

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

2
3
4
5
6
7
8 SYNOPSIS: This bill would amend the statute relating
9 to the State of Alabama Plumbers and Gas Fitters
10 Examining Board and the licensing and regulation of
11 plumbers and gas fitters.

12 This bill would provide further for
13 definitions; provide that unencumbered funds be
14 transferred to the Alabama Home Builders Foundation
15 for classroom training; provide further for
16 displaying business names and require master
17 plumbers and journeymen plumbers to have current
18 certification for installing, testing, or
19 maintaining backflow prevention devices; provide
20 further for renewal of certificates; provide for
21 reissuance fees for replacement certificates;
22 provide for certain disciplinary actions by the
23 board; provide for posting of bonds by principal
24 master plumbers and gas fitters; provide further
25 for inactive status of certified plumbers and gas
26 fitters; provide further for exempted activities
27 and entities; and provide further for

1 administrative and disciplinary actions by the
2 board.

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 State of Alabama Plumbers and Gas
2 Fitters Examining Board and the regulations of plumbers and
3 gas fitters; to amend Sections 34-37-1, 34-37-2, 34-37-5,
4 34-37-6, 34-37-8, 34-37-9, 34-37-12, 34-37-13, 34-37-14,
5 34-37-15, and 34-37-17, Code of Alabama 1975; so as to provide
6 further for defined terms, the name of the board, deposit and
7 disbursement of funds for classroom training purposes; to
8 provide further for certification, requirements; to provide
9 for installing, testing, and maintaining backflow prevention
10 devices; to provide further for fees for reissuance of lost
11 certificates; to provide further for disciplinary actions by
12 the board; to provide further for bonds of principal master
13 plumbers and gas fitters; to provide for inactive
14 certifications; to provide further for exempted actions and
15 entities; and to provide further for disciplinary actions of
16 the board; and in connection therewith would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds within the meaning of Amendment 621
19 of the Constitution of Alabama of 1901, now appearing as
20 Section 111.05 of the Official ReCompilation of the
21 Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 34-37-1, 34-37-2, 34-37-5,
24 34-37-6, 34-37-8, 34-37-9, 34-37-12, 34-37-13, 34-37-14,
25 34-37-15, and 34-37-17, Code of Alabama 1975, are amended to
26 read as follows:

27 "§34-37-1.

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

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

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

16 "~~(2)~~ (3) BOARD. The State of Alabama Plumbers and
17 Gas Fitters Examining Board as renamed by this chapter. The
18 board shall examine, certify, and regulate plumbers, gas
19 fitters, and medical gas piping fitters on a statewide basis
20 pursuant to this chapter.

21 "~~(3)~~ (4) CERTIFICATION. The process of testing at
22 the state level to determine the knowledge and skill of an
23 individual with respect to plumbing and gas fitting, and the
24 issuing of certificates to indicate that an individual has
25 passed the examination.

26 "~~(4)~~ (5) GAS FITTING, GAS SYSTEMS, or GAS WORK. The
27 installation, repair of pipes, fixtures, fittings, appliances,

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

14 "~~(5)~~ (6) JOURNEYMAN GAS FITTER. A person who engages
15 in or works at the actual installation, repair, or replacement
16 of gas work, who has successfully fulfilled the examination
17 requirements of the board, has been issued a journeyman gas
18 fitter certificate by the board, and possesses a valid and
19 current annual certificate issued by the board. The
20 certificate shall be available for inspection on request.

21 "~~(6)~~ (7) JOURNEYMAN PLUMBER. A person who engages in
22 or works at the actual installation, repair, or replacement of
23 plumbing systems, who has successfully fulfilled the
24 examination requirements of the board, has been issued a
25 journeyman plumber certificate by the board, and possesses a
26 valid and current annual certificate issued by the board. The
27 certificate shall be available for inspection on request.

1 ~~"(7) (8) MASTER GAS FITTER. Any person engaged in or~~
2 ~~proposing to engage in the business of contracting to do, or~~
3 ~~of superintending the installation, maintenance, or repair of~~
4 ~~gas systems or gas work, either or both. The individual shall~~
5 ~~qualify to be a certified master gas fitter. If the business~~
6 ~~be a firm or corporation, at least one active employee of the~~
7 ~~firm or corporation shall be a duly registered and certified~~
8 ~~master gas fitter, actively and continuously connected with~~
9 ~~the conduct of the business. The master gas fitter shall have~~
10 ~~in his or her possession a current annual certificate issued~~
11 ~~by the board. The certificate shall be available for~~
12 ~~inspection on request. A person who engages in or works at the~~
13 ~~actual installation, repair, or replacement of gas systems,~~
14 ~~who has successfully fulfilled the examination requirements of~~
15 ~~the board, has been issued a master gas fitter certificate by~~
16 ~~the board, and possesses a valid and current annual~~
17 ~~certificate issued by the board. The master gas fitter shall~~
18 ~~have in his or her possession a current annual certificate.~~
19 ~~The certificate shall be available for inspection on request.~~
20 ~~This person may at any time register with the board as~~
21 ~~principal for any business, firm, or coroporation.~~

22 ~~"(8) (9) MASTER PLUMBER. Any person engaged in or~~
23 ~~proposing to engage in the business of contracting to do, or~~
24 ~~of superintending the installation, maintenance, or repair of~~
25 ~~plumbing, or both. The individual shall qualify to be a~~
26 ~~certified master plumber. If the business is a firm or~~
27 ~~corporation, at least one active employee of the firm or~~

1 ~~corporation shall be a duly registered and certified master~~
2 ~~plumber, actively, continuously connected with the conduct of~~
3 ~~the business. The master plumber shall have in his or her~~
4 ~~possession a current annual certificate issued by the board.~~
5 ~~The certificate shall be available for inspection on request.~~
6 A person who engages in or works at the actual installation,
7 repair, or replacement of plumbing systems, who has
8 successfully fulfilled the examination requirements of the
9 board, has been issued a master plumber certificate by the
10 board, and possesses a valid and current annual certificate
11 issued by the board. The master plumber shall have in his or
12 her possession a current annual certificate. The certificate
13 shall be available for inspection on request. This person may
14 at any time register with the board as principal for any
15 business, firm, or corporation.

16 ~~"(9)"~~ (10) MEDICAL GAS PIPING FITTER. A master
17 plumber or master gas fitter whose certificate bears an
18 endorsement for installation of medical gas piping. A
19 journeyman plumber or journeyman gas fitter whose certificate
20 bears an endorsement for installation of medical gas piping
21 shall be entitled to install medical gas piping under the
22 direction of a master plumber or master gas fitter whose
23 certificate entitles him or her to install medical gas piping.
24 The medical gas piping fitter shall have in his or her
25 possession a current annual certificate with endorsement
26 issued by the board. The certificate shall be available for
27 inspection on request.

1 "~~(10)~~ (11) MEDICAL GAS PIPING. Piping used solely to
2 transport gases used for medical purposes.

3 "~~(11)~~ (12) PLUMBING, PLUMBING SYSTEMS, or PLUMBING
4 WORK. The installation, repair, or replacement of pipes,
5 fixtures, or other apparatus necessary either for supplying
6 water or for removing liquid or waterborne waste. The term is
7 also used to denote installed fixtures, drainage, vents, and
8 water distribution systems.

9 "(13) PRINCIPAL. The individual responsible for the
10 contracting, superintending, installation, maintenance, or
11 repair of plumbing and/or gas fitting systems for a business,
12 firm, or corporation, who is actively and continuously
13 connected with the conduct of the business and is solely
14 responsible to the board for the same.

15 "~~(7)~~ (14) PRINCIPAL MASTER GAS FITTER. Any person
16 engaged in or proposing to engage in the business of
17 contracting to ~~do~~ conduct, or of superintending the
18 installation, maintenance, or repair of gas systems or gas
19 work, either or both. The individual shall qualify to be a
20 certified master gas fitter. If the business be a firm or
21 corporation, at least one active employee of the firm or
22 corporation shall be a duly registered and certified master
23 gas fitter, actively and continuously connected with the
24 conduct of the business and registered with the board as the
25 principal of the business and hold the required bond. The
26 master gas fitter shall have in his or her possession a

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

3 ~~"(8)~~ (15) PRINCIPAL MASTER PLUMBER. Any person
4 engaged in or proposing to engage in the business of
5 contracting to ~~do~~ conduct, or of superintending the
6 installation, maintenance, or repair of either plumbing
7 systems or plumbing work, or both. The individual shall
8 qualify to be a certified master plumber. If the business is a
9 firm or corporation, at least one active employee of the firm
10 or corporation shall be a duly registered and certified master
11 plumber, actively, continuously connected with the conduct of
12 the business and registered with the board as the principal of
13 the business and hold the required bond. The master plumber
14 shall have in his or her possession a current annual
15 certificate issued by the board. The certificate shall be
16 available for inspection on request.

17 "§34-37-2.

18 "The Plumbers Examining Board as created by Act No.
19 529 of the 1949 Regular Session of the Legislature (Acts 1949,
20 p. 827), as amended, is renamed the State of Alabama Plumbers
21 and Gas Fitters Examining Board and the authority of the board
22 is expanded to allow the board to examine, certify, and
23 regulate plumbers, gas fitters, and medical gas piping fitters
24 on a statewide basis. The board may make and enforce rules
25 adopted in accordance with Chapter 22 of Title 41, the Alabama
26 Administrative Procedure Act.

1 "The board is authorized to expend funds for
2 purposes of public awareness of the board and its rules and
3 regulations to include advertising, promotional materials,
4 event exhibiting, or other means approved by the board.

5 "§34-37-5.

6 "(a) There is established a separate special revenue
7 trust fund in the State Treasury to be known as the State of
8 Alabama Plumbers and Gas Fitters Examining Board Fund. All
9 receipts collected by the board under this chapter shall be
10 deposited in this fund and used only to carry out this
11 chapter. The fund shall be disbursed only by warrant of the
12 state Comptroller upon the State Treasury upon itemized
13 vouchers approved by the executive director of the board or,
14 in the absence of the executive director, by the deputy
15 director. No funds shall be withdrawn or expended except as
16 budgeted and allotted according to Sections 41-4-80 to
17 41-4-96, inclusive, as amended, and only in amounts as
18 stipulated in the general appropriation bill or other
19 appropriation bills. Any funds unspent and unencumbered at the
20 end of each fiscal year that exceed 25 percent of the board's
21 budget for the previous fiscal year shall be transferred to
22 the 501(c)(3) nonprofit Alabama Home Builders Foundation to be
23 used exclusively for classroom training tools at educational
24 facilities that provide plumbing and gas fitting curriculums,
25 to include any program approved or accredited by the State of
26 Alabama, United States Federal Government, or any state or
27 federal governmental agency or department. If, at any time,

1 the Alabama Home Builders Foundation should lose its nonprofit
2 status, those funds shall be transferred to the State General
3 Fund.

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

13 "§34-37-6.

14 "(a) It shall be unlawful for any person, firm, or
15 corporation to advertise, bid, or purchase a business license
16 or to do or perform, or to contract, direct, or superintend
17 any plumbing, gas fitting, or medical gas piping within any
18 incorporated city or town or county of this state unless the
19 person has first received a certificate of competency,
20 hereinafter referred to as "certificate," that is in force and
21 effect at the time the plumbing, gas fitting, or medical gas
22 piping is ~~done~~ performed, directed, or superintended, except
23 as hereinafter provided.

24 "(b) The business name which is registered with the
25 board for each company engaged in plumbing or gas fitting
26 shall be displayed in a prominent manner on two sides of each

1 service or construction vehicle. The lettering shall be a
2 minimum of four inches in height.

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

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

11 "(1) An applicant for examination for a journeyman's
12 plumber or gas fitter certificate shall submit proof that the
13 applicant has two years of work experience as an apprentice
14 plumber or gas fitter or has completed an apprentice training
15 program approved by the board.

16 "(2) Applicants for journeyman plumber or gas fitter
17 shall be examined, orally or in writing, upon the fundamentals
18 of plumbing or gas fitting, the theory and practice of
19 plumbing installation and construction or gas fitting work,
20 and the experience and ability of the applicant in practical
21 plumbing installation and construction or gas fitting work.

22 "(3) If the applicant is found to possess an
23 accurate knowledge of the theory and correct practice of
24 plumbing installation and construction or gas fitting work,
25 and sufficient experience and ability in plumbing installation
26 and construction or gas fitting work to safely and competently
27 apply that knowledge and practice, the board shall issue a

1 certificate, upon the applicant first paying all prescribed
2 fees.

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

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

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

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

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

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

26 "~~(e)~~ (f) No person shall be issued a certificate
27 without passing the prescribed examination. A person who has

1 passed the examination must become certified within 90
2 calendar days and shall not be required to take the
3 examination thereafter in order to secure a certificate in
4 subsequent years. A person who passes the examination but
5 fails to become certified shall be required to retake the
6 examination. At least four examinations per year shall be
7 conducted, at a time and place prescribed by the board after
8 reasonable notice.

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

19 ~~"(g) An applicant for any type of certification~~
20 ~~shall be a United States citizen or, if not a citizen of the~~
21 ~~United States, a person who is legally present in the United~~
22 ~~States with appropriate documentation from the federal~~
23 ~~government.~~

24 "(h) Any master plumber or journeyman plumber
25 installing or maintaining a backflow prevention device shall
26 have in his or her possession a current certification issued
27 by the board. The installation and maintenance of backflow

1 prevention devices shall be performed under the direction of a
2 master plumber.

3 "(i) Any person engaged solely in the testing of
4 backflow devices is exempt from the provisions of this
5 chapter.

6 "§34-37-8.

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

10 "(b) Any certificate issued by the board shall be
11 acceptable by any city, town, or county in the state and any
12 existing local statute or ordinance contrary to this section
13 is repealed, and no other competency certification or
14 examination shall be required of plumbers, gas fitters, or
15 medical gas piping fitters by any local governmental entity.

16 "(c) Any current registration or annual certificate
17 issued to any person by the board shall be in possession of
18 the person at any time he or she engages in or proposes to
19 engage as a master, journeyman, or apprentice plumber, gas
20 fitter, ~~or~~ medical gas piping fitter, or while installing,
21 testing, or maintaining a backflow prevention device, as the
22 case may be, and upon request he or she shall make the
23 certificate or registration available for inspection and
24 identification by any person or persons for whom he or she
25 engages or proposes to engage as such, and for identification
26 by plumbing, gas, or other authorized enforcement personnel of
27 any governmental entity, board, or agency when requested.

1 "§34-37-9.

2 "The board shall set the necessary fees to
3 administer the requirements of this chapter and when adopted,
4 such fee schedule shall be in lieu of any fee schedule
5 heretofore prescribed by the board. The board shall not change
6 the fee schedule to be effective in the middle of a calendar
7 year.

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

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

19 "All persons serving in the armed forces will not be
20 required to pay any back years for a renewal certificate
21 during the calendar year he or she is released from active
22 military duty. All other persons shall pay back years unless
23 proof satisfactory to the board is furnished indicating that
24 the individual was not employed in such years in the plumbing
25 or gas fitting trade.

26 "§34-37-12.

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

16 "The decision of the board shall be based on the
17 evidence produced at the hearing and made a part of the record
18 thereof. The board may suspend any certificate up to one year
19 or may revoke the certification. The person whose certificate
20 has been revoked shall not be permitted to apply for a license
21 for one year from the date of revocation. No certification
22 shall be suspended or revoked unless the majority of the board
23 members concur. Board procedure shall be the same as defined
24 in the Alabama Administrative Procedure Act, Chapter 22 of
25 Title 42. The board may establish additional procedures as
26 needed provided that any additional procedures are published
27 and made public and are not in conflict with state law.

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

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

25 ~~"§34-37-13.~~

26 ~~"In order to protect the public from damages arising~~
27 ~~from plumbing and gas fitting or plumbing work and gas fitting~~

1 work failing to comply with the requirements of any state laws
2 applicable thereto, or with the ordinances of any municipal
3 corporation applicable thereto, it is hereby provided that
4 before any person engages in the business of principal master
5 plumber or principal master gas fitter, he or she shall
6 execute and deposit with the ~~judge of probate in the county of~~
7 ~~his or her principal place of business~~ board a bond in the sum
8 of ~~\$2,000~~ fifteen thousand dollars (\$15,000). Such bond shall
9 be ~~a cash bond of \$2,000 or executed by a surety authorized~~
10 and qualified to write surety bonds in the State of Alabama,
11 ~~and shall be approved by the probate judge.~~ Such bond shall be
12 conditioned upon all plumbing and gas fitting work ~~done~~
13 performed or supervised by such principal master plumber or
14 principal master gas fitter complying with the provisions of
15 any laws or ordinances relating to plumbing and gas fitting
16 and applicable thereto. Action on such bond may be brought
17 against the principal and surety thereon in the name of, and
18 for the benefit of, any person who suffers damages as a
19 consequence of the principal master plumber's or principal
20 master gas fitter's work not conforming to the requirements of
21 any laws or ordinances pertaining to plumbing and gas fitting
22 and applicable thereto, provided, however, that the aggregate
23 liability of the surety to all persons so damaged shall, in no
24 event, exceed the sum of the bond. This shall be a statewide
25 bond. No principal master plumber, principal master gas
26 fitter, business, firm, or corporation who holds an active
27 performance bond with the board shall be required to purchase

1 a performance bond within any incorporated city or county
2 within the State of Alabama.

3 "§34-37-14.

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

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

20 "(c) Any certified master plumber or master gas
21 fitter who desires to renew his or her annual certificate but
22 does not intend to engage as a master, as defined in this
23 chapter, shall complete an inactive status affidavit obtained
24 from the board and shall remit the annual renewal fee set in
25 the fee schedule. Code officials who hold a certification with
26 the board and wish to be inactive shall be exempt from all
27 renewal fees and examination requirements.

1 "§34-37-15.

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

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

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

22 "(3) Plumbing or gas fitting work ~~done~~ performed by
23 persons engaged by or employed by any public utility company
24 in the laying, maintenance, and operation of its service mains
25 or lines and the installation, alteration, adjustment, repair,
26 removal, and renovation of all types of appurtenances, and
27 equipment, ~~and appliances~~, provided such ~~plumbing~~ work does

1 not necessitate tying into waste or sewer lines on the outlet
2 side of a trap or alter gas piping on the consumer side of
3 meter.

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

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

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

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

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

24 "§34-37-17.

25 "(a) The board shall have the administrative
26 authority to discipline or require a certificate holder to
27 attend training specific to violations. The board has the

1 authority to levy civil fines or penalties to any certificate
2 holder for a violation of any provision of this chapter
3 regulating plumbers, gas fitters, or medical gas fitters up to
4 two thousand dollars (\$2,000) and actual costs of hearing the
5 revocation.

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

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

19 Section 2. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official ReCompilation of
24 the Constitution of Alabama of 1901, as amended, because the
25 bill defines a new crime or amends the definition of an
26 existing crime.

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