

2016 Regular Session

HOUSE BILL NO. 1068

BY REPRESENTATIVE LOPINTO

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

1 AN ACT

2 To amend and reenact R.S. 37:1371(A), 1372, 1373(A), and 1374(B) and to enact R.S.
3 37:1361(F), 1366(J), 1367(J), 1368(J), 1377(I) through (K), and 1378(A)(9) through
4 (11), relative to the regulation of gas fitting; to clarify and restrict the authority of the
5 the State Plumbing Board; to restrict municipal and local regulatory authorities; to
6 provide for fees; to provide for duties of the board; to regulate licensure of gas fitters
7 and master gas fitters; to provide for exceptions; to provide for inspections; to
8 provide for injunctions; to provide for penalties; to provide for definitions; to provide
9 for violations; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:1371(A), 1372, 1373(A), and 1374(B) are hereby amended and
12 reenacted and R.S. 37:1361(F), 1366(J), 1367(J), 1368(J), 1377(I) through (K), and
13 1378(A)(9) through (11) are enacted to read as follows:

14 §1361. State Plumbing Board, appointments; qualifications; legislative intent;
15 authority

16 * * *

17 F.(1)(a) The board shall be the sole and exclusive agency in this state
18 empowered to license any natural person or regulated business entity who is engaged
19 or who seeks to engage in the business of gas fitting work for the general public that

1 includes installation, repair, improvement, alterations, or removal of natural gas or
2 liquefied petroleum gas piping, tanks, and appliances annexed to real property.

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

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

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

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

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

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

19 (c) A municipality or other local regulatory authority may assess and collect
20 locally adopted fees and charges relative to gas fitting work, as defined in R.S.
21 37:1377, that is performed in their respective jurisdictions but only from persons
22 licensed pursuant to R.S. 37:1368.

23 * * *

24 §1366. Duties of the board

25 * * *

26 J.(1) It is the duty of the board to assure that gas fitting work is performed
27 by persons who have proven knowledge of and skill in the gas fitting trade.

28 (2) The board shall adopt tests of qualifications to be possessed by any
29 persons actually engaged in gas fitting work and shall require that any person

1 performing work as a gas fitter or master gas fitter shall possess a license issued by
2 the board.

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

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

10 §1367. License required, journeyman and master plumber; medical gas piping
11 installer; medical gas and vacuum systems verifier; water supply protection
12 specialist endorsement; gas fitter and master gas fitter; local examination
13 preempted

14 * * *

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

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

19 §1368. Issuance of journeyman and master plumber's license; medical gas piping
20 and installation license; medical gas and vacuum systems verifier license;
21 water supply protection specialist endorsement; exemption; gas fitter license

22 * * *

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

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

27 (b) Compliance with all requirements of the applicable provisions of this
28 Chapter and all requirements imposed by any rules and regulations promulgated by
29 the board.

1 §1373. Injunctions

2 A. The board may enjoin any person from engaging in doing the work of a
3 journeyman plumber, master plumber, medical gas piping installer, medical gas and
4 vacuum systems verifier, gas fitter, master gas fitter, or water supply protection
5 specialist wherever it appears that a person is violating or is conspiring to violate the
6 provisions of this Chapter. The board may also enjoin an employing entity from
7 violating or conspiring to violate the provisions of this Chapter.

8 * * *

9 §1374. Penalty

10 * * *

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

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

21 * * *

22 §1377. Definitions; exceptions

23 * * *

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

1 J. Master Gas Fitter. A "master gas fitter" includes any natural person who
 2 possesses the necessary skills, abilities, proficiency, and qualifications to plan and
 3 lay out the details for installing and supervising the work of installing, repairing, and
 4 maintaining types of materials and equipment used for the construction, repair,
 5 removal, or improvement to liquefied petroleum and natural gas piping systems and
 6 tanks annexed to real property but does not include any person who is licensed by
 7 the Louisiana Liquefied Petroleum Gas Commission or any services or work
 8 performed pursuant to such a license.

9 K. Gas Fitting. "Gas fitting" means the work or business of installing,
 10 repairing, improving, altering, or removing natural gas or liquefied petroleum gas
 11 piping, fittings, valves, or tanks used for conveying fuel gas for appliances on or in
 12 premises or in buildings annexed to real property. For purposes of this Chapter, gas
 13 fitting does not include the following:

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

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

21 §1378. Revocation of licenses; other disciplinary actions

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

26 * * *

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

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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Add a definition for the term "gas fitting".