

1 SB208
2 209361-1
3 By Senators Jones and Chambliss
4 RFD: Governmental Affairs
5 First Read: 09-FEB-21

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8 SYNOPSIS: Under existing law, the Alabama Plumbers and
9 Gas Fitters Examining Board is responsible for
10 licensing and regulating the practice of plumbers,
11 gas fitters, and medical gas pipe fitters
12 throughout the state.

13 This bill would transfer and substantially
14 update the law relating to the board and its
15 operations.

16 This bill would reorganize and simplify
17 definitions and remove redundant language to
18 promote more effective application and enforcement.

19 This bill would require the registration of
20 a principal master for one entity at a time.

21 This bill would authorize the board to
22 require continuing education for certificate
23 renewal.

24 This bill would authorize the board to issue
25 emergency certificates during a declared state of
26 emergency.

1 This bill would also provide for
2 transitional language.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to the Alabama Plumbers and Gas Fitters
2 Examining Board; to repeal Chapter 37, Title 34, Code of
3 Alabama 1975, and replace that chapter with Chapter 37A, Title
4 34, Code of Alabama 1975; to transfer and update the law
5 relating to the board and its operations; to reorganize and
6 simplify definitions; to require the registration of a
7 principal master for one entity at a time; to authorize the
8 board to require continuing education for certificate renewal;
9 to authorize the board to issue emergency certificates during
10 a declared state of emergency; to provide transitional
11 language; and in connection therewith would have as its
12 purpose or effect the requirement of a new or increased
13 expenditure of local funds within the meaning of Amendment 621
14 of the Constitution of Alabama of 1901, now appearing as
15 Section 111.05 of the Official Recompilation of the
16 Constitution of Alabama of 1901, as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Chapter 37A is added to Title 34 of the
19 Code of Alabama 1975, to read as follows:

20 §34-37A-1.

21 For purposes of this chapter, the following terms
22 shall have the following meanings:

23 (1) APPRENTICE GAS FITTER OR PLUMBER. A person other
24 than a master or journeyman gas fitter or plumber, who is
25 engaged in learning and assisting in plumbing work or gas
26 work, who has successfully fulfilled the apprentice
27 registration requirements of the board, and who has been duly

1 registered by the board as an apprentice for the current year.
2 The term includes a person who, at the time of application for
3 apprentice registration, is enrolled in a board-approved
4 apprentice training program.

5 (2) BOARD. The Alabama Plumbers and Gas Fitters
6 Examining Board.

7 (3) CERTIFICATE OF COMPETENCY. The document issued
8 by the board to a successful journeyman-level or master-level
9 applicant to indicate that he or she has passed the
10 examination.

11 (4) CERTIFICATE OF ENDORSEMENT.

12 a. With respect to medical gas pipe fitting, the
13 document issued by the board to indicate that certification
14 for the installation of medical gas piping satisfies specific
15 criteria established by board rule.

16 b. With respect to an emergency certificate of
17 endorsement as authorized by Section 34-37A-10, the document
18 issued by the board to indicate that certification in
19 plumbing, gas fitting, or medical gas pipe fitting satisfies
20 specific criteria established by board rule.

21 (5) CERTIFICATE OF REGISTRATION. The document issued
22 by the board to an apprentice or legal entity indicating that
23 the holder has submitted all required information to the board
24 and has complied with all applicable registration
25 requirements.

26 (6) CERTIFICATION. The process of board-sanctioned
27 testing of journeyman-level and master-level applicants to

1 determine the knowledge and skill of the applicant with
2 respect to plumbing or gas fitting.

3 (7) ENDORSED.

4 a. With respect to medical gas pipe fitting,
5 designates a person who has received a certificate of
6 endorsement from the board in addition to a certificate of
7 competency or certificate of registration.

8 b. With respect to an emergency certificate of
9 endorsement, designates a person who has received an emergency
10 certificate of endorsement from the board to work in the state
11 under limited conditions during a declared state of emergency,
12 as established by board rule.

13 (8) ENDORSEMENT.

14 a. With respect to medical gas pipe fitting,
15 acceptance by the board of a person's certification in medical
16 gas pipe fitting from a board-approved third-party testing
17 agency.

18 b. With respect to an emergency certificate of
19 endorsement, the temporary acceptance by the board of a
20 person's certification in plumbing, gas fitting, or medical
21 gas pipe fitting from another state or governmental entity.

22 (9) GAS FITTING, GAS SYSTEMS, or GAS WORK. All work
23 associated with the installation, repair, service, or
24 replacement of pipes, fixtures, fittings, appliances, or
25 apparatus necessary for supplying natural gas for residential
26 or commercial use from the point of delivery and all gas
27 piping before connection to the combustion zone and including

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

12 (10) JOURNEYMAN GAS FITTER. Any person who engages
13 in or works at the actual installation, repair, service, or
14 replacement of gas systems who has successfully fulfilled the
15 examination requirements of the board and been issued a
16 journeyman gas fitter certificate of competency.

17 (11) JOURNEYMAN PLUMBER. Any person who engages in
18 or works at the actual installation, repair, service, or
19 replacement of plumbing systems who has successfully fulfilled
20 the examination requirements of the board and been issued a
21 journeyman plumber certificate of competency.

22 (12) MASTER GAS FITTER. Any person who engages in or
23 works at the actual installation, repair, service, or
24 replacement of gas systems who has successfully fulfilled the
25 examination requirements of the board and been issued a master
26 gas fitter certificate by the board, and who possesses a valid
27 and current annual certificate of competency.

1 (13) MASTER PLUMBER. Any person who engages in or
2 works at the actual installation, repair, service, or
3 replacement of plumbing systems who has successfully fulfilled
4 the examination requirements of the board and been issued a
5 master plumber certificate of competency.

6 (14) MEDICAL GAS PIPE FITTER. Any person who holds a
7 certificate of competency or a certificate of registration
8 from the board and a certificate of endorsement from the board
9 for the installation of medical gas piping.

10 (15) MEDICAL GAS PIPING. Piping used solely to
11 transport gases used for medical purposes.

12 (16) PERSON or PERSONS. Unless limited to a natural
13 person by the context in which the term is used, any
14 individual, including a corporation, professional corporation,
15 limited liability company, or other legal entity, or any
16 combination thereof.

17 (17) PLUMBING, PLUMBING SYSTEMS, or PLUMBING WORK.
18 All work associated with the installation, repair, service, 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 rule and any code adopted by the board, with
26 the exception of work allowed by this chapter.

1 (18) PRINCIPAL MASTER GAS FITTER. The person
2 responsible for the contracting, superintending, installation,
3 maintenance, service, or repair of gas systems for any legal
4 entity. To qualify for registration with the board as a
5 principal master gas fitter, a person shall provide proof
6 acceptable to the board of all of the following:

7 a. Current board certification as a master gas
8 fitter.

9 b. Status as an owner or employee, not an
10 independent contractor, of the legal entity for which he or
11 she plans to register as the principal master gas fitter.

12 c. Active and continuous connection with the
13 business operations of the legal entity.

14 d. No registration with the board as a principal
15 master gas fitter for any other legal entity regulated by the
16 board.

17 (19) PRINCIPAL MASTER PLUMBER. The person
18 responsible for the contracting, superintending, installation,
19 maintenance, service, or repair of plumbing systems for any
20 legal entity. To qualify for registration with the board as a
21 principal master plumber, a person shall provide proof
22 acceptable to the board of all of the following:

23 a. Current board certification as a master plumber.

24 b. Status as an owner or employee, not an
25 independent contractor, of the legal entity for which he or
26 she plans to register as the principal master plumber.

1 c. Active and continuous connection with the
2 business operations of the legal entity.

3 d. No registration with the board as a principal
4 master plumber for any other legal entity regulated by the
5 board.

6 (20) REGISTRATION. The process of submitting
7 required information to the board by an apprentice or legal
8 entity engaging in the business of plumbing, gas fitting, or
9 medical gas pipe fitting within the state.

10 §34-37A-2.

11 (a) The Alabama Plumbers and Gas Fitters Examining
12 Board shall examine, certify, and regulate plumbers, gas
13 fitters, and medical gas pipe fitters on a statewide basis.
14 The board shall adopt and enforce rules in accordance with
15 Chapter 22 of Title 41, the Alabama Administrative Procedure
16 Act.

17 (b) The board may expend funds for purposes of
18 public awareness of the board and its rules to include
19 advertising, promotional materials, event exhibiting, and
20 other means approved by the board.

21 §34-37A-3.

22 (a) The Governor shall designate the length of term
23 for each of his or her appointees, not to exceed four years.
24 Appointments shall be subject to confirmation by the Senate,
25 and as the term of office of a member serving on the board
26 expires, the member shall continue to serve on the board until
27 a successor board member is appointed and qualified.

1 (b) The board shall be composed of the following
2 members appointed by the Governor:

3 (1) A master plumber.

4 (2) A journeyman plumber.

5 (3) A registered professional engineer licensed by
6 the State Board of Licensure for Professional Engineers and
7 Land Surveyors, or its successor board.

8 (4) A municipal or county building official.

9 (5) A master gas fitter.

10 (6) A journeyman gas fitter.

11 (7) A member appointed from the public at large, who
12 is not engaged or otherwise connected to the plumbing or gas
13 industry or the installation of plumbing or gas work nor
14 connected with any person, firm, or corporation handling or
15 dealing in material, fixtures, or appliances connected with
16 plumbing or gas work.

17 (c) Each member of the board shall be a resident of
18 this state and appointments by the Governor shall be made so
19 that diversity of gender, race, and geographical areas is
20 reflective of the makeup of this state.

21 (d) The terms of all board members serving on
22 October 1, 2021, shall continue until expiration pursuant to
23 original appointment. As terms expire, successor board members
24 shall be appointed by the Governor pursuant to this section.

25 §34-37A-4.

26 (a) The board shall meet when necessary for the
27 proper performance of its duties, but in no case less than

1 once a year. Meetings shall be held at places in the state as
2 the board deems necessary. At its first meeting next following
3 May 2, 1989, and every two years thereafter, the board shall
4 organize itself by electing from its membership a chair, vice
5 chair, and a recording secretary. The board shall appoint,
6 employ, or contract with an executive director for the board,
7 and may appoint, employ, or contract with a deputy director,
8 neither of whom shall be subject to the state Merit System.
9 The executive director shall serve as treasurer of the board,
10 but the deputy director may serve as treasurer of the board in
11 the absence of the executive director or when otherwise
12 directed by the board. The executive director and the deputy
13 director shall not be a member of the board and shall not be
14 engaged or otherwise connected with the plumbing or gas
15 fitting industry. The board shall set the compensation of the
16 executive director and the deputy director in accordance with
17 rules of the State Personnel Board. Four members of the board
18 shall constitute a quorum for transacting business. Each
19 member of the board shall receive as compensation for services
20 the sum of two hundred dollars (\$200) per day for each day
21 spent in active service for the board. In addition to per diem
22 compensation, each board member shall be reimbursed for any
23 necessary expense incurred in performing duties as a board
24 member. The expenses allowable to each board member shall not
25 exceed the per diem amount of state travel expenses allowed by
26 law, from time to time, for state employees traveling on state
27 business. Employees of the board shall also be entitled to

1 reimbursement for traveling expenses incurred when traveling
2 on official board business at the rate for state employees
3 traveling on state business. The board may employ or contract
4 for stenographic or clerical help and compliance officers when
5 needed, and may purchase necessary office supplies, equipment,
6 and services.

7 (b) The compensation and expense provided for in
8 this section, and all other authorized expenses, shall be
9 payable solely from fees collected by or on behalf of the
10 board. In no event shall any expense incurred by the board be
11 charged against any funds of the state other than the funds
12 collected under this chapter.

13 §34-37A-5.

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

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

10 (b) The executive director and the deputy director
11 of the board, before entering upon the duties of their office,
12 shall 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 the state and
18 acceptable to the Secretary of State.

19 §34-37A-6.

20 (a) No person may contract to perform, engage in,
21 offer to engage in, or convey the impression that he or she is
22 certified in plumbing, gas fitting, or medical gas piping
23 within the state unless the person has first registered his or
24 her business, if any; received the appropriate certificate of
25 competency; or received a certificate of endorsement, if
26 applicable, from the board. Certification shall be in force
27 and effect at the time the plumbing, gas fitting, or medical

1 gas pipe fitting is contracted for, offered, performed,
2 directed, or superintended, except as hereinafter provided.

3 (b) The board shall register each legal entity
4 engaging in, or offering to engage in, plumbing, gas fitting,
5 or medical gas pipe fitting in the state, subject to the
6 entity fully completing and submitting the appropriate forms
7 as provided by the board and paying all prescribed fees.
8 Disciplinary action for a legal entity which has received a
9 certificate of registration may be the same as for a person
10 who has received a certificate of competency.

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

16 (d) The board shall register each person who applies
17 for an apprentice plumber or gas fitter certificate of
18 registration, subject to the applicant completing and
19 submitting the appropriate forms as provided by the board and
20 paying all prescribed fees.

21 (e) The board shall examine and consider the
22 qualifications of each person who applies for a journeyman
23 plumber or journeyman gas fitter certificate of competency,
24 subject to the applicant completing and submitting the
25 appropriate forms as provided by the board and satisfying all
26 other requirements established by this chapter and by board
27 rule.

1 (1) An applicant for examination for a journeyman
2 plumber or journeyman gas fitter certificate of competency
3 shall submit proof acceptable to the board that the applicant
4 has two years of current work experience as an apprentice
5 plumber or gas fitter; that the applicant has completed an
6 apprentice training program approved by the board; or that the
7 applicant has other relevant experience which, in the opinion
8 of the board, qualifies the applicant to take the examination.

9 (2) An applicant for journeyman plumber or
10 journeyman gas fitter shall be examined, orally or in writing,
11 upon the fundamentals of his or her declared discipline,
12 whether plumbing or gas fitting, as well as on the theory and
13 practice of plumbing work or gas fitting work, as applicable.
14 An applicant shall also be examined based on his or her
15 experience and ability in practical plumbing installation and
16 construction or gas fitting work, as applicable.

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

24 (4) The examination shall be administered by a
25 board-approved independent testing agency.

26 (f) The board shall examine and consider the
27 qualifications of each person who applies for a master plumber

1 or master gas fitter certificate of competency, subject to the
2 applicant completing and submitting the appropriate forms as
3 provided by the board and satisfying all other requirements
4 established by this chapter and by board rule.

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

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

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

21 (4) The examination shall be administered by a
22 board-approved independent testing agency.

23 (g) Except as prescribed in Section 34-37A-10, no
24 person shall be issued a certificate of competency without
25 passing the prescribed examination. A person who has passed
26 the examination shall become certified within 90 calendar days
27 after passage and shall not be required to take the

1 examination thereafter in order to secure a certificate in
2 subsequent years, unless otherwise prescribed by board rule. A
3 person who passes the examination but fails to become
4 certified within 90 calendar days after passage shall be
5 required to retake the examination.

6 (h) Before engaging in the installation, repair,
7 service, or replacement of medical gas piping, a master
8 plumber, master gas fitter, journeyman plumber, journeyman gas
9 fitter, apprentice plumber, or apprentice gas fitter intending
10 to perform the work, shall provide proof acceptable to the
11 board that he or she has successfully completed a current
12 medical gas pipe fitting certification program approved by the
13 board.

14 (i) Any person performing work under a certificate
15 issued by the board shall comply with all state and local
16 laws, board rules, county-adopted codes, and municipal
17 ordinances.

18 (j) (1) An apprentice learning and assisting in the
19 performance of plumbing work shall work directly under the
20 supervision of a journeyman or master plumber.

21 (2) While engaging in plumbing work, a journeyman
22 plumber shall be under the continuous direction of a master
23 plumber.

24 (3) A certified master plumber may only register
25 with the board as the principal master plumber for one
26 business, firm, or corporation at a time.

1 (k) (1) An apprentice learning and assisting in the
2 performance of gas work shall work directly under the
3 supervision of a journeyman or master gas fitter.

4 (2) While engaging in gas work, a journeyman gas
5 fitter shall be under the continuous direction of a master gas
6 fitter.

7 (3) A certified master gas fitter may only register
8 with the board as the principal master gas fitter for one
9 business, firm, or corporation at a time.

10 (l) An endorsed journeyman plumber or journeyman gas
11 fitter may only install medical gas piping under the direction
12 of an endorsed master plumber or master gas fitter.

13 (m) An endorsed apprentice plumber or apprentice gas
14 fitter shall be under the direct supervision of either an
15 endorsed master or an endorsed journeyman plumber or gas
16 fitter at all times.

17 (n) A certificate of endorsement for the
18 installation of medical gas piping is not valid unless the
19 holder also holds a current valid certificate of competency or
20 a certificate of registration.

21 §34-37A-7.

22 Any person who fails to pass an examination, upon
23 reapplication and payment of the regular examination fee,
24 unless exempted, may be reexamined at any subsequent
25 examination given by the board.

26 §34-37A-8.

1 (a) Any person who holds a certificate issued by the
2 board shall be issued statewide certification upon the annual
3 renewal of that certificate.

4 (b) Any certificate issued by the board shall be
5 accepted by any city, town, or county in the state. No other
6 competency certification or examination shall be required of
7 plumbers, gas fitters, or medical gas pipe fitters by any
8 local governmental entity.

9 (c) Any certificate of registration or certificate
10 of competency issued to any person by the board shall be in
11 the possession of the person at any time he or she engages in
12 or proposes to engage as a master, journeyman, or apprentice
13 plumber, gas fitter, or medical gas pipe fitter. Upon request,
14 he or she shall produce the certificate for inspection and
15 identification by any person for whom he or she engages or
16 proposes to engage as such, and any authorized enforcement
17 personnel of any governmental entity, board, or agency when
18 requested.

19 §34-37A-9.

20 (a) Unless otherwise provided by board rule, a
21 certificate of competency, certificate of registration, and
22 certificate of endorsement shall expire annually, unless
23 renewed pursuant to this chapter. The board, by rule, may
24 provide for all of the following relating to the renewal of a
25 certificate of competency, certificate of registration, and
26 certificate of endorsement:

27 (1) The amount and collection of a late renewal fee.

1 (2) Continuing education requirements.

2 (b) (1) A certificate holder, including a
3 governmental code official, who does not intend to engage in
4 the business of plumbing, gas fitting, or medical gas pipe
5 fitting, may annually submit to the board an inactive status
6 affidavit on forms provided by the board. The board, by rule,
7 may adopt and collect an annual inactive status fee.

8 (2) To restore an inactive certificate to active
9 status, a certificate holder shall submit to the board an
10 active status affidavit on forms provided by the board and all
11 prescribed fees. Only after restoration to active status may
12 the certificate holder engage in plumbing, gas fitting, or
13 medical gas pipe fitting work.

14 (3) Any person who fails to renew his or her
15 certificate and who does not timely submit an inactive status
16 affidavit, upon requesting recertification, shall pay each
17 unpaid certificate renewal fee which has accrued since his or
18 her last renewal and any late fees or penalties adopted by
19 board rule. Upon written request, the board may waive the
20 payment of any fees and penalties due under this subsection.

21 (4) A certificate which has not been renewed within
22 three years following its expiration is considered a lapsed
23 certificate. Unless otherwise provided in subsection (f), a
24 lapsed certificate may not be renewed, restored, or reissued,
25 until the holder of the certificate satisfies all requirements
26 for the issuance of a new certificate, including the payment
27 of all applicable fines, fees, and penalties.

1 (c) A certificate holder who has either entered into
2 an agreement with the board regarding the resolution of a
3 violation or other disciplinary action, or who has been
4 ordered by the board to comply with the terms of a
5 disciplinary judgment, shall satisfy all of the terms and
6 conditions of the agreement or order, including the payment of
7 all fines, fees, restitution, and penalties, before
8 recertification is granted.

9 (d) The board shall adopt and collect any other
10 necessary fees to administer this chapter. Any fee adopted by
11 the board pursuant to this chapter shall be in addition to all
12 privilege or license taxes otherwise levied by state, county,
13 or local authorities.

14 (e) A governmental code official is exempt from
15 paying any fees relating to renewal or inactive status and
16 from any reexamination requirements adopted by the board.

17 (f) (1) A person who has served in the Armed Forces
18 of the United States may renew a lapsed certificate upon
19 payment of the standard renewal fee for his or her
20 certification level during the year following his or her
21 release from active military duty.

22 (2) An eligible person pursuant to the Alabama
23 Military Family Jobs Opportunity Act, during the year
24 following the release of his or her spouse from active
25 military duty, may renew a lapsed certificate upon payment of
26 the standard renewal fee for his or her certification level.

27 34-37A-10.

1 In the event the Governor or the Legislature
2 declares a state of emergency, the board may issue an
3 emergency certificate of endorsement for the performance of
4 plumbing work or gas fitting work in the impacted area to any
5 applicant who holds an out-of-state license. The board may
6 adopt rules to implement this section.

7 §34-37A-11.

8 The board may establish reciprocal agreements with
9 any other state licensing or certifying board which
10 recognizes, as a minimum, the standards prescribed by the
11 board, and may allow certified plumbers and gas fitters to
12 receive a certificate in this state without taking
13 examinations if the plumber or gas fitter is currently
14 licensed in the reciprocating state and upon the payment of
15 the prescribed fees.

16 §34-37A-12.

17 (a) The board may revoke or suspend any certificate
18 if obtained through concealment, misstatement, or
19 misrepresentation of any material fact in the application for
20 the certificate. The board may discipline any person for a
21 violation of any law or ordinance pertaining to the business
22 of the holder and may impose fines, administrative fees, or
23 penalties in an amount as provided in Section 34-37A-16. The
24 board 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 after receipt of notice. The holder of
2 the certificate shall be given an opportunity to present
3 testimony, oral or written, and shall have the right of
4 cross-examination and representation by counsel. All testimony
5 shall be given under oath. The board may administer oaths,
6 issue subpoenas, and compel the attendance of witnesses.

7 (b) The decision of the board shall be based on the
8 evidence produced at the hearing and made a part of the record
9 thereof. The board may suspend any certificate up to one year
10 or may revoke the certificate. The person whose certificate
11 has been revoked shall not be permitted to apply for a
12 certificate for one year from the date of revocation. No
13 certificate shall be suspended or revoked unless the majority
14 of the board members concur. Board procedure shall be the same
15 as provided by the Alabama Administrative Procedure Act,
16 Chapter 22 of Title 42. The board may adopt additional
17 procedures as needed, provided that any additional procedures
18 are published and made public and are not in conflict with
19 state law.

20 §34-37A-13.

21 (a) At the time of initial application for a
22 certificate issued by the board, an applicant shall submit to
23 the board his or her residential address, the legal name and
24 address of his or her employer, if any, and the legal name and
25 both the street address and mailing address of his or her
26 business, if any. A certificate holder shall provide written

1 notice to the board of any change in this information within
2 30 calendar days after the change occurs.

3 (b) Before a certificate holder engages as a master
4 plumber or master gas fitter, he or she shall notify the
5 board, in writing, of the legal name and address of his or her
6 employer. A certificate holder shall provide written notice to
7 the board within 30 days after any change in either. All
8 information required by this section shall be furnished on a
9 business certification form furnished by the board.

10 §34-37A-14.

11 (a) The following acts, work, and conduct may be
12 performed by anyone without a certificate of competency or a
13 certificate of registration, provided, however, that all work
14 and services shall be subject to an inspection and approval in
15 accordance with state laws and applicable municipal
16 ordinances:

17 (1) Plumbing work performed by anyone who is
18 regularly employed or acting as a maintenance person
19 incidental to and in connection with the business in which he
20 or she is employed and engaged, provided the plumbing work is
21 performed on the premises of the employer, and who does not
22 engage in the occupation of a plumber for the general public.

23 (2) Plumbing work performed upon the premises or
24 equipment of a railroad or other business or industry, by an
25 employee thereof who does not engage in the occupation of a
26 plumber for the general public.

1 (3) Plumbing or gas fitting work performed within
2 public easements, including public rights-of-way, by persons
3 engaged by or employed by any public utility company in the
4 laying, maintenance, and operation of its service mains or
5 lines and the installation, alteration, adjustment, repair,
6 removal, and renovation of all types of appurtenances, and
7 equipment provided the work does not alter gas piping on the
8 consumer side of the meter.

9 (4) Any person engaged solely in the testing of
10 backflow devices.

11 (5) Plumbing work performed by a property owner in
12 or about a building owned or occupied by the owner.

13 (6) Any person may install washing machines to
14 existing piping installation or waste lines, provided the
15 plumbing work does not necessitate tying into waste or sewer
16 lines on the outlet side of the trap.

17 (b) This chapter does not apply to any plumbing work
18 performed by a property owner in or about a building owned or
19 occupied by him or her, or plumbing work performed by anyone
20 who is regularly employed by the property owner to provide
21 maintenance or other repair services if the work is incidental
22 to and in connection with the property for which he or she is
23 employed and engaged and is done on the premises of the
24 employer.

25 §34-37A-15.

26 (a) A certificate holder may not use, or allow the
27 use of, his or her name or certificate to help another person

1 obtain a permit to perform or offer to perform plumbing work,
2 gas fitting work, or medical gas pipe fitting work.

3 (b) A certificate holder may not use, or allow the
4 use of, his or her name or certificate to help another person
5 conduct business or perform work under his or her name or
6 certificate unless the person is an agent of the certificate
7 holder.

8 (c) A local official may require a certificate
9 holder to be present if any problem develops relating to the
10 work of the certificate holder.

11 (d) A certificate holder may not use, or allow the
12 use of, his or her certificate for soliciting, advertising,
13 procuring, obtaining permits for, or contracting for business
14 which does not fall under the jurisdiction of the board.

15 (e) No certificate issued by the board may be sold
16 or transferred. Any certificate which is misused may be
17 revoked by the board.

18 §34-37A-16.

19 (a) The board may discipline or require a
20 certificate holder to attend training specific to his or her
21 violations, or both. The board may levy civil fines or
22 penalties, or both, against a certificate holder for a
23 violation of this chapter up to two thousand dollars (\$2,000)
24 per violation and the actual costs of any hearing.

25 (b) In addition to or in lieu of the criminal
26 penalties and administrative sanctions provided in this
27 chapter, the board may issue an order against any person

1 engaged in any activity, conduct, or practice constituting a
2 violation of this chapter, directing the person to cease and
3 desist from the activity, conduct, practice, or performance of
4 any work then being performed or about to be commenced.

5 (c) It is unlawful for any person to violate this
6 chapter. Any person convicted of a violation shall be punished
7 as prescribed for a Class A misdemeanor.

8 §34-37A-17.

9 (a) The board shall keep a record of its
10 proceedings.

11 (b) The records of the board shall be evidence of
12 the proceedings of the board set forth therein, and a
13 transcript thereof, duly certified by the executive director
14 of the board under seal, shall be admissible in evidence with
15 the same force and effect as if the original were produced.

16 (c) Board records and papers of the following
17 classes are of a confidential nature and not public record:
18 Examination material for examinations not yet given;
19 examination scores; letters of inquiry and reference
20 concerning applicants; board inquiry forms concerning
21 applicants; pending or closed complaints and investigative
22 files, which shall remain confidential until an actual formal
23 hearing may commence; and all other materials of like
24 confidential nature.

25 §34-37A-18.

26 (a) The Alabama Plumbers and Gas Fitters Examining
27 Board created by this chapter succeeds to and is vested with

1 the powers, duties, and functions of the Alabama Plumbers and
2 Gas Fitters Examining Board.

3 (b) The officers and employees of the Alabama
4 Plumbers and Gas Fitters Examining Board shall be officers and
5 employees of the Alabama Plumbers and Gas Fitters Examining
6 Board created by this chapter, without interruption of service
7 or loss of benefits.

8 (c) The property, funds, and records of the Alabama
9 Plumbers and Gas Fitters Examining Board are transferred to
10 the Alabama Plumbers and Gas Fitters Examining Board created
11 by this chapter.

12 (d) Any reference in any law including, but not
13 limited to, this code and the Alabama Administrative Code, to
14 the Alabama Plumbers and Gas Fitters Examining Board, shall be
15 deemed a reference to the Alabama Plumbers and Gas Fitters
16 Examining Board created by this chapter.

17 §34-37A-19.

18 (a) The status of any person properly licensed by
19 the Alabama Plumbers and Gas Fitters Examining Board under
20 former Chapter 37 of this title, on October 1, 2021, shall
21 continue under the board under this chapter.

22 (b) The administrative rules of the board existing
23 on October 1, 2021, which reference Chapter 37 of this title,
24 which is repealed by the act adding this subsection, shall
25 remain in effect until amended or repealed by the board.

26 (c) The existence and functioning of the Alabama
27 Plumbers and Gas Fitters Examining Board, created and

1 functioning pursuant to Sections 34-37-1 to 34-37-18,
2 inclusive, is continued pursuant to this chapter. All rights,
3 duties, property, real or personal, and all other effects
4 existing in the name of the board, or in any other name by
5 which the board has been known, shall continue. Any reference
6 to the Alabama Plumbers and Gas Fitters Examining Board, or
7 any other name by which the board has been known, in any
8 existing law, contract, or other instrument shall constitute a
9 reference to the Alabama Plumbers and Gas Fitters Examining
10 Board as created in this chapter. All actions of the Alabama
11 Plumbers and Gas Fitters Examining Board lawfully done prior
12 to October 1, 2021, by the board or by the executive director
13 or administrative assistant are approved, ratified, and
14 confirmed. The board as constituted on October 1, 2021, shall
15 constitute the board under this chapter.

16 Section 2. All laws or parts of laws which conflict
17 with this act are repealed and specifically Chapter 37 of
18 Title 34, consisting of Sections 34-37-1 to 34-37-18,
19 inclusive, Code of Alabama 1975, relating to the Alabama
20 Plumbers and Gas Fitters Examining Board, is repealed.

21 Section 3. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 4. This act shall become effective on
4 October 1, 2021, following its passage and approval by the
5 Governor, or its otherwise becoming law.