

1 HB143
2 155099-5
3 By Representative Williams (J)
4 RFD: Boards, Agencies and Commissions
5 First Read: 14-JAN-14
6 PFD: 01/10/2014

ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

Relating to the State of Alabama Plumbers and Gas Fitters Examining Board and the regulations of plumbers and gas fitters; to amend Sections 34-37-1, 34-37-2, 34-37-5, 34-37-6, 34-37-8, 34-37-9, 34-37-12, 34-37-13, 34-37-14, 34-37-15, and 34-37-17, Code of Alabama 1975; so as to provide further for defined terms, the name of the board, deposit and disbursement of funds for classroom training purposes; to provide further for certification, requirements; to provide for installing, testing, and maintaining backflow prevention devices; to provide further for fees for reissuance of lost certificates; to provide further for disciplinary actions by the board; to provide further for bonds of principal master plumbers and gas fitters; to provide for inactive certifications; to provide further for exempted actions and entities; and to provide further for disciplinary actions of the board; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 34-37-1, 34-37-2, 34-37-5,
5 34-37-6, 34-37-8, 34-37-9, 34-37-12, 34-37-13, 34-37-14,
6 34-37-15, and 34-37-17, Code of Alabama 1975, are amended to
7 read as follows:

8 "§34-37-1.

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

12 "(1) APPRENTICE GAS FITTER OR PLUMBER. A person
13 other than a master or journeyman gas fitter or plumber, who
14 is engaged in learning and assisting in the installation of
15 gas pipe, equipment, apparatus, and appliances, and shall work
16 directly under the supervision of a journeyman or master gas
17 fitter or plumber, and who has successfully fulfilled the
18 registration requirements of the board and has been duly
19 registered by the board as such for the current year.

20 "(2) BACKFLOW PREVENTION DEVICE. A device installed
21 within a water supply or a building distribution system on the
22 consumer side of the meter to protect the potable water supply
23 from contamination or cross connection.

24 "~~(2)~~ (3) BOARD. The State of Alabama Plumbers and
25 Gas Fitters Examining Board as renamed by this chapter. The
26 board shall examine, certify, and regulate plumbers, gas

1 fitters, and medical gas piping fitters on a statewide basis
2 pursuant to this chapter.

3 ~~"(3)~~ (4) CERTIFICATION. The process of testing at
4 the state level to determine the knowledge and skill of an
5 individual with respect to plumbing and gas fitting, and the
6 issuing of certificates to indicate that an individual has
7 passed the examination.

8 ~~"(4)~~ (5) GAS FITTING, GAS SYSTEMS, or GAS WORK. The
9 installation, repair of pipes, fixtures, fittings, appliances,
10 or apparatus necessary for supplying natural gas for
11 residential or commercial use from the point of delivery and
12 all gas piping before connection to the combustion zone and
13 including the applicable venting of flue gases to the outside
14 atmosphere and the provisions for air for combustion and
15 ventilation. This chapter shall not be construed to prevent
16 any contractor certified by the Alabama Board of Heating, ~~and~~
17 Air Conditioning, and Refrigeration Contractors from
18 installing, replacing, or performing service or repair on
19 natural gas fired air heating/cooling appliances, excluding
20 piping to them provided the installing contractor has a valid
21 certificate issued by the Alabama Board of Heating, ~~and~~ Air
22 Conditioning, and Refrigeration Contractors.

23 ~~"(5)~~ (6) JOURNEYMAN GAS FITTER. A person who engages
24 in or works at the actual installation, repair, or replacement
25 of gas work, who has successfully fulfilled the examination
26 requirements of the board, has been issued a journeyman gas
27 fitter certificate by the board, and possesses a valid and

1 current annual certificate issued by the board. The
2 certificate shall be available for inspection on request.

3 ~~"(6)~~ (7) JOURNEYMAN PLUMBER. A person who engages in
4 or works at the actual installation, repair, or replacement of
5 plumbing systems, who has successfully fulfilled the
6 examination requirements of the board, has been issued a
7 journeyman plumber certificate by the board, and possesses a
8 valid and current annual certificate issued by the board. The
9 certificate shall be available for inspection on request.

10 ~~"(7)~~ (8) MASTER GAS FITTER. ~~Any person engaged in or~~
11 ~~proposing to engage in the business of contracting to do, or~~
12 ~~of superintending the installation, maintenance, or repair of~~
13 ~~gas systems or gas work, either or both. The individual shall~~
14 ~~qualify to be a certified master gas fitter. If the business~~
15 ~~be a firm or corporation, at least one active employee of the~~
16 ~~firm or corporation shall be a duly registered and certified~~
17 ~~master gas fitter, actively and continuously connected with~~
18 ~~the conduct of the business. The master gas fitter shall have~~
19 ~~in his or her possession a current annual certificate issued~~
20 ~~by the board. The certificate shall be available for~~
21 ~~inspection on request.~~ A person who engages in or works at the
22 actual installation, repair, or replacement of gas systems,
23 who has successfully fulfilled the examination requirements of
24 the board, has been issued a master gas fitter certificate by
25 the board, and possesses a valid and current annual
26 certificate issued by the board. The master gas fitter shall
27 have in his or her possession a current annual certificate.

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

4 ~~"(8)~~ (9) MASTER PLUMBER. ~~Any person engaged in or~~
5 ~~proposing to engage in the business of contracting to do, or~~
6 ~~of superintending the installation, maintenance, or repair of~~
7 ~~plumbing, or both. The individual shall qualify to be a~~
8 ~~certified master plumber. If the business is a firm or~~
9 ~~corporation, at least one active employee of the firm or~~
10 ~~corporation shall be a duly registered and certified master~~
11 ~~plumber, actively, continuously connected with the conduct of~~
12 ~~the business. The master plumber shall have in his or her~~
13 ~~possession a current annual certificate issued by the board.~~
14 ~~The certificate shall be available for inspection on request.~~
15 A person who engages in or works at the actual installation,
16 repair, or replacement of plumbing systems, who has
17 successfully fulfilled the examination requirements of the
18 board, has been issued a master plumber certificate by the
19 board, and possesses a valid and current annual certificate
20 issued by the board. The master plumber shall have in his or
21 her possession a current annual certificate. The certificate
22 shall be available for inspection on request. This person may
23 at any time register with the board as principal for any
24 business, firm, or corporation.

25 ~~"(9)~~ (10) MEDICAL GAS PIPING FITTER. A master
26 plumber or master gas fitter whose certificate bears an
27 endorsement for installation of medical gas piping. A

1 journeyman plumber or journeyman gas fitter whose certificate
2 bears an endorsement for installation of medical gas piping
3 shall be entitled to install medical gas piping under the
4 direction of a master plumber or master gas fitter whose
5 certificate entitles him or her to install medical gas piping.
6 The medical gas piping fitter shall have in his or her
7 possession a current annual certificate with endorsement
8 issued by the board. The certificate shall be available for
9 inspection on request.

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

12 "~~(11)~~ (12) PLUMBING, PLUMBING SYSTEMS, or PLUMBING
13 WORK. The installation, repair, or replacement of pipes,
14 fixtures, or other apparatus necessary either for supplying
15 water or for removing liquid or waterborne waste. The term is
16 also used to denote installed fixtures, drainage, vents, and
17 water distribution systems.

18 "(13) PRINCIPAL. The individual responsible for the
19 contracting, superintending, installation, maintenance, or
20 repair of plumbing and/or gas fitting systems for a business,
21 firm, or corporation, who is actively and continuously
22 connected with the conduct of the business and is solely
23 responsible to the board for the same.

24 "~~(7)~~ (14) PRINCIPAL MASTER GAS FITTER. Any person
25 engaged in or proposing to engage in the business of
26 contracting to ~~do~~ conduct, or of superintending the
27 installation, maintenance, or repair of gas systems or gas

1 work, either or both. The individual shall qualify to be a
2 certified master gas fitter. If the business be a firm or
3 corporation, at least one active employee of the firm or
4 corporation shall be a duly registered and certified master
5 gas fitter, actively and continuously connected with the
6 conduct of the business and registered with the board as the
7 principal of the business and hold the required bond. The
8 master gas fitter shall have in his or her possession a
9 current annual certificate issued by the board. The
10 certificate shall be available for inspection on request.

11 "~~(8)~~ (15) PRINCIPAL MASTER PLUMBER. Any person
12 engaged in or proposing to engage in the business of
13 contracting to ~~do~~ conduct, or of superintending the
14 installation, maintenance, or repair of either plumbing
15 systems or plumbing work, or both. The individual shall
16 qualify to be a certified master plumber. If the business is a
17 firm or corporation, at least one active employee of the firm
18 or corporation shall be a duly registered and certified master
19 plumber, actively, continuously connected with the conduct of
20 the business and registered with the board as the principal of
21 the business and hold the required bond. The master plumber
22 shall have in his or her possession a current annual
23 certificate issued by the board. The certificate shall be
24 available for inspection on request.

25 "§34-37-2.

26 "The Plumbers Examining Board as created by Act No.
27 529 of the 1949 Regular Session of the Legislature (Acts 1949,

1 p. 827), as amended, is renamed the State of Alabama Plumbers
2 and Gas Fitters Examining Board and the authority of the board
3 is expanded to allow the board to examine, certify, and
4 regulate plumbers, gas fitters, and medical gas piping fitters
5 on a statewide basis. The board may make and enforce rules
6 adopted in accordance with Chapter 22 of Title 41, the Alabama
7 Administrative Procedure Act.

8 "The board is authorized to expend funds for
9 purposes of public awareness of the board and its rules and
10 regulations to include advertising, promotional materials,
11 event exhibiting, or other means approved by the board.

12 "§34-37-5.

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

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

11 "(b) The executive director and the deputy director
12 of the board shall, before entering upon the duties of their
13 office, make and file with the Secretary of State an official
14 bond in the sum of five thousand dollars (\$5,000), unless
15 covered by the state blanket bond. The appropriate premiums on
16 the bond shall be paid out of the funds of the board, and the
17 bond shall be executed by an approved bonding fidelity or
18 guaranty company qualified to do business in Alabama and
19 acceptable to the Secretary of State.

20 "§34-37-6.

21 "(a) It shall be unlawful for any person, firm, or
22 corporation to advertise, bid, or purchase a business license
23 or to do or perform, or to contract, direct, or superintend
24 any plumbing, gas fitting, or medical gas piping within any
25 incorporated city or town or county of this state unless the
26 person has first received a certificate of competency,
27 hereinafter referred to as "certificate," that is in force and

1 effect at the time the plumbing, gas fitting, or medical gas
2 piping is ~~done~~ performed, directed, or superintended, except
3 as hereinafter provided.

4 "(b) The business name which is registered with the
5 board for each company engaged in plumbing or gas fitting
6 shall be displayed in a prominent manner on two sides of each
7 service or construction vehicle. The lettering shall be a
8 minimum of four inches in height.

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

13 "~~(c)~~ (d) The board shall examine and pass upon the
14 qualification of every person who applies for a journeyman's
15 plumber or gas fitter certificate upon forms provided by the
16 board.

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

22 "(2) Applicants for journeyman plumber or gas fitter
23 shall be examined, orally or in writing, upon the fundamentals
24 of plumbing or gas fitting, the theory and practice of
25 plumbing installation and construction or gas fitting work,
26 and the experience and ability of the applicant in practical
27 plumbing installation and construction or gas fitting work.

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

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

11 "~~(d)~~ (e) The board shall examine and pass upon the
12 qualifications of every person who applies for a master's
13 plumber or gas fitter certificate upon forms provided by the
14 board.

15 "(1) Applicants for examination for a master plumber
16 certificate shall submit proof to the board that the applicant
17 has at least one year of work experience as a journeyman
18 plumber.

19 "(2) Applicants for examination for a master gas
20 fitter's certificate shall submit proof to the board that the
21 applicant has at least one year of work experience as a
22 journeyman gas fitter.

23 "(3) An applicant for a master's certificate shall
24 be examined upon knowledge, training, and ability, in the
25 planning, laying out, and supervision of plumbing installation
26 and construction work or gas fitting work, and if found to
27 possess those qualifications, the applicant shall be issued a

1 master's plumber or gas fitter certificate by the board upon
2 the applicant first paying all prescribed fees.

3 "(4) The examination may be administered by an
4 independent examining agency.

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

15 ~~"(f)~~ (g) Any master plumber, master gas fitter,
16 journeyman plumber, or journeyman gas fitter performing
17 medical gas piping shall provide proof to the board that he or
18 she has successfully completed a current medical gas piping
19 certification program approved by the board. The approval by
20 the board shall be indicated by endorsement as a medical gas
21 piping fitter on his or her certificate. Any journeyman
22 performing medical gas piping shall work under the direction
23 of a master plumber or master gas fitter whose certificate
24 entitles him or her to install medical gas piping.

25 ~~"(g) An applicant for any type of certification~~
26 ~~shall be a United States citizen or, if not a citizen of the~~
27 ~~United States, a person who is legally present in the United~~

1 ~~States with appropriate documentation from the federal~~
2 ~~government.~~

3 "(h) Any master plumber or journeyman plumber
4 installing or maintaining a backflow prevention device shall
5 have in his or her possession a current certification issued
6 by the board. The installation and maintenance of backflow
7 prevention devices shall be performed under the direction of a
8 master plumber.

9 "(i) Any person engaged solely in the testing of
10 backflow devices is exempt from the provisions of this
11 chapter.

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 person by the board shall be in possession of
24 the person at any time he or she engages in or proposes to
25 engage as a master, journeyman, or apprentice plumber, gas
26 fitter, ~~or~~ medical gas piping fitter, or while installing,
27 testing, or maintaining a backflow prevention device, as the

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

7 "§34-37-9.

8 "The board shall set the necessary fees to
9 administer the requirements of this chapter and when adopted,
10 such fee schedule shall be in lieu of any fee schedule
11 heretofore prescribed by the board. The board shall not change
12 the fee schedule to be effective in the middle of a calendar
13 year.

14 "The certificates provided for herein shall be
15 issued by the board upon the payment of the prescribed fees.
16 All annual certificates shall expire on December 31 of the
17 year in which they are issued. The certificate fees herein
18 prescribed shall be in addition to all privilege or license
19 taxes otherwise levied. Certificates renewed after December 31
20 shall include the late renewal penalty established by the
21 board.

22 "All applicants requesting replacement of lost or
23 stolen certificates shall be required to pay a ~~\$5~~ reissuance
24 fee based on the regular fee schedule.

25 "All persons serving in the armed forces will not be
26 required to pay any back years for a renewal certificate
27 during the calendar year he or she is released from active

1 military duty. All other persons shall pay back years unless
2 proof satisfactory to the board is furnished indicating that
3 the individual was not employed in such years in the plumbing
4 or gas fitting trade.

5 "§34-37-12.

6 "The board may revoke or suspend any certificate ~~if~~
7 obtained through concealment, misstatement, or
8 misrepresentation of any material fact in the application for
9 such certificate~~7~~. The board may discipline any certificate
10 holder or for a willful violation of any law or ordinance
11 pertaining to the business of the holder of such certificates.
12 Before a certificate may be suspended or revoked, the holder
13 thereof shall have notice in writing, enumerating the charges
14 against him or her, and be entitled to a hearing by the board
15 not sooner than five days from receipt of notice. The holder
16 of such certificate shall be given an opportunity to present
17 testimony, oral or written, and right of cross-examination and
18 representation by counsel. All testimony shall be given under
19 oath. The board shall have power to administer oaths, issue
20 subpoenas, and compel the attendance of witnesses.

21 "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 up to one year
24 or may revoke the certification. The person whose certificate
25 has been revoked shall not be permitted to apply for a license
26 for one year from the date of revocation. No certification
27 shall be suspended or revoked unless the majority of the board

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

6 ~~"Hearings shall be conducted by a hearing officer~~
7 ~~appointed by the board. The hearing officer may be a board~~
8 ~~member, the executive director, or such other person as the~~
9 ~~board may deem fit and proper to hold such hearing. The~~
10 ~~testimony adduced at the hearing, along with all other~~
11 ~~proceedings, shall be taken down by a competent stenographer~~
12 ~~and shall be preserved as a record of the board and shall be~~
13 ~~open to the public inspection at all reasonable times. A copy~~
14 ~~of the record so adduced shall be furnished to each member of~~
15 ~~the board, and no license shall be revoked unless a majority~~
16 ~~of the board members concur with the revocation of same.~~

17 ~~"No annual certificate shall be issued to any~~
18 ~~certificate holder whose certificate shall have been revoked~~
19 ~~by the board after such hearing until one year from and after~~
20 ~~the date of such revocation unless the certificate holder~~
21 ~~whose certificate shall have been so revoked shall enter into~~
22 ~~a bond with good and sufficient surety in the penal sum of~~
23 ~~\$1,000 to faithfully comply with the provisions of this~~
24 ~~chapter and of all rules and regulations and codes adopted by~~
25 ~~the board, provided, however, that such certificate holder~~
26 ~~whose certificate shall be so revoked may within five days~~
27 ~~after such revocation appeal from the board's decision or~~

1 ~~revocation to the circuit court of the county in which the~~
2 ~~certificate holder resides, does business, or is employed.~~

3 ~~"§34-37-13.~~

4 ~~"In order to protect the public from damages arising~~
5 ~~from plumbing and gas fitting or plumbing work and gas fitting~~
6 ~~work failing to comply with the requirements of any state laws~~
7 ~~applicable thereto, or with the ordinances of any municipal~~
8 ~~corporation applicable thereto, it is hereby provided that~~
9 ~~before any person engages in the business of principal master~~
10 ~~plumber or principal master gas fitter, he or she shall~~
11 ~~execute and deposit with the judge of probate in the county of~~
12 ~~his or her principal place of business board a bond in the sum~~
13 ~~of \$2,000 fifteen thousand dollars (\$15,000). Such bond shall~~
14 ~~be a cash bond of \$2,000 or executed by a surety authorized~~
15 ~~and qualified to write surety bonds in the State of Alabama,~~
16 ~~and shall be approved by the probate judge. Such bond shall be~~
17 ~~conditioned upon all plumbing and gas fitting work done~~
18 ~~performed or supervised by such principal master plumber or~~
19 ~~principal master gas fitter complying with the provisions of~~
20 ~~any laws or ordinances relating to plumbing and gas fitting~~
21 ~~and applicable thereto. Action on such bond may be brought~~
22 ~~against the principal and surety thereon in the name of, and~~
23 ~~for the benefit of, any person who suffers damages as a~~
24 ~~consequence of the principal master plumber's or principal~~
25 ~~master gas fitter's work not conforming to the requirements of~~
26 ~~any laws or ordinances pertaining to plumbing and gas fitting~~
27 ~~and applicable thereto, provided, however, that the aggregate~~

1 ~~liability of the surety to all persons so damaged shall, in no~~
2 ~~event, exceed the sum of the bond. This shall be a statewide~~
3 ~~bond. No principal master plumber, principal master gas~~
4 ~~fitter, business, firm, or corporation who holds an active~~
5 ~~performance bond with the board shall be required to purchase~~
6 ~~a performance bond within any incorporated city or county~~
7 ~~within the State of Alabama.~~

8 ~~"In order to protect the public from damages arising~~
9 ~~from plumbing and gas fitting or plumbing work and gas fitting~~
10 ~~work failing to comply with the requirements of any state laws~~
11 ~~applicable thereto, or with the ordinances of any municipal~~
12 ~~corporation applicable thereto, it is hereby provided that~~
13 ~~before any person engages in the business of master plumber or~~
14 ~~master gas fitter, he or she shall execute and deposit with~~
15 ~~the judge of probate in the county of his or her principal~~
16 ~~place of business a bond in the sum of \$2,000. Such bond shall~~
17 ~~be a cash bond of \$2,000 or executed by a surety authorized~~
18 ~~and qualified to write surety bonds in the State of Alabama,~~
19 ~~and shall be approved by the probate judge. Such bond shall be~~
20 ~~conditioned upon all plumbing and gas fitting work done or~~
21 ~~supervised by such master plumber or master gas fitter~~
22 ~~complying with the provisions of any laws or ordinances~~
23 ~~relating to plumbing and gas fitting and applicable thereto.~~
24 ~~Action on such bond may be brought against the principal and~~
25 ~~surety thereon in the name of, and for the benefit of, any~~
26 ~~person who suffers damages as a consequence of the master~~
27 ~~plumber's or master gas fitter's work not conforming to the~~

1 ~~requirements of any laws or ordinances pertaining to plumbing~~
2 ~~and gas fitting and applicable thereto, provided, however,~~
3 ~~that the aggregate liability of the surety to all persons so~~
4 ~~damaged shall, in no event, exceed the sum of the bond.~~

5 "(a) In order to protect the public from actual
6 economic damages arising from plumbing and gas fitting, the
7 board is hereby authorized to establish a recovery fund from
8 which actual economic damages, not including interest and
9 court costs, sustained within the State of Alabama as the
10 direct result of conduct of a licensee in violation of this
11 chapter or the rules and regulations of the board, may be
12 recovered. Participation in the recovery fund is in lieu of
13 any performance bonds required by any incorporated city or
14 county within the State of Alabama. Any principal master
15 plumber, principal master gas fitter, business, firm, or
16 corporation who holds a current and valid license issued
17 pursuant to the provisions of this chapter shall not be
18 required to purchase a performance bond within any
19 incorporated city or county within the State of Alabama.

20 "(b) Any payments from the recovery fund shall be
21 subject to the following limitations and conditions:

22 "(1) Payments for claims against any one licensee
23 shall not exceed an aggregate amount to be set by the board.

24 "(2) Payments for claims arising out of the same
25 transaction shall not exceed an aggregate amount to be set by
26 the board.

1 "(3) Payments for claims will be made only when the
2 claimant has filed a complaint with the board pursuant to the
3 rules and regulations set forth by the board.

4 "(4) Payments for claims will be made on order of
5 the board as the result of a complaint filed pursuant to the
6 rules and regulations set forth by the board or, should the
7 board not issue an order to pay from the recovery fund as the
8 result of a complaint, on order of a court of competent
9 jurisdiction issued pursuant to a judgment against the
10 licensee. Payment shall not be made based on consent
11 judgments.

12 "(5) Failure of the claimant to follow any
13 provisions of this chapter shall preclude payment from the
14 recovery fund.

15 "(c) Not more than once each year, each licensee
16 shall pay a fee not to exceed one hundred dollars (\$100) per
17 licensee for deposit in the recovery fund. The recovery fund
18 fee shall be set by the board after considering all expenses
19 incurred by the board in defending, satisfying, or settling
20 any claims paid from the recovery fund. Any expenses incurred
21 by the board in defending, satisfying, or settling any claim
22 may be paid from the recovery fund.

23 "(d) Should payment be made from the recovery fund
24 in any amount in settlement of a claim or toward satisfaction
25 of a judgment against a licensee, all licenses of the licensee
26 may be terminated by the board. The board may refuse to issue
27 a new license to the former licensee until he or she has

1 repaid in full the amount paid from the recovery fund plus
2 interest at the rate of 12 percent per annum. A discharge in
3 bankruptcy shall not relieve a person from the penalties and
4 disabilities provided in this section.

5 "(e) When payment is made from the recovery fund on
6 order of the court based upon a judgment issued against a
7 licensee, the board shall be subrogated to all the rights of
8 the judgment creditor, and all his or her rights, title, and
9 interest in the judgment, to the extent of the amount paid
10 from the recovery fund, shall thereby be assigned to the
11 board. Any amount and interest recovered by the board on the
12 judgment shall be deposited to the recovery fund.

13 "(f) All sums received by the board pursuant to this
14 section shall be deposited into the State Treasury and held in
15 a special fund to be known as the Alabama Plumbers and Gas
16 Fitters Recovery Fund, and shall be held by the board in trust
17 for carrying out the purposes of the recovery fund. These sums
18 may be invested by the State Treasurer in any investments
19 which are considered legal investments under the laws of this
20 state. Any interest or other income from investments of the
21 recovery fund shall be deposited into the recovery fund.

22 "(g) If the balance in the recovery fund is
23 insufficient to satisfy a duly authorized claim or portion of
24 a claim, the board, when sufficient money has been deposited
25 in the recovery fund, shall satisfy the unpaid claims in the
26 order that the claims were filed with the board unless the
27 board determines to dissolve the recovery fund. If the board

1 takes appropriate action to dissolve the recovery fund, when
2 final payment has been made from the recovery fund in
3 accordance with the terms and conditions of this section, the
4 board shall so notify the State Treasurer as soon as may be
5 practicable.

6 "§34-37-14.

7 "(a) No person who has obtained a certificate shall
8 allow his or her name to be used by another person, either for
9 the purpose of obtaining permits, or doing business or work
10 under his or her certificate; and every person certified shall
11 notify the board of the address of his or her place of
12 business and the name under which such business is carried on,
13 and shall give immediate notice to the board of any change in
14 either.

15 "(b) Before any person certified by the board
16 engages in the business of master plumber and/or master gas
17 fitter, he or she shall notify the board of the address of the
18 place of business he or she engages in as such and the name
19 under which such business is carried on and shall give
20 immediate notice of any change in either. All information
21 required by this section shall be furnished on a business
22 certification form furnished by the board.

23 "(c) Any certified master plumber or master gas
24 fitter who desires to renew his or her annual certificate but
25 does not intend to engage as a master, as defined in this
26 chapter, shall complete an inactive status affidavit obtained
27 from the board and shall remit the annual renewal fee set in

1 the fee schedule. Code officials who hold a certification with
2 the board and wish to be inactive shall be exempt from all
3 renewal fees and examination requirements.

4 "§34-37-15.

5 "(a) The following acts, work, and conduct may be
6 performed by anyone, without ~~license or a~~ license or
7 certificate, provided, however, that all work and services
8 herein named or referred to shall be subject to an inspection
9 and approval in accordance with the terms of all state laws
10 and applicable municipal ordinances:

11 "(1) ~~Plumbing Gas fitting work done performed~~ by
12 ~~anyone who is regularly employed or and acting as a~~ anyone who
13 is regularly employed or acting as a maintenance man ~~acting~~
14 ~~under the supervision of a maintenance engineer or maintenance~~
15 ~~engineer~~ incidental to and in connection with the business in
16 which he or she is employed and engaged, provided the ~~gas~~
17 ~~fitting plumbing~~ work is ~~done performed~~ on the premises of the
18 employer, and who does not engage in the occupation of a
19 plumber ~~or gas fitter~~ for the general public.

20 "(2) ~~Maintenance and reinstallation~~ Plumbing work
21 ~~done performed~~ upon the premises or equipment of a railroad,
22 or other businesses or industry, by an employee thereof who
23 does not engage in the occupation of a plumber ~~or gas fitter~~
24 for the general public.

25 "(3) Plumbing or gas fitting work ~~done performed~~ by
26 persons engaged by or employed by any public utility company
27 in the laying, maintenance, and operation of its service mains

1 or lines and the installation, alteration, adjustment, repair,
2 removal, and renovation of all types of appurtenances, and
3 equipment, ~~and appliances~~, provided such plumbing work does
4 not ~~necessitate tying into waste or sewer lines on the outlet~~
5 ~~side of a trap or~~ alter gas piping on the consumer side of
6 meter.

7 ~~"(4) Appliances or fixture installations and service~~
8 ~~work done in connecting appliances or fixtures to existing~~
9 ~~piping installations.~~

10 "(4) Plumbing work performed by a property owner in
11 or about a building owned or occupied by the owner.

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

16 ~~"(c) This chapter shall not apply to any natural gas~~
17 ~~utility company having fewer than 350 employees that is~~
18 ~~regulated by the Alabama Public Service Commission.~~

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

27 "§34-37-17.

1 "(a) The board shall have the administrative
2 authority to discipline or require a certificate holder to
3 attend training specific to violations. The board has the
4 authority to levy civil fines or penalties to any certificate
5 holder for a violation of any provision of this chapter
6 regulating plumbers, gas fitters, or medical gas fitters up to
7 two thousand dollars (\$2,000) and actual costs of hearing the
8 revocation.

9 (b) In addition to or in lieu of the criminal
10 penalties and administrative sanctions provided in this
11 chapter, the board may issue an order to any person, firm, or
12 corporation engaged in any activity, conduct, or practice
13 constituting a violation of this chapter, directing the
14 person, firm, or corporation to forthwith cease and desist
15 from the activity, conduct, practice, or performance of any
16 work then being performed or about to be commenced.

17 "(c) It shall be unlawful for any person to violate
18 any provision of this chapter regulating plumbers, gas
19 fitters, or medical gas piping fitters. Any person convicted
20 of such violation shall be punished as prescribed for a Class
21 ~~B~~ A misdemeanor."

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompile of
27 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 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Boards, Agencies
and Commissions..... 14-JAN-14

Read for the second time and placed
on the calendar..... 22-JAN-14

Read for the third time and passed
as amended..... 05-MAR-14

Yeas 97, Nays 0, Abstains 3

Jeff Woodard
Clerk