

Original Sponsors:
Moseley and O'Connell

Offered: 3/11/65
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 154

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH 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.

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 gas fitter; 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. Mem-
24 bers of the board are appointed by the governor and confirmed
25 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 in the sale of plumbing,
21 illuminating, or heating gas apparatus or equipment and which
22 services only apparatus and equipment that it has sold;

23 (7) to a business not primarily engaged in plumb-
24 ing or gas fitting;

25 (8) to an association, partnership or corporation
26 that does not provide plumbing or gas fitting services for
27 the general public;

28 (9) to a business engaged in the service connecti
29 and fitting of fuel and lighting gas containers as an

1 incidence to its business;

2 (10) to a business engaged in plumbing or gas
3 fitting only outside organized boroughs and not maintaining
4 its principal place of business within an organized borough.

5 (b) Secs. 120 and 230 of this chapter do not apply to

6 (1) an employee of an organization mentioned in
7 (a) of this section;

8 (2) a person working on his own or his family's
9 property, unless he is working on the property intending at
10 the time to sell it when or before the work is completed;

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

14 Sec. 08.85.250. INSPECTIONS. (a) The Department of
15 Labor may employ plumbing inspectors and gas piping in-
16 spectors as it finds necessary. Plumbing inspectors, gas
17 piping inspectors and building officials of local political
18 subdivisions may be designated as ex officio inspectors under
19 this chapter. Building officials so designated may act as
20 plumbing inspectors and gas piping inspectors.

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

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

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

6 Sec. 08.85.260. DEFINITIONS. In this chapter,

7 (1) "master plumber" means a person engaged in
8 the business of installing or repairing or contracting to
9 install or repair any plumbing, a water filter, water
10 softener, water meter, fixture, and any appliance that is
11 an integral part of plumbing; and related piping systems in
12 power plants, industrial plants, sewage disposal plants,
13 business buildings, public buildings, hotels, restaurants,
14 apartment buildings, homes, and all outside plumbing and
15 related piping on private or public property either under-
16 ground or overhead for the transportation of all fluids,
17 except for underground or overhead piping or tubing for the
18 transportation of fluids supplying automatic sprinkler
19 systems and standpipes connected to automatic sprinkler
20 systems and for piping and tubing devices and appurtenances
21 related to automatic sprinkler systems;

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

27 (3) "board" means the Board of Plumbing and Gas
28 Piping Examiners;

29 (4) "department" means the Department of Commerce;

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(5) "building official" means a person empowered by a local political subdivision to administer and enforce a building code applicable therein.

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

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

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

* Sec. 4. This Act takes effect July 1, 1966.

