

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 1068

2016 Regular Session

Lopinto

PLUMBERS: Provides relative to the regulation of gas fitters and master gas fitters

Synopsis of Senate Amendments

1. Removes certain references to "liquefied petroleum" and "liquefied petroleum gas".

Digest of Bill as Finally Passed by Senate

Proposed law indicates the State Plumbing Board (board) shall be the sole and exclusive agency in La. empowered to license any natural person or regulated business entity who is engaged or who seeks to engage in the business of work for the general public that includes installation, repair, improvement, alterations, or removal of natural gas piping, tanks, and appliances annexed to real property. Proposed law clarifies that nothing in proposed law shall be construed to supersede either the authority of the State Licensing Board for Contractors to regulate mechanical contractors as defined in present law (R.S. 37:2150.1) or the authority of the Louisiana Liquefied Petroleum Gas Commission to regulate gas fitter installations pursuant to present law (R.S. 40:1846).

Proposed law authorizes the board to promulgate rules and regulations related to gas fitting, and clarifies that those rules and regulations shall preempt any conflicting local laws. Proposed law adds that, notwithstanding any provision of a home rule charter to the contrary, the provisions of proposed law shall preempt any municipal or other local regulatory examination authority over gas fitters and master gas fitters.

Proposed law prohibits municipalities and other local regulatory authorities from requiring that any gas fitter or master gas fitter must apply for or maintain any gas fitter or master gas fitter's license, or any equivalent thereof, as a condition to performance of gas fitter work in any municipality or other local jurisdiction unless that gas fitter or master gas fitter's license is issued by the board.

Proposed law allows municipalities or other local regulatory authorities to assess and collect locally adopted fees and charges relative to gas fitting work, as defined in present law (R.S. 37:1377), that is performed in their respective jurisdictions but only from persons licensed pursuant to present law (R.S. 37:1368).

Proposed law imposes specified duties on the board. Proposed law requires the board to assure that gas fitting work is performed only by persons who have proven knowledge of and skill in the gas fitting trade. Proposed law requires the board to adopt tests of qualification to be possessed by an persons actually engaged in gas fitting-related work and require that any person performing work as a gas fitter or master gas fitter shall possess a license issued by the board. Proposed law requires the board to adopt rules and regulations allowing for the waiver of any examination requirements imposed on persons performing gas fitting work who satisfy the performance conditions described in present law (R.S. 37:2156.1(M)) prior to July 1, 2016. Proposed law adds that, for all other purposes of regulation, testing, and licensing pursuant to the provisions of present law (Chapter 16 of Title 37 of the Louisiana Revised Statutes of 1950), the regulation, testing, and licensing of gas fitters by the board shall be subject to the same requirements and treated in the same manner as the regulation, testing, and licensing of plumbers.

Proposed law prohibits any person from performing the work of a gas fitter or a master gas fitter unless he possesses a license or renewal thereof issued by the board. Proposed law clarifies that the provisions of proposed law shall not apply to work performed by persons

on their own residences.

Proposed law requires the board to issue a license to any person who completes and passes a written and manual examination administered either by the board or by a recognized third-party certifier and who is in compliance with all requirements of the applicable provisions of proposed law and all requirements imposed by any rules and regulations promulgated by the board.

Proposed law requires the board to adopt a nationally recognized code or codes regulating gas fitting as the basis for the administered examination, as required by proposed law, and for any inspections of gas fitting performed by any person subject to the provisions of proposed law.

Present law establishes a schedule and standards for certain fees. Proposed law clarifies that, for the purposes of proposed law, gas fitters shall be subject to the same provisions that are imposed on journeyman plumbers, except for those included in present law (R.S. 37:1371(B)(1)(b)).

Present law requires the board to conduct inspections of enumerated types of work. Proposed law adds gas fitting work to that enumerated list.

Present law authorizes the board to enjoin certain enumerated persons whenever it appears the person is violating or conspiring to violate present law. Proposed law adds gas fitters and master gas fitters to that enumerated list.

Present law authorizes the board to fine certain enumerated persons whenever they are in violation of present law. Proposed law clarifies that present law shall also apply to unlicensed gas fitters.

Proposed law defines the terms "gas fitter", "gas fitting", and "master gas fitter".

Present law authorizes the board to, within the guidelines of the Administrative Procedure Act, revoke, suspend, or refuse to renew any license or endorsement issued by the board to any natural person. Present law enumerates a nonexclusive list of grounds for revocation, or lesser disciplinary action. Proposed law adds the following to the nonexclusive list of grounds for revocation, or lesser disciplinary action:

- (1) The habitual violation of any rules or regulations adopted by the board by a gas fitter or master gas fitter.
- (2) The violation of any municipal code, any other code adopted by the board related to gas fitting not otherwise preempted by present law, or any other related regulation as evidenced by an adjudication before a local governing authority.
- (3) The refusal of a master gas fitter to accurately designate an employing entity or provide notice of any change in employment with an employing entity.

Effective January 1, 2017.

(Amends R.S. 37:1371(A), 1372, 1373(A), and 1374(B); Adds R.S. 37:1361(F), 1366(J), 1367(J), 1368(J), 1377(I)-(K), and 1378(A)(9)-(11))