

1 IN THE HOUSE BY MESSRS. MOSELEY AND O'CONNELL
2 HOUSE BILL NO. 154

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTH LEGISLATURE - FIRST 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.

16 There is created a Board of Plumbing and Gas Piping Examiners
17 The board consists of five members. One member shall be a
18 master plumber or plumbing shop owner who actively engages in
19 the plumbing trade; one member shall be a plumber; one mem-
20 ber shall be a representative of the gas industry; one
21 member shall be a pipefitter; and one member shall be appoint-
22 ed from the Department of Health and Welfare.

23 Sec. 08.85.020. APPOINTMENT AND TERM OF OFFICE.

24 Members of the board are appointed by the governor and con-
25 firmed by the legislature. Members of the board shall serve
26 staggered terms of three years, or until their successors
27 are appointed. Members serve at the pleasure of the governor
28 A member may act and receive transportation expenses and per
29 diem allowances from the date of his appointment until his

1 confirmation or rejection by the legislature.

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

5 Sec. 08.85.040. BOARD MEETINGS. The board shall elect
6 one of its members chairman of the board. The board shall
7 hold a regular annual meeting and may hold special meetings
8 at the call of the chairman or of three members, with prior
9 approval of the governor.

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

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

13 (2) prepare and grade written and practical ex-
14 aminations;

15 (3) after hearing, have the authority to suspend
16 or revoke the license of a licensed master plumber or gas
17 fitter who

18 (A) obtains his license by fraud, misrepre-
19 sentation, or deception;

20 (B) knowingly violates a regulation of the
21 board or a provision of this chapter;

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

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

27 Sec. 08.85.060. BOARD REGULATIONS. The board shall
28 adopt substantive regulations

29 (1) establishing standards of competence for

1 master plumbers based upon the standards set forth in the
2 Western Plumbing Officials Uniform Plumbing Code, 1958 edi-
3 tion, except for those in Chapter 12 therein relating to
4 fuel gas piping;

5 (2) establishing standards of competence for gas
6 fitters based upon the standards set forth in the American
7 Standard Installation of Gas Appliances and Gas Piping,
8 Third Edition, 1959, sponsored by the American Gas Associa-
9 tion, Inc.

10 (3) specifying the subject matter to be covered
11 in written and oral examinations.

12 Sec. 08.85.070. DUTIES OF THE DEPARTMENT. The depart-
13 ment shall furnish the board with administrative services,
14 including renting space for holding examinations; proctoring
15 examinations; printing examinations; printing and mailing
16 licenses; sending notices, before December 1 of each year,
17 that licenses must be renewed; collecting fees and issuing
18 receipts; keeping a current register of licensees; employing
19 secretarial assistants; replying to routine requests for in-
20 formation; printing forms and informational bulletins;
21 typing all matter to be reproduced; maintaining records and
22 completed examinations; and keeping records of receipts and
23 disbursements.

24 Sec. 08.85.080. DEPARTMENT REGULATIONS. The department
25 shall adopt procedural regulations

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

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

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

4 Sec. 08.85.100. TRANSPORTATION AND PER DIEM. A board
5 member, except the representative of the Department of Health
6 and Welfare, is entitled to transportation expenses and per
7 diem allowances specified in AS 39.20.180.

8 ARTICLE 2. LICENSING

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

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

13 Sec. 08.85.130. EXAMINATION. (a) A person who passes
14 the plumbing examination given by the board is entitled to
15 be licensed as a master plumber.

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

19 Sec. 08.85.140. OBJECT OF EXAMINATION. The only pur-
20 pose of an examination is to disqualify those whose lack of
21 knowledge or skill in plumbing or gas fitting would create a
22 serious risk of injury to the public interest the board is
23 created to protect.

24 Sec. 08.85.150. ADMINISTRATION OF EXAMINATION. (a)
25 The department shall offer examinations prepared by the board
26 at least once a year and more frequently if more than two
27 persons who are qualified to take an examination petition the
28 department for an additional examination.

29 (b) Examinations shall be so administered that one who

1 grades a written examination does not know whose paper he is
2 grading.

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

7 (d) Every two years the department shall have published
8 and sell at cost copies of examinations for the preceding
9 two years. The board shall prepare a new examination at
10 least every two years.

11 (e) If a person fails to take an examination after he
12 has paid the application fee, the department shall refund
13 the fee.

14 Sec. 08.85.160. RE-EXAMINATION. A person who fails an
15 examination may apply for a subsequent examination, but shall
16 pay the examination fee each time he applies.

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

19 (1) has completed application forms and returned
20 them to the department within the time specified in a regula-
21 tion of the department;

22 (2) pays the application fee.

23 Sec. 08.85.180. FEES. The application fee is \$100.
24 The renewal fee is \$50. The fee for a duplicate license is
25 \$50. The registration fee is \$100.

26 Sec. 08.85.190. ANNUAL RENEWAL. A person who passes
27 the examination is licensed without payment of further fee.
28 To remain licensed, a person must pay the renewal fee before
29 February 1 of each year. The board shall renew a lapsed

1 license when a master plumber or gas fitter whose license
2 has lapsed applies for renewal and pays accrued renewal fees.
3 A person whose license has lapsed is entitled to have his
4 license renewed without taking an examination unless his
5 license has lapsed more than five years.

6 Sec. 08.85.200. OUT-OF-STATE LICENSEE. A person
7 licensed as a master plumber or gas fitter in another juris-
8 diction is entitled to be licensed in Alaska without examina-
9 tion upon payment of the registration fee.

10 Sec. 08.85.210. REGISTRATION OF ORGANIZATIONS. (a) An
11 association, partnership, or corporation that engages in the
12 plumbing business shall register annually with the depart-
13 ment. To be eligible to register, the association, partner-
14 ship, or corporation shall have in its employ at least one
15 licensed master plumber to supervise all its plumbing
16 business. The employment of a licensed master plumber does
17 not entitle an association, partnership, or corporation to be
18 registered if the licensed plumber also makes another
19 association, partnership, or corporation eligible to be
20 registered. A properly registered association, partnership,
21 or corporation continues to be registered for 30 days after
22 the examination after it no longer employs a licensed master
23 plumber unless it becomes eligible to register before that
24 date.

25 (b) An association, partnership, or corporation that
26 engages in the gas fitting business shall register annually
27 with the department. To be eligible to register, the
28 association, partnership, or corporation shall employ at
29 least one licensed gas fitter to supervise all its gas

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

10 ARTICLE 3. MISCELLANEOUS PROVISIONS

11 Sec. 08.85.230. PENALTY. A person who violates sec.
12 120 or sec. 210 of this chapter is guilty of a misdemeanor.

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

15 (1) to a public service corporation;

16 (2) to a public utility;

17 (3) to a railroad;

18 (4) to an airline;

19 (5) to a steamship line;

20 (6) to a business engaged solely in manufacturing
21 or repairing plumbing, illuminating, or heating gas apparatus
22 or equipment;

23 (7) in an area not within an organized borough;

24 (b) Neither sec. 120 nor sec. 230 of this chapter
25 applies

26 (1) to an employee of an organization mentioned
27 in (a) of this section;

28 (2) to a person working on his own or his family's
29 property, unless he is working on the property intending at

1 the time to sell it when or before the work is completed;

2 (3) in an area, to be defined by regulations of
3 the board, in which no person regularly engages in the
4 business of plumbing and gas fitting.

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

8 (b) A plumbing inspector shall inspect work done by
9 master plumbers to see if the work conforms to the standards
10 set out in regulations of the board. A gas piping inspector
11 shall inspect the work of licensed gas fitters to see if the
12 work conforms to the standards set out in regulations of the
13 board.

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

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

22 Sec. 08.85.260. DEFINITIONS. In this chapter,

23 (1) "master plumber" means a person engaged in
24 the business of installing or repairing or contracting to
25 install or repair any plumbing, a water filter, water
26 softener, water meter, fixture, and any appliance that is an
27 integral part of plumbing; and related piping systems in
28 power plants, industrial plants, sewage disposal plants,
29 business buildings, public buildings, hotels, restaurants,

1 apartment buildings, homes, and all outside plumbing and
2 related piping on private or public property either under-
3 ground or overhead for the transportation of all fluids;

4 (2) "gas fitter" means a person engaged in the
5 business of installing or repairing (or contracting to in-
6 stall or repair) any gas piping for illuminating or fuel
7 gas, any gas burning devices or metering, controlling or
8 regulating devices connected to the piping;

9 (3) "board" means the Board of Plumbing and Gas
10 Piping Examiners;

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

12 * Sec. 2. (a) A person is entitled to be licensed as a
13 master plumber without examination under AS 08.85 if he applies
14 and pays the application fee within six months after the
15 effective date of this Act and has been a plumber in this state
16 continuously for one year immediately preceding the effective
17 date of this Act.

18 (b) A person is entitled to be licensed as a gas fitter
19 without examination under AS 08.85 if he applies and pays the
20 application fee within six months of the effective date of this
21 Act and has been a gas fitter in this state continuously for one
22 year immediately preceding the effective date of this Act.

23 * Sec. 3. The governor may appoint to the initial board un-
24 licensed plumbers and gas fitters who are entitled to a license
25 without examination under sec. 2 of this Act.

26 * Sec. 4. This Act takes effect July 1, 1965.
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