

1 HB336
2 218244-5
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

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2 ENROLLED, An Act,

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§34-37-1.

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

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

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

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

22 "(4) GAS FITTING, GAS SYSTEMS, or GAS WORK. The
23 installation, repair of pipes, fixtures, fittings, appliances,
24 or apparatus necessary for supplying natural gas for
25 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

1 examination requirements of the board, has been issued a
2 journeyman plumber certificate by the board, and possesses a
3 valid and current annual certificate issued by the board. The
4 journeyman plumber shall have in his or her possession a
5 current annual certificate. The certificate shall be available
6 for inspection on request.

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

18 "(8) MASTER PLUMBER. Any person or legal entity that
19 engages in or works at the actual installation, repair, or
20 replacement of plumbing systems, that has successfully
21 fulfilled the examination requirements of the board, has been
22 issued a master plumber certificate by the board, and that
23 ~~possess~~ possesses a valid and current annual certificate
24 issued by the board. The master plumber shall have in his or
25 her possession a current annual certificate. The certificate

1 shall be available for inspection on request. This person may
2 at any time register with the board as principal for any
3 business, firm, or corporation.

4 "~~(10)~~ (9) MEDICAL GAS PIPING. Piping used solely to
5 transport gases used for medical purposes.

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

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

1 "~~(11)~~ (12) PLUMBING, PLUMBING SYSTEMS, or PLUMBING
2 WORK. All work associated with the installation, repair, or
3 replacement of pipes, fixtures, or other apparatus necessary
4 either for supplying water or for removing liquid or
5 waterborne waste located on private property. The term is also
6 used to denote installed fixtures, backflow prevention
7 devices, drainage, vents, and water distribution systems
8 located on private property, and all plumbing work further
9 defined by board rules and all codes currently adopted by the
10 board, with the exception of work allowed by this chapter.

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

20 "a. At least one active employee of the legal entity
21 shall be a duly registered and certified master gas fitter or
22 plumber as defined in this section, actively and continuously
23 connected with the conduct of the business and registered with
24 the board as the principal of the business.

1 "b. The principal master gas fitter or master
2 plumber shall have in his or her possession a current annual
3 certificate issued by the board. The certificate shall be
4 available for the inspection on request.

5 "(14) REGISTRATION. The process of application with
6 the board with regard to apprentice plumbers, apprentice gas
7 fitters, all corporations, professional corporations, limited
8 liability companies, and all other legal entities engaging in
9 the business of plumbing or gas fitting, or both, within the
10 State of Alabama.

11 "(15) RESIDENTIAL DWELLING. Any structure, dwelling,
12 or unit covered by the scope of the International Residential
13 Code.

14 "(16) RESIDENTIAL JOBSITE. A residential jobsite
15 shall mean up to three structures located within a phase of a
16 subdivision where the residential dwellings abut or are
17 located adjacent to one another or where the residential
18 dwellings are located on the same or intersecting streets. A
19 residential jobsite shall also mean up to eight attached
20 residential dwellings located under one roof assembly.

21 "§34-37-3.

22 "The board members serving on January 1, 2011, shall
23 continue to serve on the board until successor board members
24 are appointed and qualified. Appointments shall be subject to
25 confirmation by the Senate. Commencing on March 26, 2012, as

1 the term of office of a member serving on the board expires,
2 the member shall continue to serve on the board until a
3 successor board member is appointed and qualified. The
4 Governor shall designate the length of term for each of his or
5 her appointees not to exceed four years. The board shall
6 always be composed of the following members: One member
7 appointed by the Governor shall be a master plumber as defined
8 by this chapter; one member appointed by the Governor shall be
9 a master plumber as defined by this chapter whose work is
10 primarily residential; one member appointed by the Governor
11 shall be a journeyman plumber as defined by this chapter; one
12 member appointed by the Governor shall be a registered
13 professional engineer licensed ~~as such~~ by the State Board of
14 Registration of Professional Engineers and Land Surveyors as
15 provided in Article 2 of Chapter 11 of this title, or any
16 subsequent act relating to the licensing of professional
17 engineers; one member appointed by the Governor shall be a
18 municipal or county building official; one member appointed by
19 the Governor shall be a master gas fitter as defined in this
20 chapter; one member appointed by the Governor shall be a
21 master gas fitter as defined in this chapter whose work is
22 primarily residential; one member appointed by the Governor
23 shall be a journeyman gas fitter as defined in this chapter;
24 and one member appointed by the Governor shall be appointed
25 from the public at large. The member representing the public

1 at large shall not be engaged or otherwise connected to the
2 plumbing or gas industry or the installation of plumbing or
3 gas work nor connected with any person, firm, or corporation
4 handling or dealing in material, fixtures, or appliances
5 connected with plumbing or gas work. Each member of the board
6 shall be a ~~citizen~~ resident of this state and ~~the membership~~
7 ~~of appointments to~~ the board shall be ~~inclusive and reflect~~
8 ~~the racial, gender, geographic, urban/rural, and economic~~
9 ~~diversity of the state~~ coordinated to assure that the
10 membership is inclusive and reflects the racial, gender,
11 geographic, urban, rural, and economic diversity of the state.

12 "§34-37-6.

13 "(a) It shall be unlawful for any person or other
14 legal entity to contract, engage in, offer to engage, or
15 convey the impression that he or she is certified in plumbing,
16 gas fitting, or medical gas piping within ~~the State of Alabama~~
17 this state unless the person has first registered or received
18 a certificate of competency, hereinafter referred to as
19 "certificate," that is in force and effect at the time the
20 plumbing, gas fitting, or medical gas piping is offered,
21 performed, directed, or superintended, except as hereinafter
22 provided.

23 "(b) The board shall register all legal entities
24 engaging in, or offering to engage in, plumbing, gas fitting,
25 or medical gas piping in ~~the State of Alabama~~ this state upon

1 forms provided by the board, and upon the applicant first
2 paying all prescribed fees. Disciplinary action for the
3 registered legal entities may be the same as for certified
4 individuals engaged in plumbing, gas fitting, or medical gas
5 piping.

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

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

15 "(e) The board shall examine and pass upon the
16 qualification of every person who applies for a journeyman
17 plumber or gas fitter certificate upon forms provided by the
18 board.

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

24 "(2) Applicants for journeyman plumber or gas fitter
25 shall be examined upon, orally or in writing, or otherwise

1 demonstrate, by a board approved method, ~~upon~~ the fundamentals
2 of plumbing or gas fitting, the theory and practice of
3 plumbing installation and construction or gas fitting work,
4 and the experience and ability of the applicant in practical
5 plumbing installation and construction or gas fitting work.

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

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

16 "(f) The board shall examine and pass upon the
17 qualifications of every person who applies for a master
18 plumber or master gas fitter certificate upon forms provided
19 by the board.

20 "(1) Applicants for examination for a master plumber
21 certificate shall submit proof to the board that the applicant
22 has at least one year of current work experience as a
23 journeyman plumber.

24 "(2) Applicants for examination for a master gas
25 fitter certificate shall submit proof to the board that the

1 applicant has at least one year of current work experience as
2 a journeyman gas fitter.

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

10 "(4) The examination shall be administered by an
11 independent examining agency.

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

22 "(h) Any master plumber, master gas fitter,
23 journeyman plumber, journeyman gas fitter, apprentice plumber,
24 or apprentice gas fitter performing medical gas piping shall
25 provide proof to the board that he or she has successfully

1 completed a current medical gas piping certification program
2 approved by the board.

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

12 "§34-37-8.

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

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

22 "(c) Any current registration or annual certificate
23 issued to any individual by the board shall be in possession
24 of the individual at any time he or she engages in or proposes
25 to engage as a master, journeyman, or apprentice plumber, gas

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

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

13 "§34-37-12.

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

1 procedure shall be the same as defined in the Alabama
2 Administrative Procedure Act, Chapter 22 of Title ~~42~~ 41. The
3 board may establish additional procedures as needed, provided
4 that any additional procedures are published and made public
5 and are not in conflict with state law."

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

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-MAR-22, as amended.

Jeff Woodard
Clerk

Senate	30-MAR-22	Amended and Passed
House	31-MAR-22	Concurred in Sen- ate Amendment