HLS 14RS-1315 ORIGINAL

Regular Session, 2014

HOUSE BILL NO. 973

BY REPRESENTATIVE PONTI

LICENSING: Provides relative to the licensing of gas fitters

1 AN ACT 2 To amend and reenact R.S. 37:1371(B)(1)(m), 1372, 1373(A), and 1378(A)(6) and (8) and 3 to enact R.S. 37:1361(F), 1366(J), 1367(I), 1368(J), 1371(B)(1)(n), (o), and (p), 4 1377(I) and (J) and 1378(A)(9), relative to gas fitters; to provide for a residential or 5 commercial gas fitter's license; to require a license to do the work of a residential or 6 commercial gas fitter; to provide for the issuance of a residential or commercial gas 7 fitter's license; to establish fees for licensure; to provide for injunctions; to provide for exceptions; to provide for definitions; to provide for disciplinary actions; and to 8 9 provide for related matters. 10 Be it enacted by the Legislature of Louisiana: 11 Section 1. R.S. 37:1371(B)(1)(m), 1372, 1373(A), and 1378(A)(6) and (8) are hereby amended and reenacted and R.S. 37:1361(F), 1366(J), 1367(I), 1368(J), 12 13 1371(B)(1)(n), (o), and (p), 1377(I) and (J) and 1378(A)(9) are hereby enacted to read as 14 follows: 15 §1361. State Plumbing Board, appointments; qualifications; legislative intent 16 17 F.(1)(a) Effective January 1, 2015, the State Plumbing Board shall be the 18 sole and exclusive agency in this state empowered to license natural persons and 19 regulated business entities engaged or seeking to engage in the installation, repair, 20 improvement, alteration, or removal of natural gas or liquefied petroleum gas piping

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1	systems, from the point of delivery up to the point of connection to the combustion
2	zone, and tanks, annexed to real property. The board shall assure that gas fitting
3	work is performed by persons who have proven knowledge of and skill in the gas
4	fitting trades.
5	(b) The State Plumbing Board may promulgate administrative rules, pursuant
6	to the Administrative Procedure Act, relating to gas fitting, which shall preempt any
7	conflicting local laws. The board shall not adopt any administrative rule relating to
8	gas fitting until the rule has been approved pursuant to an oversight hearing of the
9	House Committee on Commerce and the Senate Committee on Commerce,
10	Consumer Protection, and International Affairs.
11	(2) The provisions of this Subsection shall not be construed to limit the
12	authority of the State Licensing Board for Contractors to regulate mechanical
13	contractors pursuant to R.S. 37:2150.1(15) and 2156.1(F).
14	(3) The provisions of this Subsection shall be not be construed to limit the
15	authority of the Louisiana Liquefied Petroleum Gas Commission to regulate gas
16	fitters installing pursuant to R.S. 40:1846.
17	(4) The provisions of this Subsection shall not apply to work performed by
18	a person or firm properly licensed for municipal or public works utility construction
19	by the State Licensing Board for Contractors on utility construction on private
20	property or an undedicated right of way, including but not limited to gravity sanitary
21	sewer collection lines eight inches or larger including manholes, sewer force mains
22	four inches or larger including fire hydrants, valves and fittings, and water mains six
23	inches or larger. The provisions of this Paragraph shall not apply to work performed
24	on back flow assemblies, gas lines located on private property, or to any water, gas,
25	or sewer service line within ten feet of any structure.
26	§1366. Duties of the board
27	* * *
28	J.(1) The board shall adopt tests of qualification to be possessed by any
29	persons actually engaged in residential gas fitting or commercial gas fitting, and shall

1	require any person engaged in the duties of a residential gas fitter or commercial gas	
2	fitter to possess a residential gas fitter or commercial gas fitter license issued by the	
3	board.	
4	(2) The board shall waive the examination required and grant a residential	
5	gas fitter license or commercial gas fitter license to any person working in the gas	
6	fitting industry who meets at least one of the following requirements:	
7	(a) Holds a gas fitter's license which was issued prior to July 1, 2014, by a	
8	local municipality after having passed an examination administered or written by a	
9	national testing company approved by the board.	
10	(b) Submits five original building permits, issued within the last three years,	
11	as proof that he has actually been engaged in the gas fitting industry prior to July 1,	
12	<u>2014.</u>	
13	(c) Has completed six gas fitting projects within the ten-year period prior to	
14	July 1, 2012, or has constructed one such project for another person within the	
15	five-year period prior to July 1, 2014.	
16	(d) Holds a journeyman plumber's license or a master plumber's license	
17	issued by the board prior to July 1, 2014.	
18	§1367. License required, journeyman and master plumber; medical gas piping	
19	installer; medical gas and vacuum systems verifier; water supply protection	
20	specialist endorsement; residential or commercial gas fitter; local	
21	examination preempted	
22	* * *	
23	I.(1) No natural person shall engage in doing the work of a residential gas	
24	fitter or commercial gas fitter unless he possesses a license or renewal thereof issued	
25	by the board.	
26	(2) This Subsection shall preempt municipal or other local regulatory	
27	examination authority over gas fitters, notwithstanding any contrary provision of any	
28	home rule charter. Municipal or other local regulatory authorities may assess and	
29	collect locally adopted fees and charges relative to gas fitting work as defined in R.S.	

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2	under R.S. 37:1368.
3	§1368. Issuance of journeyman and master plumber's license; medical gas piping
4	and installation license; medical gas and vacuum systems verifier license;
5	water supply protection specialist endorsement; exemption; residential or
6	commercial gas fitter license
7	* * *
8	J.(1) The board shall issue a license to any natural person who qualifies
9	under the board's regulations and who desires to engage in the work of a residential
10	gas fitter or commercial gas fitter, provided he passes a written and manual
11	examination given by the board. The board shall adopt a nationally recognized code
12	or codes regulating gas fitting as the basis for such examinations and for its
13	inspection of gas fitting performed by persons or business entities subject to this
14	Chapter. Such examinations may be administered by a recognized third party
15	certifier. The board shall not adopt or promulgate any additional experience or
16	testing requirement for the residential gas fitter's license or the commercial gas
17	fitter's license.
18	(2) No residential gas fitter or commercial gas fitter shall be required to work
19	under the supervision of a master plumber when performing gas fitting pursuant to
20	a residential gas fitter's license or commercial gas fitter's license issued by the board.
21	(3) No municipal or other local regulatory authority shall require any
22	residential gas fitter or commercial gas fitter to apply for or maintain any gas fitter's
23	license, or any equivalent thereof, as a condition to performing gas fitting work in
24	any municipal or other local jurisdiction, other than a residential gas fitter's license
25	or commercial gas fitter's license issued by the board.
26	* * *
27	§1371. Fees
28	* * *

37:1377 performed in their respective jurisdictions, but only to persons licensed

1	B.(1) Effective January 1, 2000, the The board may increase fees and	
2	charges in accordance with the following schedule:	
3	(m) Residential gas fitter or commercial gas fitter	
4	application fee \$150.00	
5	(n) Residential gas fitter or commercial gas fitter	
6	renewal fee \$50.00	
7	(o) Residential gas fitter or commercial gas fitter	
8	revival fee \$50.00	
9	(p) N.S.F. check or returned check fee \$20.00	
10	* * *	
11	§1372. Inspections	
12	The board shall at reasonable times and hours inspect plumbing work,	
13	medical gas piping installation, gas fitting work, and the work of water supply	
14	protection specialists under its jurisdiction to assure compliance with this Chapter.	
15	The board may appoint and compensate special enforcement officers for this	
16	purpose.	
17	§1373. Injunctions	
18	A. The board may enjoin any person from engaging in doing the work of a	
19	journeyman plumber, master plumber, medical gas piping installer, medical gas and	
20	vacuum systems verifier, residential gas fitter, commercial gas fitter, or water supply	
21	protection specialist wherever it appears that a person is violating or is conspiring to	
22	violate the provisions of this Chapter. The board may also enjoin an employing	
23	entity from violating or conspiring to violate the provisions of this Chapter.	
24	* * *	
25	§1377. Definitions; exceptions	
26	* * *	
27	I. Residential gas fitter. A "residential gas fitter" is a natural person who	
28	possesses the necessary qualifications and knowledge to install, alter, repair,	

improve, remove, or test liquefied petroleum or natural gas piping systems, from the

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2	annexed to one- and two-family dwellings. The term shall not include any person	
3	who is licensed by the Louisiana Liquid Petroleum Gas Commission and any	
4	services or work performed under such a license.	
5	J. Commercial gas fitter. A "commercial gas fitter" is a natural person who	
6	possesses the necessary qualifications and knowledge to install, alter, repair,	
7	improve, remove, or test liquefied petroleum or natural gas piping systems, from the	
8	point of delivery up to the point of connection to the combustion zone, and tanks,	
9	annexed to any real property except one- and two-family dwellings. The term shall	
10	not include any person who is licensed by the Louisiana Liquid Petroleum Ga	
11	Commission and any services or work performed under such a license.	
12	§1378. Revocation of licenses; other disciplinary actions	
13	A. The board may, pursuant to the procedures provided in the Administrative	
14	Procedure Act, revoke, suspend, or refuse to renew any license or endorsement	
15	issued by the board to any natural person. Grounds for revocation, or lesser	
16	disciplinary action, include but are not limited to the following:	
17	* * *	
18	(6) The habitual practice of a journeyman plumber, master plumber, medical	
19	gas piping installer, residential gas fitter, commercial gas fitter, or holder of a water	
20	supply protection specialist endorsement to knowingly allow any person not licensed	
21	by the board to perform plumbing work, medical gas piping installation, or the work	
22	of a water supply protection specialist, except as otherwise authorized by this	
23	Chapter.	
24	* * *	
25	(8) The habitual violation by a master plumber, journeyman plumber,	
26	apprentice plumber, medical gas piping installer, medical gas and vacuum systems	
27	verifier, residential gas fitter, commercial gas fitter, or holder of a water supply	
28	protection specialist endorsement of the rules and regulations adopted by the board.	

point of delivery up to the point of connection to the combustion zone, and tanks,

1 (9) The violation of municipal or other local codes adopted by the board
2 relating to gas fitting not otherwise preempted by this Chapter or related regulations
3 as evidenced by adjudication before local governing authorities.
4 * * *

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)]

Ponti HB No. 973

Abstract: Establishes a residential gas fitter and commercial gas fitter's license.

<u>Proposed law</u> provides that, effective Jan. 1, 2015, the State Plumbing Board shall be the sole and exclusive agency in this state empowered to license natural persons and regulated business entities engaged or seeking to engage in the installation, repair, improvement, alteration, or removal of natural gas or liquefied petroleum gas piping systems, from the point of delivery up to the point of connection to the combustion zone, and tanks, annexed to real property.

<u>Proposed law</u> requires the board to assure that gas fitting work is performed by persons who have proven knowledge of and skill in the gas fitting trades.

<u>Proposed law</u> authorizes the State Plumbing Board to promulgate administrative rules, relating to gas fitting, which shall preempt any conflicting local laws. <u>Proposed law</u> prohibits the board from adopting any administrative rule relating to gas fitting until the rule has been approved pursuant to an oversight hearing of the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs.

<u>Proposed law</u> shall not be construed to limit the authority of the State Licensing Board for Contractors to regulate mechanical contractors.

<u>Proposed law</u> shall be not be construed to limit the authority of the Louisiana Liquefied Petroleum Gas Commission to regulate gas fitters.

<u>Proposed law</u> shall not apply to work performed by a person or firm properly licensed for municipal or public works utility construction by the State Licensing Board for Contractors on utility construction on private property or an undedicated right of way, including but not limited to gravity sanitary sewer collection lines eight inches or larger including manholes, sewer force mains four inches or larger including fire hydrants, valves and fittings, and water mains six inches or larger. This exception shall not apply to work performed on back flow assemblies, gas lines located on private property, or to any water, gas, or sewer service line within ten feet of any structure.

<u>Proposed law</u> requires the board to adopt tests of qualification to be possessed by any persons actually engaged in residential gas fitting or commercial gas fitting, and to require any person engaged in the duties of a residential gas fitter or commercial gas fitter to possess a residential gas fitter or commercial gas fitter license issued by the board.

<u>Proposed law</u> requires the board to waive the examination required and grant a residential gas fitter license or commercial gas fitter license to any person working in the gas fitting industry who meets at least one of the following requirements:

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- (1) Holds a gas fitter's license which was issued prior to July 1, 2014, by a local municipality after having passed an examination administered or written by a national testing company approved by the board.
- (2) Submits five original building permits, issued within the last three years, as proof that he has actually been engaged in the gas fitting industry prior to July 1, 2014.
- (3) Has completed six gas fitting projects within the ten-year period prior to July 1, 2014, or has constructed one such project for another person within the five-year period prior to July 1, 2014.
- (4) Holds a journeyman plumber's license or a master plumber's license issued by the board prior to July 1, 2014.

<u>Proposed law</u> prohibits a natural person from doing the work of a residential gas fitter or commercial gas fitter unless he possesses a license or renewal thereof issued by the board.

<u>Proposed law</u> shall preempt municipal or other local regulatory examination authority over gas fitters, notwithstanding any contrary provision of any home rule charter. Municipal or other local regulatory authorities may assess and collect locally adopted fees and charges relative to gas fitting work performed in their respective jurisdictions, but only to persons licensed by the board.

<u>Proposed law</u> requires the board to issue a license to any natural person who qualifies under the board's regulations and who desires to engage in the work of a residential gas fitter or commercial gas fitter, provided he passes a written and manual examination given by the board.

<u>Proposed law</u> requires the board to adopt a nationally recognized code or codes regulating gas fitting as the basis for such examinations and for its inspection of gas fitting performed by persons or business entities. The examinations may be administered by a recognized third party certifier.

<u>Proposed law</u> prohibits the board from adopting or promulgating any additional experience or testing requirement for the residential gas fitter's license or the commercial gas fitter's license.

<u>Proposed law</u> provides that no residential gas fitter or commercial gas fitter shall be required to work under the supervision of a master plumber when performing gas fitting pursuant to a residential gas fitter's license or commercial gas fitter's license issued by the board.

<u>Proposed law</u> provides that no municipal or other local regulatory authority shall require any residential gas fitter or commercial gas fitter to apply for or maintain any gas fitter's license, or any equivalent thereof, as a condition to performing gas fitting work in any municipal or other local jurisdiction, other than a residential gas fitter's license or commercial gas fitter's license issued by the board.

Proposed law authorizes the board to charge the following fees:

(1)	Residential gas fitter or commercial gas fitter application fee	\$150.00
(2)	Residential gas fitter or commercial gas fitter renewal fee	\$50.00
(3)	Residential gas fitter or commercial gas fitter revival fee	\$50.00

<u>Present law</u> provides that the board shall at reasonable times and hours inspect plumbing work, medical gas piping installation, and the work of water supply protection specialists under its jurisdiction to assure compliance with <u>present law</u>.

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Proposed law retains present law and adds gas fitting work.

<u>Present law</u> authorizes the board to enjoin any person from engaging in doing the work of a journeyman plumber, master plumber, medical gas piping installer, medical gas and vacuum systems verifier, or water supply protection specialist wherever it appears that a person is violating or is conspiring to violate the provisions of <u>present law</u>.

<u>Proposed law</u> retains <u>present law</u> and adds residential gas fitter and commercial gas fitter.

<u>Proposed law</u> defines a "residential gas fitter" as a natural person who possesses the necessary qualifications and knowledge to install, alter, repair, improve, remove, or test liquefied petroleum or natural gas piping systems, from the point of delivery up to the point of connection to the combustion zone, and tanks, annexed to one- and two-family dwellings. The term shall not include any person who is licensed by the Louisiana Liquid Petroleum Gas Commission and any services or work performed under such a license.

<u>Proposed law</u> defines a "commercial gas fitter" as a natural person who possesses the necessary qualifications and knowledge to install, alter, repair, improve, remove, or test liquefied petroleum or natural gas piping systems, from the point of delivery up to the point of connection to the combustion zone, and tanks, annexed to any real property except one-and two-family dwellings. The term shall not include any person who is licensed by the Louisiana Liquid Petroleum Gas Commission and any services or work performed under such a license.

<u>Present law</u> authorizes the board to revoke, suspend, or refuse to renew any license or endorsement issued by the board to any natural person for the habitual practice of a journeyman plumber, master plumber, medical gas piping installer, or holder of a water supply protection specialist endorsement to knowingly allow any person not licensed by the board to perform plumbing work, medical gas piping installation, or the work of a water supply protection specialist, except as otherwise authorized by present law.

<u>Proposed law</u> retains present law and adds residential gas fitter and commercial gas fitter.

<u>Present law</u> authorizes the board to revoke, suspend, or refuse to renew any license or endorsement issued by the board to any natural person for the habitual practice of a journeyman plumber, master plumber, medical gas piping installer, or holder of a water supply protection specialist endorsement of the rules and regulations adopted by the board.

Proposed law retains present law and adds residential gas fitter and commercial gas fitter.

<u>Proposed law</u> authorizes the board to revoke, suspend, or refuse to renew any license or endorsement issued by the board to any natural person for the violation of municipal or other local codes adopted by the board relating to gas fitting not otherwise preempted by <u>proposed law</u> or related regulations as evidenced by adjudication before local governing authorities.

(Amends R.S. 37:1371(B)(1)(m), 1372, 1373(A), and 1378(A)(6) and (8); Adds R.S. 37:1361(F), 1366(J), 1367(I), 1368(J), 1371(B)(1)(n), (o), and (p), 1377(I) and (J) 1378(A)(9))