

2016 Regular Session

HOUSE BILL NO. 1068

BY REPRESENTATIVES LOPINTO AND WILLMOTT

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AN ACT

To amend and reenact R.S. 37:1371(A), 1372, 1373(A), and 1374(B) and to enact R.S. 37:1361(F), 1366(J), 1367(J), 1368(J), 1377(I) through (K), and 1378(A)(9) through (11), relative to the regulation of gas fitting; to clarify and restrict the authority of the the State Plumbing Board; to restrict municipal and local regulatory authorities; to provide for fees; to provide for duties of the board; to regulate licensure of gas fitters and master gas fitters; to provide for exceptions; to provide for inspections; to provide for injunctions; to provide for penalties; to provide for definitions; to provide for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1371(A), 1372, 1373(A), and 1374(B) are hereby amended and reenacted and R.S. 37:1361(F), 1366(J), 1367(J), 1368(J), 1377(I) through (K), and 1378(A)(9) through (11) are enacted to read as follows:

§1361. State Plumbing Board, appointments; qualifications; legislative intent; authority

\* \* \*

F.(1)(a) The board shall be the sole and exclusive agency in this state empowered to license any natural person or regulated business entity who is engaged or who seeks to engage in the business of gas fitting work for the general public that includes installation, repair, improvement, alterations, or removal of natural gas piping, tanks, and appliances annexed to real property.

(b) Nothing in Subparagraph (a) of this Paragraph shall be construed to supersede any of the following:

1           (i) The authority of the State Licensing Board for Contractors to regulate  
2           mechanical contractors as defined in R.S. 37:2150.1.

3           (ii) The authority of the Louisiana Liquefied Petroleum Gas Commission to  
4           regulate gas fitter installations pursuant to R.S. 40:1846.

5           (c) The board is authorized to promulgate rules and regulations related to gas  
6           fitting, and those rules and regulations shall preempt any conflicting local laws.

7           (2)(a) Notwithstanding any provision of a home rule charter to the contrary,  
8           the provisions of this Section shall preempt any municipal or other local regulatory  
9           examination authority relative to gas fitters and master gas fitters.

10          (b) No municipal or other local regulatory authority shall require any gas  
11          fitter or master gas fitter to apply for or to maintain any gas fitter or master gas  
12          fitter's license, or any equivalent thereof, as a condition to perform gas fitting work  
13          in any municipality or other local jurisdiction unless that gas fitter or master gas  
14          fitter's license is issued by the board.

15          (c) A municipality or other local regulatory authority may assess and collect  
16          locally adopted fees and charges relative to gas fitting work, as defined in R.S.  
17          37:1377, that is performed in their respective jurisdictions but only from persons  
18          licensed pursuant to R.S. 37:1368.

19                                           \*       \*       \*  
20          §1366. Duties of the board

21                                           \*       \*       \*  
22          J.(1) It is the duty of the board to assure that gas fitting work is performed

23          by persons who have proven knowledge of and skill in the gas fitting trade.

24          (2) The board shall adopt tests of qualifications to be possessed by any  
25          persons actually engaged in gas fitting work and shall require that any person  
26          performing work as a gas fitter or master gas fitter shall possess a license issued by  
27          the board.

28          (3) The board shall adopt rules and regulations waiving any examination  
29          requirements imposed on persons performing gas fitting work who satisfy the  
30          performance conditions described in R.S. 37:2156.1(M) prior to July 1, 2016.

1           (4) For all other purposes of regulation, testing, and licensing pursuant to the  
2           provisions of this Chapter, the regulation, testing, and licensing of gas fitters by the  
3           board shall be subject to the same requirements and treated in the same manner as  
4           the regulation, testing, and licensing of plumbers.

5           §1367. License required, journeyman and master plumber; medical gas piping  
6           installer; medical gas and vacuum systems verifier; water supply protection  
7           specialist endorsement; gas fitter and master gas fitter; local examination  
8           preempted

9                                                           \*       \*       \*

10           J.(1) No person shall engage in performing the work of a gas fitter or master  
11           gas fitter unless he possesses a license or renewal thereof issued by the board.

12           (2) The provisions of this Subsection shall not apply to work performed by  
13           persons on their own residences.

14           §1368. Issuance of journeyman and master plumber's license; medical gas piping  
15           and installation license; medical gas and vacuum systems verifier license;  
16           water supply protection specialist endorsement; gas fitter license

17                                                           \*       \*       \*

18           J.(1) The board shall issue a gas fitter license to any person who satisfies the  
19           following requirements:

20           (a) Completion and satisfactory passage of a written and manual examination  
21           administered either by the board or by a recognized third-party certifier.

22           (b) Compliance with all requirements of the applicable provisions of this  
23           Chapter and all requirements imposed by any rules and regulations promulgated by  
24           the board.

25           (2) The board shall adopt a nationally recognized code or codes regulating  
26           gas fitting as the basis for the administered examination, as required by Paragraph  
27           (1) of this Subsection, and for any inspections of gas fitting performed by any person  
28           subject to the provisions of this Chapter.

29                                                           \*       \*       \*

1 §1371. Fees

2 A.(1) The board may fix and charge reasonable examination, licensing, and  
 3 renewal fees for journeyman and master plumbers, temporary permit fees for  
 4 journeyman plumbers, restricted license fees for journeyman and master plumbers,  
 5 and renewal fees for inactive master plumbers. The board may fix and charge  
 6 reasonable examination, licensing, and renewal fees for persons engaged in the work  
 7 or business of medical gas piping installation and for persons engaged in the work  
 8 or business of a medical gas and vacuum system verifier. The board may also fix  
 9 and charge reasonable examination, licensing, and renewal fees associated with  
 10 endorsements issued to journeyman or master plumbers relative to the work of a  
 11 water supply protection specialist. These fees shall not exceed the amount required  
 12 to maintain the board and pay the expenses of operating the board and enforcing the  
 13 provisions of this Chapter.

14 (2) For the purposes of this Section, gas fitters shall be subject to the same  
 15 provisions that are imposed on journeyman plumbers, except for those included in  
 16 Subparagraph (B)(1)(b) of this Section.

17 \* \* \*

18 §1372. Inspections

19 The board shall at reasonable times and hours inspect plumbing work,  
 20 medical gas piping installation, gas fitting work, and the work of water supply  
 21 protection specialists under its jurisdiction to assure compliance with this Chapter.  
 22 The board may appoint and compensate special enforcement officers for this  
 23 purpose.

24 §1373. Injunctions

25 A. The board may enjoin any person from engaging in doing the work of a  
 26 journeyman plumber, master plumber, medical gas piping installer, medical gas and  
 27 vacuum systems verifier, gas fitter, master gas fitter, or water supply protection  
 28 specialist wherever it appears that a person is violating or is conspiring to violate the

1 provisions of this Chapter. The board may also enjoin an employing entity from  
2 violating or conspiring to violate the provisions of this Chapter.

3 \* \* \*

4 §1374. Penalty

5 \* \* \*

6 B.(1) Upon receipt of a complaint from a consumer for whom the work was  
7 performed, the Louisiana State Plumbing Board shall have the authority to fine any  
8 person, or employing entity, who performs plumbing work or engages in the business  
9 of plumbing while not possessing a license or endorsement issued by the board or  
10 otherwise in violation of this Chapter, subject to the provisions of the Administrative  
11 Procedure Act, an amount not more than five thousand dollars. The monies collected  
12 pursuant to this Subsection shall be used by the board in a manner consistent with  
13 R.S. 37:1371.

14 (2) The provisions of Paragraph (1) of this Subsection also apply to  
15 unlicensed gas fitters.

16 \* \* \*

17 §1377. Definitions; exceptions

18 \* \* \*

19 I. Gas Fitter. A "gas fitter" includes any natural person who possesses the  
20 necessary qualifications and knowledge to install, alter, repair, improve, remove, or  
21 test natural gas piping, tanks, and appliances annexed to real property but does not  
22 include any person who is licensed by the Louisiana Liquefied Petroleum Gas  
23 Commission or any services or work performed pursuant to such a license.

24 J. Master Gas Fitter. A "master gas fitter" includes any natural person who  
25 possesses the necessary skills, abilities, proficiency, and qualifications to plan and  
26 lay out the details for installing and supervising the work of installing, repairing, and  
27 maintaining types of materials and equipment used for the construction, repair,  
28 removal, or improvement to natural gas piping systems and tanks annexed to real  
29 property but does not include any person who is licensed by the Louisiana Liquefied

1           Petroleum Gas Commission or any services or work performed pursuant to such a  
2           license.

3           K. Gas Fitting. "Gas fitting" means the work or business of installing,  
4           repairing, improving, altering, or removing natural gas piping, fittings, valves, or  
5           tanks used for conveying fuel gas for appliances on or in premises or in buildings  
6           annexed to real property. For purposes of this Chapter, gas fitting does not include  
7           the following:

8                   (1) The installation or maintenance of piping by any entity of a municipal or  
9                   gas district system that is subject to the regulatory authority of the Public Service  
10                  Commission, the New Orleans City Council, or the office of pipeline safety in the  
11                  Department of Natural Resources.

12                   (2) Any work done by a person who is licensed by the Louisiana Liquefied  
13                  Petroleum Gas Commission or any other services performed pursuant to such a  
14                  license.

15 §1378. Revocation of licenses; other disciplinary actions

16                   A. The board may, pursuant to the procedures provided in the Administrative  
17                   Procedure Act, revoke, suspend, or refuse to renew any license or endorsement  
18                   issued by the board to any natural person. Grounds for revocation, or lesser  
19                   disciplinary action, include but are not limited to the following:

20                                                       \*       \*       \*

21                   (9) The habitual violation of any rules or regulations adopted by the board  
22                   by a gas fitter or master gas fitter.

23                   (10) The violation of any municipal code, any other code adopted by the  
24                   board related to gas fitting not otherwise preempted by this Chapter, or any other  
25                   related regulation as evidenced by an adjudication from a local governing authority.

26                   (11) The refusal of a master gas fitter to accurately designate an employing  
27                   entity or provide notice of any change in employment with an employing entity.

28                                                       \*       \*       \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Section 2. This Act shall become effective on January 1, 2017.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_