

Offered: 2/27/64  
Referred: Commerce and  
Finance

Original sponsors: Messrs. Moseley,  
Rader, Josephson, White, Kendall,  
Leonard and Gravel

BY THE LABOR AND  
MANAGEMENT COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 291

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

13 CHAPTER 85. PLUMBERS AND GAS FITTERS.

14 ARTICLE 1. BOARD OF PLUMBING AND GAS PIPING EXAMINERS.

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

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

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

29 Sec. 08.85.040. BOARD MEETINGS. The board shall hold

1 a regular annual meeting. The board may hold special  
2 meetings at the call of the chairman or of three members,  
3 with prior approval of the governor.

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

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

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

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

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

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

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

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

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

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

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

29 Sec. 08.85.070. DUTIES OF THE DEPARTMENT. The depart-

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

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

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

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

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

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

24                                   ARTICLE 2. LICENSING.

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

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

29           Sec. 08.85.130. EXAMINATION. (a) A person who passes

1 the plumbing examination given by the board is entitled to  
2 be licensed as a master plumber.

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

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

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

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

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

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

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

29 Sec. 08.85.160. RE-EXAMINATION. A person who fails an

1 examination may apply for a subsequent examination, but shall  
2 pay the examination fee each time he applies.

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

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

8 (2) pays the application fee.

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

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

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

25 Sec. 08.85.210. REGISTRATION OF ORGANIZATIONS. (a) An  
26 individual, company, association, partnership, or corporation  
27 that engages in the plumbing business shall register annually  
28 with the department. To be eligible to register, the in-  
29 dividual, company, association, partnership, or corporation

1 shall have in its employ at least one licensed master plumber  
2 to supervise all its plumbing business. The employment of a  
3 licensed master plumber does not entitle an individual,  
4 company, associations, partnership, or corporation to be reg-  
5 istered if the licensed plumber also makes another individual,  
6 company, association, partnership, or corporation eligible to  
7 be registered. A properly registered individual, company,  
8 association, partnership, or corporation continues to be  
9 registered for 30 days after the examination after it no  
10 longer employs a licensed master plumber unless it becomes  
11 eligible to register before that date.

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

27 ARTICLE 3. MISCELLANEOUS PROVISIONS.

28 Sec. 08.85.230. PENALTY. A person who violates sec.  
29 120 or sec. 210 of this chapter is guilty of a misdemeanor.

1           Sec. 08.85.240. EXCEPTIONS. (a) Neither sec. 210 nor  
2 sec. 230 of this chapter applies to work done by regular  
3 employees while pursuing their regular course of employment

4                   (1) to a public service corporation;

5                   (2) to a public utility;

6                   (3) to a railroad;

7                   (4) to an airline;

8                   (5) to a steamship line;

9                   (6) to a business engaged solely in manufacturing  
10 or repairing plumbing, illuminating, or heating gas apparatus  
11 or equipment;

12                   (7) neither sec. 210 nor 230 applies in an area,  
13 to be defined by regulations of the commission, in which no  
14 person regularly engages in the business of plumbing and  
15 gas fitting.

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

25           Sec. 08.85.250. INSPECTIONS. (a) The Department of  
26 Labor shall employ plumbing inspectors and gas piping in-  
27 spectors as it finds necessary with qualifications as re-  
28 commended by the board.

29           (b) A plumbing inspector shall inspect work done by

1 master plumbers to see if the work conforms to the standards  
2 set out in regulations of the board. A gas piping inspector  
3 shall inspect the work of licensed gas fitters to see if the  
4 work conforms to the standards set out in regulations of the  
5 board.

6 (c) An inspector, after identifying himself, may enter  
7 a premises at any reasonable hour for the sole purpose of  
8 making an inspection.

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

14 ARTICLE 4. DEFINITIONS.

15 Sec. 08.85.270. DEFINITIONS. In this chapter,

16 (1) "master plumber" means a person engaged in  
17 the business of installing or repairing or contracting to in-  
18 stall or repair any plumbing, a water filter, water softener,  
19 water meter, fixture, and any appliance that is an integral  
20 part of plumbing; and related piping systems in power plants,  
21 industrial plants, sewage disposal plants, business build-  
22 ings, public buildings, hotels, restaurants, apartment build-  
23 ings, homes, and all outside plumbing and related piping on  
24 private or public property either underground or overhead  
25 for the transportation of all fluids; nothing in this  
26 definition shall be construed to apply to contracting for,  
27 installing or repairing fire sprinkler systems, their related  
28 appurtenance or their underground or overhead water supplies;

29 (2) "gas fitter" means a person engaged in the

1 business of installing or repairing (or contracting to in-  
2 stall or repair) any gas piping for illuminating or fuel gas,  
3 any gas burning devices or metering, controlling or regulat-  
4 ing devices connected to the piping;

5 (3) "board" means the Board of Plumbing and Gas  
6 Piping Examiners;

7 (4) "department" means the Department of Commerce

8 \* Sec. 2. (a) A person is entitled to be licensed without  
9 examination under AS 08.85 as a master plumber who applies and  
10 pays the application fee within six months of the effective date  
11 of this Act, and who had been a master plumber in this state  
12 continuously for one year immediately preceding the effective date  
13 of this Act.

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

19 \* Sec. 3. The governor may appoint to the initial board  
20 unlicensed master plumbers and gas fitters who are entitled to  
21 a license without examination under sec. 2 of this Act.

22 \* Sec. 4. This Act takes effect on July 1, 1964.  
23  
24  
25  
26  
27  
28  
29