~Any funds unspent and unencumbered at the~~  
24 ~~end of each fiscal year that exceed 25 percent of the board's~~  
25 ~~budget for the previous fiscal year shall be transferred to~~  
26 ~~the State General Fund.~~ All money remaining at the end of the  
27 fiscal year which exceeds 25 percent of the board's budget for

1 the previous year shall be transferred to the 501(c)(3)  
2 nonprofit Alabama Home Builders Foundation to be used  
3 exclusively for classroom training tools at educational  
4 facilities that provide plumbing and gas fitting curriculums  
5 to include any program approved or accredited by the State of  
6 Alabama, the United States federal government, or the board.  
7 If at any time the Alabama Home Builders Foundation should  
8 lose its nonprofit status, those funds shall be transferred to  
9 the State General Fund.

10           "(b) The executive director and the deputy director  
11 of the board shall, before entering upon the duties of their  
12 office, make and file with the Secretary of State an official  
13 bond in the sum of five thousand dollars (\$5,000), unless  
14 covered by the state blanket bond. The appropriate premiums on  
15 the bond shall be paid out of the funds of the board, and the  
16 bond shall be executed by an approved bonding fidelity or  
17 guaranty company qualified to do business in Alabama and  
18 acceptable to the Secretary of State.

19           "§34-37-6.

20           "(a) It shall be unlawful for any person, ~~firm, or~~  
21 ~~corporation to purchase a business license or to do or~~  
22 ~~perform, or to contract, direct, or superintend any~~ or other  
23 legal entity to contract, engage in, offer to engage, or  
24 convey the impression that he or she is certified in plumbing,  
25 gas fitting, or medical gas piping within ~~any incorporated~~  
26 ~~city or town or county of this state~~ the State of Alabama  
27 unless the person has first registered or received a

1 certificate of competency, hereinafter referred to as  
2 "certificate," that is in force and effect at the time the  
3 plumbing, gas fitting, or medical gas piping is ~~done~~ offered,  
4 performed, directed, or superintended, except as hereinafter  
5 provided.

6 "(b) The board shall register all legal entities  
7 engaging in, or offering to engage in, plumbing, gas fitting,  
8 or medical gas piping in the State of Alabama upon forms  
9 provided by the board, and upon the applicant first paying all  
10 prescribed fees. Disciplinary action for the registered legal  
11 entities may be the same as for certified individuals engaged  
12 in plumbing, gas fitting, or medical gas piping.

13 "(c) The business name which is registered with the  
14 board for each legal entity engaged in plumbing, gas fitting,  
15 or medical gas piping shall be displayed in a prominent manner  
16 on two sides of each service or construction vehicle. The  
17 lettering shall be a minimum of two inches in height.

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

22 ~~"(c)~~ (e) The board shall examine and pass upon the  
23 qualification of every person who applies for a ~~journeyman's~~  
24 journeyman plumber or gas fitter certificate upon forms  
25 provided by the board.

26 "(1) An applicant for examination for a ~~journeyman's~~  
27 journeyman plumber or gas fitter certificate shall submit

1 proof that the applicant has two years of current work  
2 experience as an apprentice plumber or gas fitter or has  
3 completed an apprentice training program approved by the  
4 board.

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

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

19 "(4) The examination shall be administered by an  
20 independent examining agency.

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

25 "(1) Applicants for examination for a master plumber  
26 certificate shall submit proof to the board that the applicant

1 has at least one year of current work experience as a  
2 journeyman plumber.

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

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

14 "(4) The examination shall be administered by an  
15 independent examining agency.

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

26 "~~(f)~~ (h) Any master plumber, master gas fitter,  
27 journeyman plumber, ~~or~~ journeyman gas fitter, apprentice



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

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

15 "§34-37-8.

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

19 "(b) Any certificate issued by the board shall be  
20 acceptable by any city, town, or county in the state and any  
21 existing local statute or ordinance contrary to this section  
22 is repealed, and no other competency certification or  
23 examination shall be required of plumbers, gas fitters, or  
24 medical gas piping fitters by any local governmental entity.

25 "(c) Any current registration or annual certificate  
26 issued to any ~~person~~ individual by the board shall be in  
27 possession of the ~~person~~ individual at any time he or she

1 engages in or proposes to engage as a master, journeyman, or  
2 apprentice plumber, gas fitter, or medical gas piping fitter,  
3 as the case may be, and upon request he or she shall make the  
4 certificate or registration available for inspection and  
5 identification by any person or persons for whom he or she  
6 engages or proposes to engage as such, and for identification  
7 by plumbing, gas, or other authorized enforcement personnel of  
8 any governmental entity, board, or agency when requested.

9 "§34-37-9.

10 "The board shall set the necessary fees to  
11 administer the requirements of this chapter and when adopted,  
12 such fee schedule shall be in lieu of any fee schedule  
13 heretofore prescribed by the board. The board shall not change  
14 the fee schedule to be effective in the middle of a calendar  
15 year.

16 "The certificates or registrations provided for  
17 herein shall be issued by the board upon the payment of the  
18 prescribed fees. All annual certificates or registrations  
19 shall expire on December 31 of the year in which they are  
20 issued. The certificate fees herein prescribed shall be in  
21 addition to all privilege or license taxes otherwise levied.  
22 Certificates or registrations renewed after December 31 shall  
23 include the late renewal penalty established by the board.

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

1           "All ~~persons~~ individuals serving in the armed forces  
2 will not be required to pay any back years for a renewal  
3 certificate during the calendar year he or she is released  
4 from active military duty.

5           "All other ~~persons~~ individuals shall pay back years  
6 and prescribed penalties as set forth by rules of the board.  
7 ~~unless proof satisfactory to the board is furnished indicating~~  
8 ~~that the individual was not employed in such years in the~~  
9 ~~plumbing or gas fitting trade.~~

10           "Any requests for waiver of back years and penalties  
11 shall be reviewed and considered by the board. The board shall  
12 vote to approve or disapprove each request.

13           "§34-37-11.

14           "The board may establish reciprocal agreements with  
15 any other state licensing or certifying board which  
16 recognizes, as a minimum, the standards prescribed by the  
17 board, and may allow certified plumbers and gas fitters to  
18 receive a ~~license~~ certificate in this state without taking  
19 examinations if ~~such~~ the plumber or gas fitter is currently  
20 licensed in the reciprocating state and upon the payment of  
21 the prescribed fees.

22           "§34-37-12.

23           "The board may revoke or suspend any certificate or  
24 registration if obtained through concealment, misstatement, or  
25 misrepresentation of any material fact in the application for  
26 such certificate. ~~, or for a willful~~ The board may discipline  
27 any person as defined in Section 34-37-1 for a violation of

1 any law or ordinance pertaining to the business of the holder  
2 ~~of such certificates.~~ and may impose fines, administrative  
3 fees, or penalties not to exceed two thousand dollars \$2,000  
4 for each violation. The board may also order restitution.  
5 Before a certificate or registration may be suspended or  
6 revoked, the holder thereof shall have notice in writing,  
7 enumerating the charges against him or her, and be entitled to  
8 a hearing by the board not sooner than five days from receipt  
9 of notice. The holder of such certificate or registration  
10 shall be given an opportunity to present testimony, oral or  
11 written, and right of cross-examination and representation by  
12 counsel. All testimony shall be given under oath. The board  
13 shall have power to administer oaths, issue subpoenas, and  
14 compel the attendance of witnesses.

15 "The decision of the board shall be based on the  
16 evidence produced at the hearing and made a part of the record  
17 thereof. The board may suspend any certificate or registration  
18 up to one year or may revoke the certificate or registration.  
19 The person whose certificate or registration has been revoked  
20 shall not be permitted to apply for a ~~license~~ certificate or  
21 registration for one year from the date of revocation. No  
22 certification or registration shall be suspended or revoked  
23 unless the majority of the board members concur. Board  
24 procedure shall be the same as defined in the Alabama  
25 Administrative Procedure Act, Chapter 22 of Title 42. The  
26 board may establish additional procedures as needed, provided

1 that any additional procedures are published and made public  
2 and are not in conflict with state law.

3 ~~"Hearings shall be conducted by a hearing officer~~  
4 ~~appointed by the board. The hearing officer may be a board~~  
5 ~~member, the executive director, or such other person as the~~  
6 ~~board may deem fit and proper to hold such hearing. The~~  
7 ~~testimony adduced at the hearing, along with all other~~  
8 ~~proceedings, shall be taken down by a competent stenographer~~  
9 ~~and shall be preserved as a record of the board and shall be~~  
10 ~~open to the public inspection at all reasonable times. A copy~~  
11 ~~of the record so adduced shall be furnished to each member of~~  
12 ~~the board, and no license shall be revoked unless a majority~~  
13 ~~of the board members concur with the revocation of same.~~

14 ~~"No annual certificate shall be issued to any~~  
15 ~~certificate holder whose certificate shall have been revoked~~  
16 ~~by the board after such hearing until one year from and after~~  
17 ~~the date of such revocation unless the certificate holder~~  
18 ~~whose certificate shall have been so revoked shall enter into~~  
19 ~~a bond with good and sufficient surety in the penal sum of~~  
20 ~~\$1,000 to faithfully comply with the provisions of this~~  
21 ~~chapter and of all rules and regulations and codes adopted by~~  
22 ~~the board, provided, however, that such certificate holder~~  
23 ~~whose certificate shall be so revoked may within five days~~  
24 ~~after such revocation appeal from the board's decision or~~  
25 ~~revocation to the circuit court of the county in which the~~  
26 ~~certificate holder resides, does business, or is employed.~~

27 ~~"§34-37-14.~~

1           "(a) No person who has obtained a certificate or  
2           registration shall allow his or her name to be used by another  
3           person, either for the purpose of obtaining permits, or doing  
4           business or work under his or her certificate or registration;  
5           and every person certified or registered shall notify the  
6           board of the address of his or her residence and place of  
7           business and the name under which such business is carried on,  
8           and shall give ~~immediate~~ written notice within 30 days to the  
9           board of any change in either.

10           "(b) Before any ~~person~~ individual certified by the  
11           board engages in the business of master plumber and/or master  
12           gas fitter, he or she shall notify the board of the address of  
13           the place of business he or she engages in as such and the  
14           name under which such business is carried on and shall give  
15           ~~immediate~~ written notice within 30 days of any change in  
16           either. All information required by this section shall be  
17           furnished on a business certification form furnished by the  
18           board.

19           "(c) Any current certified or registered individual  
20           ~~master plumber or master gas fitter who desires to renew his~~  
21           ~~or her annual certificate but who~~ does not intend to engage ~~as~~  
22           ~~a master~~ in the business of plumbing or gas fitting, as  
23           defined in this chapter, shall complete an inactive status  
24           affidavit obtained from the board. Any individual in inactive  
25           status must renew annually by remitting the annual inactive  
26           renewal fee set in the fee schedule.

1           "(d) Code officials who hold a certification with  
2 the board and wish to be inactive shall be exempt from all  
3 renewal fees and re-examination requirements.

4           "(3) Any individual in inactive status who wishes to  
5 reinstate active status shall complete an active status  
6 affidavit obtained from the board and remit all prescribed  
7 fees prior to re-engaging in plumbing and/or gas fitting.

8           "§34-37-15.

9           "(a) The following acts, work, and conduct may be  
10 performed by anyone, without ~~license~~ registration or  
11 certificate, provided, however, that all work and services  
12 herein named or referred to shall be subject to an inspection  
13 and approval in accordance with the terms of all state laws  
14 and applicable municipal ordinances:

15           "(1) ~~Gas fitting~~ Plumbing work ~~done~~ performed by  
16 anyone who is regularly employed or acting as a maintenance  
17 man ~~acting under the supervision of a maintenance engineer or~~  
18 ~~maintenance engineer~~ incidental to and in connection with the  
19 business in which he or she is employed and engaged, provided  
20 the ~~gas fitting~~ plumbing work is ~~done~~ performed on the  
21 premises of the employer, and who does not engage in the  
22 occupation of a plumber ~~or gas fitter~~ for the general public.

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

1           "~~(3)~~ Plumbing or gas fitting work ~~done~~ performed,  
2 not on private property, with the exception of easements, by  
3 persons engaged by or employed by any public utility company  
4 in the laying, maintenance, and operation of its service mains  
5 or lines and the installation, alteration, adjustment, repair,  
6 removal, and renovation of all types of appurtenances, and  
7 equipment, ~~and appliances,~~ provided such plumbing work does  
8 not necessitate tying into waste or sewer lines on the outlet  
9 side of a trap or alter gas piping on consumer side of meter.

10           "~~(4)~~ ~~Appliances or fixture installations and service~~  
11 ~~work done in connecting appliances or fixtures to existing~~  
12 ~~piping installations.~~ Any person engaged solely in the testing  
13 of backflow devices is exempt from the provisions of this  
14 chapter.

15           "(5) Plumbing work performed by a property owner in  
16 or about a building owned or occupied by the owner.

17           "~~(b)~~ (6) Any person may install washing machines to  
18 existing piping installation or waste lines, provided such  
19 plumbing work does not necessitate tying into waste or sewer  
20 lines on the outlet side of the trap.

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

24           "~~(d)~~ (b) This chapter does not apply to any plumbing  
25 work ~~done~~ performed by a property owner in or about a building  
26 owned or occupied by him or her, or plumbing work ~~done~~  
27 performed by anyone who is regularly employed by the property



1 owner to provide maintenance or other repair services if the  
2 work is incidental to and in connection with the property for  
3 which he or she is employed and engaged and is done on the  
4 premises of the employer.

5 "§34-37-17.

6 "(a) The board shall have the administrative  
7 authority to discipline or require a certificate holder to  
8 attend training specific to violations. The board has the  
9 authority to levy civil fines or penalties to any registered  
10 apprentice, certificate holder, or legal entity registered by  
11 the board for a violation of any provision of this chapter  
12 regulating plumbers, gas fitters, or medical gas pipe fitters  
13 up to two thousand dollars (\$2,000) per violation and actual  
14 hearing cost.

15 "(b) In addition to or in lieu of the criminal  
16 penalties and administrative sanctions provided in this  
17 chapter, the board may issue an order to any person or legal  
18 entity engaged in any activity, conduct, or practice  
19 constituting a violation of this chapter, directing the person  
20 or legal entity to forthwith cease and desist from the  
21 activity, conduct, practice, or performance of any work then  
22 being performed or about to be commenced.

23 "(c) It shall be unlawful for any person or legal  
24 entity to violate any provision of this chapter regulating  
25 plumbers, gas fitters, or medical gas piping fitters. Any  
26 person convicted of such violation shall be punished as  
27 prescribed for a Class B A misdemeanor."

1                   Section 2. Section 34-37-17.1 is added to Chapter  
2 37, Title 34, Code of Alabama 1975, to read as follows:

3                   §34-37-17.1. Records and confidentiality.

4                   (a) The board shall keep a record of its  
5 proceedings.

6                   (b) The records of the board shall be evidence of  
7 the proceedings of the board set forth therein, and a  
8 transcript thereof, duly certified by the executive director  
9 of the board under seal, shall be admissible in evidence with  
10 the same force and effect as if the original were produced.

11                   (c) Board records and papers of the following class  
12 are of a confidential nature and not public record:  
13 Examination material for examinations not yet given; exam  
14 scores; letters of inquiry and reference concerning  
15 applicants; board inquiry forms concerning applicants; pending  
16 or closed complaints and investigative files which shall  
17 remain confidential until an actual formal hearing may  
18 commence; and all other materials of like confidential nature.

19                   Section 3. All laws or parts of laws which conflict  
20 with this act are repealed, and Sections 34-37-10 and  
21 34-37-13, Code of Alabama 1975, are hereby specifically  
22 repealed.

23                   Section 4. The provisions of this act are severable.  
24 If any part of this act is declared invalid or  
25 unconstitutional, that declaration shall not affect the part  
26 which remains.

1                   Section 5. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.