

1 HB336
2 218244-3
3 By Representatives Reynolds, Oliver, Robertson, Bedsole,
4 Isbell, Sorrells, Lipscomb, Stadthagen and Marques
5 RFD: Boards, Agencies and Commissions
6 First Read: 10-FEB-22

1 ENGROSSED

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

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 34-37-1, 34-37-3, 34-37-6,
23 34-37-8, and 34-37-12, Code of Alabama 1975, are amended to
24 read as follows:

25 "§34-37-1.

26 "For purposes of this chapter, the following terms
27 shall have the following meanings ~~respectively ascribed to~~

1 ~~them herein~~ unless the context clearly requires a different
2 meaning:

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

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

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

24 "(4) GAS FITTING, GAS SYSTEMS, or GAS WORK. The
25 installation, repair of pipes, fixtures, fittings, appliances,
26 or apparatus necessary for supplying natural gas for
27 residential or commercial use from the point of delivery and

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

14 "(5) JOURNEYMAN GAS FITTER. Every 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 journeyman
20 gas fitter shall have in his or her possession a current
21 annual certificate. The certificate shall be available for
22 inspection on request.

23 "(6) JOURNEYMAN PLUMBER. Any person who engages in
24 or works at the actual installation, repair, or replacement of
25 plumbing systems, who has successfully fulfilled the
26 examination requirements of the board, has been issued a
27 journeyman plumber certificate by the board, and possesses a

1 valid and current annual certificate issued by the board. The
2 journeyman plumber shall have in his or her possession a
3 current annual certificate. The certificate shall be available
4 for inspection on request.

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

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

1 "~~(10)~~ (9) MEDICAL GAS PIPING. Piping used solely to
2 transport gases used for medical purposes.

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

18 "~~(12)~~ (11) PERSON or PERSONS. Any individual,
19 apprentice plumber, apprentice gas fitter, corporation,
20 professional corporation, limited liability company, or other
21 legal entity, or any combination thereof.

22 "~~(11)~~ (12) PLUMBING, PLUMBING SYSTEMS, or PLUMBING
23 WORK. All work associated with the installation, repair, or
24 replacement of pipes, fixtures, or other apparatus necessary
25 either for supplying water or for removing liquid or
26 waterborne waste located on private property. The term is also
27 used to denote installed fixtures, backflow prevention

1 devices, drainage, vents, and water distribution systems
2 located on private property, and all plumbing work further
3 defined by board rules and all codes currently adopted by the
4 board, with the exception of work allowed by this chapter.

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

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

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

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

1 the business of plumbing or gas fitting, or both, within the
2 State of Alabama.

3 "(15) RESIDENTIAL DWELLING. Any structure, dwelling,
4 or unit covered by the scope of the International Residential
5 Code.

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

13 "§34-37-3.

14 "The board members serving on January 1, 2011, shall
15 continue to serve on the board until successor board members
16 are appointed and qualified. Appointments shall be subject to
17 confirmation by the Senate. Commencing on March 26, 2012, as
18 the term of office of a member serving on the board expires,
19 the member shall continue to serve on the board until a
20 successor board member is appointed and qualified. The
21 Governor shall designate the length of term for each of his or
22 her appointees not to exceed four years. The board shall
23 always be composed of the following members: One member
24 appointed by the Governor shall be a master plumber as defined
25 by this chapter; one member appointed by the Governor shall be
26 a master plumber as defined by this chapter whose work is
27 primarily residential; one member appointed by the Governor

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

27 "§34-37-6.

1 "(a) It shall be unlawful for any person or other
2 legal entity to contract, engage in, offer to engage, or
3 convey the impression that he or she is certified in plumbing,
4 gas fitting, or medical gas piping within ~~the State of Alabama~~
5 this state unless the person has first registered or received
6 a certificate of competency, hereinafter referred to as
7 "certificate," that is in force and effect at the time the
8 plumbing, gas fitting, or medical gas piping is offered,
9 performed, directed, or superintended, except as hereinafter
10 provided.

11 "(b) The board shall register all legal entities
12 engaging in, or offering to engage in, plumbing, gas fitting,
13 or medical gas piping in ~~the State of Alabama~~ this state upon
14 forms provided by the board, and upon the applicant first
15 paying all prescribed fees. Disciplinary action for the
16 registered legal entities may be the same as for certified
17 individuals engaged in plumbing, gas fitting, or medical gas
18 piping.

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

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

1 "(e) The board shall examine and pass upon the
2 qualification of every person who applies for a journeyman
3 plumber or gas fitter certificate upon forms provided by the
4 board.

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

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

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

25 "(4) The examination shall be administered by an
26 independent examining agency.

1 "(f) The board shall examine and pass upon the
2 qualifications of every person who applies for a master
3 plumber or master gas fitter certificate upon forms provided
4 by the board.

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

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

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

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

22 "(g) No person shall be issued a certificate without
23 passing the prescribed examination. A person who has passed
24 the examination must become certified within 90 calendar days
25 and shall not be required to take the examination thereafter
26 in order to secure a certificate in subsequent years. An
27 individual who passes the examination but fails to become

1 certified within 90 calendar days shall be required to retake
2 the examination. At least four examinations per year shall be
3 conducted, at a time and place prescribed by the board after
4 reasonable notice.

5 "(h) Any master plumber, master gas fitter,
6 journeyman plumber, journeyman gas fitter, apprentice plumber,
7 or apprentice gas fitter performing medical gas piping shall
8 provide proof to the board that he or she has successfully
9 completed a current medical gas piping certification program
10 approved by the board.

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

20 "§34-37-8.

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

24 "(b) Any certificate issued by the board shall be
25 acceptable by any city, town, or county in the state and any
26 existing local statute or ordinance contrary to this section
27 is repealed, and no other competency certification or

1 examination shall be required of plumbers, gas fitters, or
2 medical gas piping fitters by any local governmental entity.

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

14 "(d) The board, by rule, may adopt continuing
15 education requirements for licensees and may develop and
16 produce courses, approve continuing education courses and
17 providers, and set those fees necessary to administer these
18 requirements.

19 "§34-37-12.

20 "(a) The board may revoke or suspend any certificate
21 or registration if obtained through concealment, misstatement,
22 or misrepresentation of any material fact in the application
23 for such certificate. The board may discipline any person as
24 defined in Section 34-37-1 for a violation of any law or
25 ordinance pertaining to the business of the holder and may
26 impose fines, administrative fees, or penalties not to exceed
27 two thousand dollars (\$2,000) for each violation. The board

1 may also order restitution. Before a certificate or
2 registration may be suspended or revoked, the holder thereof
3 shall have notice in writing, enumerating the charges against
4 him or her, and be entitled to a hearing by the board not
5 sooner than five days from receipt of notice. The holder of
6 such certificate or registration shall be given an opportunity
7 to present testimony, oral or written, and right of
8 cross-examination and representation by counsel. All testimony
9 shall be given under oath. The board shall have power to
10 administer oaths, issue subpoenas, and compel the attendance
11 of witnesses.

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

21 "(c) The decision of the board shall be based on the
22 evidence produced at the hearing and made a part of the record
23 thereof. The board may suspend any certificate or registration
24 up to one year or may revoke the certificate or registration.
25 The person whose certificate or registration has been revoked
26 shall not be permitted to apply for a certificate or
27 registration for one year from the date of revocation. No

1 certification or registration shall be suspended or revoked
2 unless the majority of the board members concur. Board
3 procedure shall be the same as defined in the Alabama
4 Administrative Procedure Act, Chapter 22 of Title 42. The
5 board may establish additional procedures as needed, provided
6 that any additional procedures are published and made public
7 and are not in conflict with state law."

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

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

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House of Representatives

Read for the first time and
referred to the House of Represen-
tatives committee on Boards, Agen-
cies and Commissions 10-FEB-22

Read for the second time and placed
on the calendar with 1 substitute
and..... 02-MAR-22

Read for the third time and passed
as amended..... 09-MAR-22

Yeas 101, Nays 0, Abstains 0

Jeff Woodard
Clerk