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3 HOUSE BOARDS, AGENCIES, AND COMMISSIONS SUBSTITUTE FOR HB336
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8 SYNOPSIS: Under existing law, the State of Alabama
9 Plumbers and Gas Fitters Examining Board is
10 authorized to examine, certify, and regulate
11 plumbers, gas fitters, and medical gas piping
12 fitters on a statewide basis.

13 This bill would add definitions for
14 residential dwelling and residential jobsite; would
15 add a master plumber and a master gas fitter as
16 members of the board; would allow the issuance of
17 emergency certificates of endorsement during a
18 declared state of emergency; would allow the board
19 to adopt continuing education requirements; would
20 expand examination options for a journeyman plumber
21 or gas fitter; would add a provision governing
22 apprentices to journeyman/master ratios; would
23 clarify the board's disciplinary authority; and
24 would make nonsubstantive, technical revisions to
25 update the existing code language to current style.
26

27 A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Relating to plumbers and gas fitters; to amend
5 Sections 34-37-1, 34-37-3, 34-37-6, 34-37-8, and 34-37-12,
6 Code of Alabama 1975, to add definitions for residential
7 dwelling and residential jobsite; to add a master plumber and
8 a master gas fitter as members of the board; to allow the
9 issuance of emergency certificates of endorsement during a
10 declared state of emergency; to allow the board to adopt
11 continuing education requirements; to expand examination
12 options for a journeyman plumber or gas fitter; to add a
13 provision governing apprentices to journeyman/master ratios;
14 to clarify the board's disciplinary authority; and to make
15 nonsubstantive, technical revisions to update the existing
16 code language to current style.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 34-37-1, 34-37-3, 34-37-6,
19 34-37-8, and 34-37-12, Code of Alabama 1975, are amended to
20 read as follows:

21 "§34-37-1.

22 "For purposes of this chapter, the following terms
23 shall have the following meanings ~~respectively ascribed to~~
24 ~~them herein~~ unless the context clearly requires a different
25 meaning:

26 "(1) APPRENTICE GAS FITTER OR PLUMBER. A person
27 other than a master or journeyman gas fitter or plumber, who

1 is engaged in learning and assisting in the installation of
2 gas pipe, equipment, apparatus, and appliances, and shall work
3 directly under the supervision of a journeyman or master gas
4 fitter or plumber, and who has successfully fulfilled the
5 registration requirements of the board and has been duly
6 registered by the board as such for the current year. The
7 apprentice shall have in his or her possession a current
8 annual certificate. The certificate shall be available for
9 inspection on request.

10 "(2) BOARD. The State of Alabama Plumbers and Gas
11 Fitters Examining Board as renamed by this chapter. The board
12 shall examine, certify, and regulate plumbers, gas fitters,
13 and medical gas piping fitters on a statewide basis pursuant
14 to this chapter.

15 "(3) CERTIFICATION. The process of testing at the
16 state level to determine the knowledge and skill of an
17 individual with respect to plumbing and gas fitting, and the
18 issuing of certificates to indicate that an individual has
19 passed the examination.

20 "(4) GAS FITTING, GAS SYSTEMS, or GAS WORK. The
21 installation, repair of pipes, fixtures, fittings, appliances,
22 or apparatus necessary for supplying natural gas for
23 residential or commercial use from the point of delivery and
24 all gas piping before connection to the combustion zone and
25 including the applicable venting of flue gases to the outside
26 atmosphere and the provisions for air for combustion and
27 ventilation, including all gas fitting work further defined by

1 any board rules and all codes currently adopted by the board.
2 This chapter shall not be construed to prevent any contractor
3 certified by the Alabama Board of Heating Air Conditioning,
4 and Refrigeration Contractors from installing, replacing, or
5 performing service or repair on natural gas fired air
6 heating/cooling appliances, excluding piping to them provided
7 the installing contractor has a valid certificate issued by
8 the Alabama Board of Heating, Air Conditioning, and
9 Refrigeration Contractors.

10 "(5) JOURNEYMAN GAS FITTER. Every person who engages
11 in or works at the actual installation, repair, or replacement
12 of gas work, who has successfully fulfilled the examination
13 requirements of the board, has been issued a journeyman gas
14 fitter certificate by the board, and possesses a valid and
15 current annual certificate issued by the board. The journeyman
16 gas fitter shall have in his or her possession a current
17 annual certificate. The certificate shall be available for
18 inspection on request.

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

1 "(7) MASTER GAS FITTER. Any person or legal entity
2 that engages in or works at the actual installation, repair,
3 or replacement of gas systems, that has successfully fulfilled
4 the examination requirements of the board, that has been
5 issued a master gas fitter certificate by the board, and that
6 ~~posses~~ possesses a valid and current annual certificate issued
7 by the board. The master gas fitter shall have in his or her
8 possession a current annual certificate. The certificate shall
9 be available for inspection on request. This person may at any
10 time register with the board as principal for any business,
11 firm, or corporation.

12 "(8) MASTER PLUMBER. Any person or legal entity that
13 engages in or works at the actual installation, repair, or
14 replacement of plumbing systems, that has successfully
15 fulfilled the examination requirements of the board, has been
16 issued a master plumber certificate by the board, and that
17 ~~possess~~ possesses a valid and current annual certificate
18 issued by the board. The master plumber shall have in his or
19 her possession a current annual certificate. The certificate
20 shall be available for inspection on request. This person may
21 at any time register with the board as principal for any
22 business, firm, or corporation.

23 "~~(10)~~ (9) MEDICAL GAS PIPING. Piping used solely to
24 transport gases used for medical purposes.

25 "~~(9)~~ (10) MEDICAL GAS PIPING FITTER. A master
26 plumber or master gas fitter who holds a current certificate
27 for installation of medical gas piping. A journeyman plumber,

1 journeyman gas fitter, apprentice plumber, or apprentice gas
2 fitter who holds a current certificate for installation of
3 medical gas piping shall be entitled to install medical gas
4 piping under the direction of a master plumber or master gas
5 fitter whose certificate entitles him or her to install
6 medical gas piping. An apprentice plumber or apprentice gas
7 fitter who holds a current certificate for medical gas piping
8 shall at all times be under the direct supervision of either a
9 master or journeyman who also holds a current certificate. The
10 medical gas piping fitter shall have in his or her possession
11 a current annual certificate issued by the board. The
12 certificate shall be available for inspection on request.

13 ~~"(12)~~ (11) PERSON or PERSONS. Any individual,
14 apprentice plumber, apprentice gas fitter, corporation,
15 professional corporation, limited liability company, or other
16 legal entity, or any combination thereof.

17 ~~"(11)~~ (12) PLUMBING, PLUMBING SYSTEMS, or PLUMBING
18 WORK. All work associated with the installation, repair, or
19 replacement of pipes, fixtures, or other apparatus necessary
20 either for supplying water or for removing liquid or
21 waterborne waste located on private property. The term is also
22 used to denote installed fixtures, backflow prevention
23 devices, drainage, vents, and water distribution systems
24 located on private property, and all plumbing work further
25 defined by board rules and all codes currently adopted by the
26 board, with the exception of work allowed by this chapter.

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

10 "a. At least one active employee of the legal entity
11 shall be a duly registered and certified master gas fitter or
12 plumber as defined in this section, actively and continuously
13 connected with the conduct of the business and registered with
14 the board as the principal of the business.

15 "b. The principal master gas fitter or master
16 plumber shall have in his or her possession a current annual
17 certificate issued by the board. The certificate shall be
18 available for the inspection on request.

19 "(14) REGISTRATION. The process of application with
20 the board with regard to apprentice plumbers, apprentice gas
21 fitters, all corporations, professional corporations, limited
22 liability companies, and all other legal entities engaging in
23 the business of plumbing or gas fitting, or both, within the
24 State of Alabama.

25 "(15) RESIDENTIAL DWELLING. Any structure, dwelling,
26 or unit covered by the scope of the International Residential
27 Code.

1 "(16) RESIDENTIAL JOBSITE. A residential jobsite
2 shall mean up to three structures located within a phase of a
3 subdivision where the residential dwellings abut or are
4 located adjacent to one another or where the residential
5 dwellings are located on the same or intersecting streets. A
6 residential jobsite shall also mean up to eight attached
7 residential dwellings located under one roof assembly.

8 "§34-37-3.

9 "The board members serving on January 1, 2011, shall
10 continue to serve on the board until successor board members
11 are appointed and qualified. Appointments shall be subject to
12 confirmation by the Senate. Commencing on March 26, 2012, as
13 the term of office of a member serving on the board expires,
14 the member shall continue to serve on the board until a
15 successor board member is appointed and qualified. The
16 Governor shall designate the length of term for each of his or
17 her appointees not to exceed four years. The board shall
18 always be composed of the following members: One member
19 appointed by the Governor shall be a master plumber as defined
20 by this chapter; one member appointed by the Governor shall be
21 a master plumber as defined by this chapter whose work is
22 primarily residential; one member appointed by the Governor
23 shall be a journeyman plumber as defined by this chapter; one
24 member appointed by the Governor shall be a registered
25 professional engineer licensed ~~as such~~ by the State Board of
26 Registration of Professional Engineers and Land Surveyors as
27 provided in Article 2 of Chapter 11 of this title, or any

1 subsequent act relating to the licensing of professional
2 engineers; one member appointed by the Governor shall be a
3 municipal or county building official; one member appointed by
4 the Governor shall be a master gas fitter as defined in this
5 chapter; one member appointed by the Governor shall be a
6 master gas fitter as defined in this chapter whose work is
7 primarily residential; one member appointed by the Governor
8 shall be a journeyman gas fitter as defined in this chapter;
9 and one member appointed by the Governor shall be appointed
10 from the public at large. The member representing the public
11 at large shall not be engaged or otherwise connected to the
12 plumbing or gas industry or the installation of plumbing or
13 gas work nor connected with any person, firm, or corporation
14 handling or dealing in material, fixtures, or appliances
15 connected with plumbing or gas work. Each member of the board
16 shall be a ~~citizen~~ resident of this state and ~~the membership~~
17 ~~of appointments to~~ the board shall be ~~inclusive and reflect~~
18 ~~the racial, gender, geographic, urban/rural, and economic~~
19 ~~diversity of the state~~ coordinated to assure that the
20 membership is inclusive and reflects the racial, gender,
21 geographic, urban, rural, and economic diversity of the state.

22 "§34-37-6.

23 "(a) It shall be unlawful for any person or other
24 legal entity to contract, engage in, offer to engage, or
25 convey the impression that he or she is certified in plumbing,
26 gas fitting, or medical gas piping within ~~the State of Alabama~~
27 this state unless the person has first registered or received

1 a 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 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~~ this state upon
9 forms provided by the board, and upon the applicant first
10 paying all prescribed fees. Disciplinary action for the
11 registered legal entities may be the same as for certified
12 individuals engaged in plumbing, gas fitting, or medical gas
13 piping.

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

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

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

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

6 "(2) Applicants for journeyman plumber or gas fitter
7 shall be examined upon, orally or in writing, or otherwise
8 demonstrate, by a board approved method, ~~upon~~ the fundamentals
9 of plumbing or gas fitting, the theory and practice of
10 plumbing installation and construction or gas fitting work,
11 and the experience and ability of the applicant in practical
12 plumbing installation and construction or gas fitting work.

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

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

23 "(f) The board shall examine and pass upon the
24 qualifications of every person who applies for a master
25 plumber or master gas fitter certificate upon forms provided
26 by the 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 current work experience as a
4 journeyman plumber.

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

9 "(3) An applicant for a master certificate shall be
10 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 plumber or gas fitter certificate by the board upon the
15 applicant first paying all prescribed fees.

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

18 "(g) No person shall be issued a certificate without
19 passing the prescribed examination. A person who has passed
20 the examination must become certified within 90 calendar days
21 and shall not be required to take the examination thereafter
22 in order to secure a certificate in subsequent years. An
23 individual who passes the examination but fails to become
24 certified within 90 calendar days shall be required to retake
25 the 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 "(h) Any master plumber, master gas fitter,
2 journeyman plumber, journeyman gas fitter, apprentice plumber,
3 or apprentice gas fitter performing medical gas piping shall
4 provide proof to the board that he or she has successfully
5 completed a current medical gas piping certification program
6 approved by the board.

7 "(i) In the event the Governor or the Legislature
8 declares a state of emergency, the board may issue an
9 emergency certificate of endorsement for the performance of
10 plumbing work or gas work in the impacted area to any
11 applicant who holds a current out-of-state license that is in
12 good standing. The board may adopt rules to implement this
13 section. Emergency certificates of endorsement shall be valid
14 for the duration of the declared emergency, but in no case
15 more than 60 days.

16 "§34-37-8.

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

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

26 "(c) Any current registration or annual certificate
27 issued to any individual by the board shall be in possession

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

10 "(d) The board, by rule, may adopt continuing
11 education requirements for licensees and may develop and
12 produce courses, approve continuing education courses and
13 providers, and set those fees necessary to administer these
14 requirements.

15 "§34-37-12.

16 "(a) The board may revoke or suspend any certificate
17 or registration if obtained through concealment, misstatement,
18 or misrepresentation of any material fact in the application
19 for such certificate. The board may discipline any person as
20 defined in Section 34-37-1 for a violation of any law or
21 ordinance pertaining to the business of the holder and may
22 impose fines, administrative fees, or penalties not to exceed
23 two thousand dollars (\$2,000) for each violation. The board
24 may also order restitution. Before a certificate or
25 registration may be suspended or revoked, the holder thereof
26 shall have notice in writing, enumerating the charges against
27 him or her, and be entitled to a hearing by the board not

1 sooner than five days from receipt of notice. The holder of
2 such certificate or registration shall be given an opportunity
3 to present testimony, oral or written, and right of
4 cross-examination and representation by counsel. All testimony
5 shall be given under oath. The board shall have power to
6 administer oaths, issue subpoenas, and compel the attendance
7 of witnesses.

8 "(b) A certificate holder who has either entered
9 into an agreement with the board regarding the resolution of a
10 violation or other disciplinary action, or who has been
11 ordered by the board to comply with the terms of a
12 disciplinary judgment, shall satisfy all terms and conditions
13 of the agreement or order and shall comply with the terms of a
14 disciplinary judgment, including the payment of all fines,
15 fees, restitution, and penalties, before recertification is
16 granted or renewed.

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

1 board may establish additional procedures as needed, provided
2 that any additional procedures are published and made public
3 and are not in conflict with state law."

4 Section 2. The State of Alabama Plumbers and Gas
5 Fitters Examining Board may set a ratio of apprentice plumbers
6 and apprentice gas fitters working under the supervision of
7 any journeyman or master plumber or gas fitter; provided, the
8 ratio shall be not less than three apprentices to any one
9 journeyman or master plumber or gas fitter for those
10 individuals working on non-residential jobsites and not less
11 than five apprentices to any one journeyman or master plumber
12 or gas fitter for those individuals working on residential
13 jobsites.

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