

ACT No. 297

2016 Regular Session

HOUSE BILL NO. 1068

BY REPRESENTATIVES LOPINTO AND WILLMOTT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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 §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 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____