

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
8 for exceptions; to provide for definitions; to provide for disciplinary actions; and to
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
12 hereby amended and reenacted and R.S. 37:1361(F), 1366(J), 1367(I), 1368(J),
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

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 2014.

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.

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

- (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.

Proposed law 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.

Proposed law 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.

Proposed law 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.

Proposed law 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.

Proposed law 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.

Proposed law 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.

Proposed law 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

Present law 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 present law.

Proposed law retains present law and adds gas fitting work.

Present law 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 present law.

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

Proposed law 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.

Proposed law 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.

Present law 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.

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

Present law 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.

Proposed law 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 proposed law 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))