

1 HB336  
2 216399-1  
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

SYNOPSIS: Under existing law, the State of Alabama Plumbers and Gas Fitters Examining Board is authorized to examine, certify, and regulate plumbers, gas fitters, and medical gas piping fitters on a statewide basis.

This bill would add definitions for residential dwelling, residential gas fitter, residential plumber, and residential plumber or gas fitter assistant; would replace a journeyman plumber with a residential plumber as a member of the board; would expand examination options for a journeyman plumber or gas fitter; and would add provisions governing apprenticeship to journeyman/master ratios.

A BILL  
TO BE ENTITLED  
AN ACT

1           Relating to plumbers and gas fitters; to amend  
2 Sections 34-37-1, 34-37-3, and 34-37-6, Code of Alabama 1975,  
3 to add definitions for residential dwelling, residential gas  
4 fitter, residential plumber, and residential plumber or gas  
5 fitter assistant; to replace a journeyman plumber with a  
6 residential plumber as a member of the board; to expand  
7 examination options for a journeyman plumber or gas fitter;  
8 and to add new provisions governing apprenticeship to  
9 journeyman/master ratios.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13           "§34-37-1.

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

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

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

6           "(3) CERTIFICATION. The process of testing at the  
7 state level to determine the knowledge and skill of an  
8 individual with respect to plumbing and gas fitting, and the  
9 issuing of certificates to indicate that an individual has  
10 passed the examination.

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

1           "(5) JOURNEYMAN GAS FITTER. Every person who engages  
2 in or works at the actual installation, repair, or replacement  
3 of gas work, who has successfully fulfilled the examination  
4 requirements of the board, has been issued a journeyman gas  
5 fitter certificate by the board, and possesses a valid and  
6 current annual certificate issued by the board. The journeyman  
7 gas fitter shall have in his or her possession a current  
8 annual certificate. The certificate shall be available for  
9 inspection on request.

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

19           "(7) MASTER GAS FITTER. Any person or legal entity  
20 that engages in or works at the actual installation, repair,  
21 or replacement of gas systems, that has successfully fulfilled  
22 the examination requirements of the board, that has been  
23 issued a master gas fitter certificate by the board, and that  
24 posses a valid and current annual certificate issued by the  
25 board. The master gas fitter shall have in his or her  
26 possession a current annual certificate. The certificate shall  
27 be available for inspection on request. This person may at any

1 time register with the board as principal for any business,  
2 firm, or corporation.

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

14 "~~(10)~~ (9) MEDICAL GAS PIPING. Piping used solely to  
15 transport gases used for medical purposes.

16 "~~(9)~~ (10) MEDICAL GAS PIPING FITTER. A master  
17 plumber or master gas fitter who holds a current certificate  
18 for installation of medical gas piping. A journeyman plumber,  
19 journeyman gas fitter, apprentice plumber, or apprentice gas  
20 fitter who holds a current certificate for installation of  
21 medical gas piping shall be entitled to install medical gas  
22 piping under the direction of a master plumber or master gas  
23 fitter whose certificate entitles him or her to install  
24 medical gas piping. An apprentice plumber or apprentice gas  
25 fitter who holds a current certificate for medical gas piping  
26 shall at all times be under the direct supervision of either a  
27 master or journeyman who also holds a current certificate. The

1 medical gas piping fitter shall have in his or her possession  
2 a current annual certificate issued by the board. The  
3 certificate shall be available for inspection on request.

4 "~~(12)~~ (11) PERSON or PERSONS. Any individual,  
5 apprentice plumber, apprentice gas fitter, corporation,  
6 professional corporation, limited liability company, or other  
7 legal entity, or any combination thereof.

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

18 "(13) PRINCIPAL. The individual responsible for the  
19 contracting, superintending, installation, maintenance, or  
20 repair of plumbing or gas fitting systems, or both, for any  
21 legal entity, who is actively and continuously connected with  
22 the conduct of the business, and is responsible to the board  
23 for those responsibilities. The individual shall qualify to be  
24 a certified master gas fitter or a certified master plumber,  
25 or both. In addition, a principal must meet these  
26 requirements.:

1           "a. At least one active employee of the legal entity  
2 shall be a duly registered and certified master gas fitter or  
3 plumber as defined in this section, actively and continuously  
4 connected with the conduct of the business and registered with  
5 the board as the principal of the business.

6           "b. The principal master gas fitter or master  
7 plumber shall have in his or her possession a current annual  
8 certificate issued by the board. The certificate shall be  
9 available for the inspection on request.

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

16           "(15) RESIDENTIAL DWELLING. Any structure, dwelling,  
17 or unit covered by the scope of the International Residential  
18 Code.

19           "(16) RESIDENTIAL GAS FITTER. A person or legal  
20 entity that engages in or works at the installation, repair,  
21 or replacement of gas systems located within, or associated  
22 with, any residential dwelling covered under the scope of the  
23 International Residential Code, that has successfully  
24 fulfilled the examination requirements of the board and that  
25 possesses a valid and current annual certificate issued by the  
26 board.

1           "(17) RESIDENTIAL PLUMBER. A person or legal entity  
2 that engages in or works at the installation, repair, or  
3 replacement of plumbing systems located within, or associated  
4 with, any residential dwelling or dwelling unit covered under  
5 the scope of the International Residential Code, that has  
6 successfully fulfilled the examination requirements of the  
7 board and possesses a valid and current annual certificate  
8 issued by the board.

9           "(18) RESIDENTIAL PLUMBER OR GAS FITTER ASSISTANT.  
10 Any employee of a residential plumber or residential gas  
11 fitter, who is engaged in assisting with the installation of  
12 plumbing or gas fitting pipe, equipment, apparatus, and  
13 appliances located within, or associated with, any residential  
14 dwelling for which a residential plumber or residential gas  
15 fitter is responsible.

16           "§34-37-3.

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

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

25 "§34-37-6.

26 "(a) It shall be unlawful for any person or other  
27 legal entity to contract, engage in, offer to engage, or

1 convey the impression that he or she is certified in plumbing,  
2 gas fitting, or medical gas piping within the State of Alabama  
3 unless the person has first registered or received a  
4 certificate of competency, hereinafter referred to as  
5 "certificate," that is in force and effect at the time the  
6 plumbing, gas fitting, or medical gas piping is offered,  
7 performed, directed, or superintended, except as hereinafter  
8 provided.

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

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

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

25 "(e) The board shall examine and pass upon the  
26 qualification of every person who applies for a journeyman

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

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

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

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

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

25 "(f) The board shall examine and pass upon the  
26 qualifications of every person who applies for a master  
27 plumber ~~or~~, master gas fitter, residential plumber, or

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

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

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

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

18 "(4) An applicant for a residential plumber  
19 certificate or a residential gas fitter certificate shall be  
20 examined orally, in writing, or otherwise demonstrate by a  
21 board approved method, upon his or her knowledge, training,  
22 and ability, in the planning, laying out, and supervision of  
23 plumbing installation and construction work or gas fitting  
24 work on residential dwellings. If found to possess those  
25 qualifications, the applicant shall be issued a residential  
26 plumber or residential gas fitter certificate by the board  
27 upon the applicant first paying all prescribed fees. Anyone in

1 good standing with the board and possessing a current master  
2 plumber or master gas fitter certificate issued by the board  
3 may apply for a residential plumber or residential gas fitter  
4 certificate without additional testing and shall be issued the  
5 appropriate certificate by the board upon the applicant first  
6 paying all prescribed fees.

7           "~~(4)~~(5) The examination shall be administered by an  
8 independent examining agency.

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

19           "(h) Any master plumber, master gas fitter,  
20 journeyman plumber, journeyman gas fitter, apprentice plumber,  
21 or apprentice gas fitter performing medical gas piping shall  
22 provide proof to the board that he or she has successfully  
23 completed a current medical gas piping certification program  
24 approved by the board."

25           Section 2. (a) The State of Alabama Plumbers and Gas  
26 Fitters Board may set a ratio of apprentice plumbers and  
27 apprentice gas fitters working under the supervision of any

1 journeyman or master plumber or gas fitter at the discretion  
2 of the board; provided, the ratio shall be no less than five  
3 apprentices to any one journeyman or master plumber or gas  
4 fitter.

5 (b) The board shall not place any restrictions on  
6 the number of residential plumbing assistants or residential  
7 gas fitter assistants that may work directly or indirectly  
8 under the supervision of a residential plumber or residential  
9 gas fitter working on a residential dwelling.

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