

Introduced: 2/5/64
Referred: Labor and Man-
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IN THE HOUSE

BY MESSRS. MOSELEY, RADER,
JOSEPHSON, WHITE, KENDALL,
LEONARD, AND GRAVEL

HOUSE BILL NO. 291

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRD LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act to regulate the business conduct of plumbers and gas fitters; creating a Board of Plumbing and Gas Piping Examiners; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 08 is amended by adding a new chapter to read:

CHAPTER 85. PLUMBERS AND GAS FITTERS.

ARTICLE 1. BOARD OF PLUMBING AND GAS PIPING EXAMINERS.

Sec. 08.85.010. CREATION AND MEMBERSHIP OF BOARD. There is created a Board of Plumbing and Gas Piping Examiners. The board consists of five members, two of whom are master plumbers, two of whom are pipe fitters, and one of whom is a representative of the general public.

Sec. 08.85.020. APPOINTMENT AND TERM OF OFFICE. The governor shall appoint the members of the board, with the confirmation of the legislature for staggered terms of three years, or until their successors are appointed. Members serve at the pleasure of the governor.

Sec. 08.85.030. EXECUTIVE SECRETARY OF BOARD. The commissioner of commerce is the executive secretary of the board.

Sec. 08.85.040. BOARD MEETINGS. The board shall hold a regular annual meeting. The board may hold special

1 meetings at the call of the chairman or of three members,
2 with prior approval of the governor.

3 Sec. 08.85.050. DUTIES OF THE BOARD. The board shall

4 (1) pass on qualifications of applicants for
5 licenses and issue licenses to those who qualify;

6 (2) prepare and grade written and practical ex-
7 aminations;

8 (3) after hearing, have the authority to suspend
9 or revoke the license of a licensed master plumber or gas
10 fitter who

11 (A) obtains his license by fraud, misrepre-
12 sentation, or deception;

13 (B) knowingly violates a regulation of the
14 board or a provision of this chapter;

15 (C) by his conduct, demonstrates an inability
16 to engage in plumbing or gas fitting without endangering
17 members of the public;

18 (D) engages in fraudulent conduct relevant to
19 the business of plumbing or gas fitting.

20 Sec. 08.85.060. BOARD REGULATIONS. The board shall
21 adopt substantive regulations

22 (1) establishing standards for the plumbing and
23 gas fitting businesses, the standards being designed to pro-
24 tect the public from harms variance from the standards could
25 cause;

26 (2) specifying the subject matter to be covered in
27 the written and oral examinations.

28 Sec. 08.85.070. DUTIES OF THE DEPARTMENT. The depart-
29 ment shall furnish the board with administrative services,

1 including renting space for holding examinations; proctoring
2 examinations; printing examinations; printing and mailing
3 licenses; sending notices, before December 1 of each year,
4 that licenses must be renewed; collecting fees and issuing
5 receipts; keeping a current register of licensees; employing
6 secretarial assistants; replying to routine requests for in-
7 formation; printing forms and informational bulletins; typ-
8 ing all matter to be reproduced; maintaining records and
9 completed examinations; and keeping records of receipts and
10 disbursements.

11 Sec. 08.85.080. DEPARTMENT REGULATIONS. The department
12 shall adopt procedural regulations

13 (1) describing how a person applies for and takes
14 an examination under this chapter;

15 (2) necessary to carry out the duties imposed on
16 it by sec. 70 of this chapter.

17 Sec. 08.85.090. APPLICABILITY OF THE ADMINISTRATIVE
18 PROCEDURE ACT. The Administrative Procedure Act (AS 44.62)
19 applies to regulations and proceedings under this chapter.

20 Sec. 08.85.100. TRANSPORTATION AND PER DIEM. A board
21 member is entitled to transportation expenses and per diem
22 allowances specified in AS 39.20.180.

23 ARTICLE 2. LICENSING.

24 Sec. 08.85.120. LICENSE REQUIRED. (a) No person may
25 be a master plumber unless licensed under this chapter.

26 (b) No person may be a gas fitter unless licensed
27 under this chapter.

28 Sec. 08.85.130. EXAMINATION. (a) A person who passes
29 the plumbing examination given by the board is entitled to

1 be licensed as a master plumber.

2 (b) A person who passes the gas fitting examination
3 given by the board is entitled to be licensed as a gas fitter.

4 Sec. 08.85.140. OBJECT OF EXAMINATION. The only pur-
5 pose of an examination is to disqualify those whose lack of
6 knowledge or skill in plumbing or gas fitting would create a
7 serious risk of injury to the public interest the board is
8 created to protect.

9 Sec. 08.85.150. ADMINISTRATION OF EXAMINATION. (a)
10 The department shall offer examinations prepared by the board
11 at least once a year and more frequently if more than two
12 persons who are qualified to take an examination petition the
13 department for an additional examination.

14 (b) Examinations shall be so administered that one who
15 grades a written examination does not know whose paper he is
16 grading.

17 (c) The department shall maintain files of examination
18 papers. A person is entitled to inspect his examination
19 paper for the purpose of challenging the propriety of its
20 questions, the method of grading, or the accuracy of grading.

21 (d) Every two years the department shall have published
22 and sell at cost copies of examinations for the preceding
23 two years. The board shall prepare a new examination at
24 least every two years.

25 (e) If a person fails to take an examination after he
26 has paid the application fee, the department shall refund
27 the fee.

28 Sec. 08.85.160. RE-EXAMINATION. A person who fails an
29 examination may apply for a subsequent examination, but shall

1 pay the examination fee each time he applies.

2 Sec. 08.85.170. QUALIFICATION FOR EXAMINATION. A per-
3 son is entitled to take the examination whc

4 (1) has completed application forms and returned
5 them to the department within the time specified in a regula-
6 tion of the department;

7 (2) pays the application fee.

8 Sec. 08.85.180. FEES. The application fee is \$15. The
9 renewal fee is \$15. The fee for a duplicate license is \$2.
10 The registration fee is \$100.

11 Sec. 08.85.190. ANNUAL RENEWAL. A person who passes
12 the examination is licensed without payment of further fee.
13 To remain licensed, a person must pay the renewal fee before
14 February 1 of each year. The board shall renew a lapsed
15 license when a master plumber or gas fitter whose license
16 has lapsed applies for renewal and pays accrued renewal fees.
17 A person whose license has lapsed is entitled to have his
18 license renewed without taking an examination unless his
19 license has lapsed more than five years.

20 Sec. 08.85.200. OUT-OF-STATE LICENSEE. A person
21 licensed as a master plumber or gas fitter in another juris-
22 diction is entitled to be licensed in Alaska without examina-
23 tion.

24 Sec. 08.85.210. REGISTRATION OF ORGANIZATIONS. (a) An
25 association, partnership, or corporation that engages in the
26 plumbing business shall register annually with the depart-
27 ment. To be eligible to register, the association, partner-
28 ship, or corporation shall have in its employ at least one
29 licensed master plumber to supervise all its plumbing

1 business. The employment of a licensed master plumber does
2 not entitle an association, partnership, or corporation to be
3 registered if the licensed plumber also makes another
4 association, partnership, or corporation eligible to be
5 registered. A properly registered association, partnership,
6 or corporation continues to be registered for 30 days after
7 the examination after it no longer employs a licensed master
8 plumber unless it becomes eligible to register before that
9 date.

10 (b) An association, partnership, or corporation that
11 engages in the gas fitting business shall register annually
12 with the department. To be eligible to register, the
13 association, partnership, or corporation shall employ at
14 least one licensed gas fitter to supervise all its gas fit-
15 ting business. The employment of a licensed gas fitter does
16 not entitle an association, partnership, or corporation to be
17 registered if the licensed gas fitter also makes another
18 association, partnership, or corporation to be registered if
19 the licensed gas fitter also makes another association,
20 partnership, or corporation eligible to be registered. A
21 properly registered association, partnership, or corporation
22 continues to be registered for 30 days after the examination
23 after it no longer employs a licensed gas fitter, unless it
24 becomes eligible to register before that time.

25 ARTICLE 3. MISCELLANEOUS PROVISIONS.

26 Sec. 08.85.230. PENALTY. A person who violates sec.
27 120 or sec. 210 of this chapter is guilty of a misdemeanor.

28 Sec. 08.85.240. EXCEPTIONS. (a) Neither sec. 210 nor
29 sec. 230 of this chapter applies

- 1 (1) to a public service corporation;
2 (2) to a public utility;
3 (3) to a railroad;
4 (4) to an airline;
5 (5) to a steamship line;
6 (6) to a business engaged solely in manufacturing
7 or repairing plumbing, illuminating, or heating gas apparatus
8 or equipment;
9 (7) in an area, to be defined by regulations of
10 the commission, in which no person regularly engages in the
11 business of plumbing and gas fitting.

12 (b) Neither sec. 120 nor sec. 230 of this chapter
13 applies (1) to an employee of an organization mentioned in
14 (a) of this section, (2) to a person working on his own or
15 his family's property, unless he is working on the property
16 intending at the time to sell it when or before the work is
17 completed, (3) in an area, to be defined by regulations of
18 the commission, in which no person regularly engages in the
19 business of plumbing and gas fitting.

20 Sec. 08.85.250. INSPECTIONS. (a) The Department of
21 Labor shall employ plumbing inspectors and gas piping in-
22 spectors as it finds necessary.

23 (b) A plumbing inspector shall inspect work done by
24 master plumbers to see if the work conforms to the standards
25 set out in regulations of the board. A gas piping inspector
26 shall inspect the work of licensed gas fitters to see if the
27 work conforms to the standards set out in regulations of the
28 board.

29 (c) An inspector, after identifying himself, may enter

1 a premises at any reasonable hour for the sole purpose of
2 making an inspection.

3 (d) If an inspector discovers that work does not con-
4 form to specified standards, he shall notify the board, and
5 the board shall take necessary disciplinary action. The
6 results of an inspection may not be used for any other pur-
7 pose.

8 ARTICLE 4. DEFINITIONS.

9 Sec. 08.85.270. DEFINITIONS. In this chapter,

10 (1) "master plumber" means a person engaged in
11 the business of installing or repairing or contracting to in-
12 stall or repair any plumbing, a water filter, water softener,
13 water meter, fixture, and any appliance that is an integral
14 part of plumbing; and related piping systems in power plants,
15 industrial plants, sewage disposal plants, business build-
16 ings, public buildings, hotels, restaurants, apartment build-
17 ings, homes, and all outside plumbing and related piping on
18 private or public property either underground or overhead
19 for the transportation of all fluids;

20 (2) "gas fitter" means a person engaged in the
21 business of installing or repairing (or contracting to in-
22 stall or repair) any gas piping for illuminating or fuel gas,
23 any gas burning devices or metering, controlling or regulat-
24 ing devices connected to the piping;

25 (3) "board" means the Board of Plumbing and Gas
26 Piping Examiners;

27 (4) "department" means the Department of Commerce.

28 * Sec. 2. (a) A person is entitled to be licensed without
29 examination under AS 08.85 as a master plumber who applies and

1 pays the application fee within six months of the effective date
2 of this Act, and who had been a plumber in this state continu-
3 ously for one year immediately preceding the effective date of
4 this Act.

5 (b) A person is entitled to be licensed without examination
6 under AS 08.85 as a gas fitter who applies and pays the applica-
7 tion fee within six months of the effective date of this Act, and
8 who had been a gas fitter in this state continuously for one year
9 immediately preceding the effective date of this Act.

10 * Sec. 3. The governor may appoint to the initial board
11 unlicensed plumbers and gas fitters who are entitled to a license
12 without examination under sec. 2 of this Act.

13 * Sec. 4. This Act takes effect on July 1, 1964.
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