

Regular Session, 2011

HOUSE BILL NO. 418

BY REPRESENTATIVE THIERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PLUMBERS: Authorizes the La. State Plumbing Board to fine any person performing plumbing work without a license

1 AN ACT

2 To amend and reenact R.S. 37:1374, relative to the Louisiana State Plumbing Board; to
3 authorize the board to fine any person performing plumbing work without a license;
4 to provide for dispensation of the monies collected; to provide for exceptions; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1374 is hereby amended and reenacted to read as follows:

8 §1374. Penalty

9 A. Whoever violates the provisions of this Chapter shall be fined not less
10 than five hundred dollars nor more than five thousand dollars, or imprisoned for not
11 more than ninety days, or both.

12 B. Upon receipt of a complaint from a consumer for whom the work was
13 performed, the Louisiana State Plumbing Board shall have the authority to fine any
14 person, or employing entity, who performs plumbing work or engages in the business
15 of plumbing while not possessing a license or endorsement issued by the board or
16 otherwise in violation of this Chapter, subject to the provisions of the Administrative
17 Procedure Act, an amount not more than five thousand dollars. The monies collected
18 pursuant to this Subsection shall be used by the board in a manner consistent with
19 R.S. 37:1371.

1 C. Nothing in this Section shall be construed to supersede the exceptions
2 provided for in R.S. 37:1376 and 1377.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Thierry

HB No. 418

Abstract: Authorizes the La. State Plumbing Board, upon receipt of a complaint from a consumer for whom the work was performed, to fine any person performing plumbing work without a license an amount not to exceed \$5,000.

Present law provides that whoever violates the provisions of present law shall be fined not less than \$500 nor more than \$5,000, or imprisoned for not more than 90 days, or both.

Proposed law retains present law and further provides that, upon receipt of a complaint from a consumer for whom the work was performed, the La. State Plumbing Board shall have the authority to fine any person, or employing entity, who performs plumbing work or engages in the business of plumbing while not possessing a license or endorsement issued by the board or otherwise in violation of proposed law, an amount not more than \$5,000.

Proposed law requires the monies collected pursuant to proposed law to be used by the board in a manner consistent with the provisions of law regarding the use of licensing fees collected by the board.

Proposed law provides that nothing in proposed law shall be construed to supersede the existing exceptions to the licensing requirement.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1374)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Made technical corrections.
2. Specified that the maximum fine that may be levied by the board is \$5,000.

3. Required the monies collected through fines to be used in a similar fashion as the monies collected through licensing fees.
4. Specified that proposed law does not supersede existing exemptions to the licensing requirement.
5. Specified that the complaint which forms the basis upon which a person performing unlicensed plumbing work is fined must be from the consumer for whom the work was performed.