

Introduced: 2/10/67
Referred: Labor and
Management

1 IN THE SENATE

BY THOMAS

2 SENATE BILL NO. 91

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

11 CHAPTER 85. PLUMBERS AND GAS FITTERS.

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

13 Sec. 08.85.010. CREATION AND MEMBERSHIP OF BOARD. There is
14 created a Board of Plumbing and Gas Piping Examiners. The board con-
15 sists of five members. One member shall be a master plumber or plumbing
16 shop owner who actively engages in the plumbing trade; one member shall
17 be a plumber; one member shall be a representative of the gas industry;
18 one member shall be a gas fitter; and one member shall be appointed
19 from the Department of Health and Welfare.

20 Sec. 08.85.020. APPOINTMENT AND TERM OF OFFICE. Members of the
21 board are appointed by the governor and confirmed by the legislature.
22 Members of the board shall serve staggered terms of three years, or
23 until their successors are appointed. Members serve at the pleasure
24 of the governor. A member may act and receive transportation expenses
25 and per diem allowances from the date of his appointment until his
26 confirmation or rejection by the legislature.

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

29 Sec. 08.85.040. BOARD MEETINGS. The board shall elect one of its

1 members chairman of the board. The board shall hold a regular annual
2 meeting and may hold special meetings at the call of the chairman or
3 of three members, 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 licenses and
6 issue licenses to those who qualify;

7 (2) prepare and grade written and practical examinations;

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

10 (A) obtains his license by fraud, misrepresentation,
11 or deception;

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

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

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

19 Sec. 08.85.060. BOARD REGULATIONS. The board shall adopt sub-
20 stantive regulations

21 (1) establishing standards of competence for master plumbers
22 based upon the standards set out in the Western Plumbing Officials
23 Uniform Plumbing Code, 1958 edition, except for those in Chapter 12
24 therein relating to fuel gas piping;

25 (2) establishing standards of competence for gas fitters
26 based upon the standards set out in the American Standard Installation
27 of Gas Appliances and Gas Piping, Third Edition, 1959, sponsored by
28 the American Gas Association, Inc.

29 (3) specifying the subject matter to be covered in written

1 and oral examinations.

2 **Sec. 08.85.070. DUTIES OF THE DEPARTMENT.** The department shall
3 furnish the board with administrative services, including renting space
4 for holding examinations; proctoring examinations; printing examina-
5 tions; printing and mailing licenses; sending notices, before December 1
6 of each year, that licenses must be renewed; collecting fees and issuing
7 receipts; keeping a current register of licensees; employing secretarial
8 assistants; replying to routine requests for information; printing forms
9 and informational bulletins; typing all matter to be reproduced; main-
10 taining records and completed examinations; and keeping records of
11 receipts and disbursements.

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

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

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

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

21 **Sec. 08.85.100. TRANSPORTATION AND PER DIEM.** A board member,
22 except the representative of the Department of Health and Welfare, is
23 entitled to transportation expenses and per diem allowances specified
24 in AS 39.20.180.

25 **ARTICLE 2. LICENSING.**

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

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

1 **Sec. 08.85.130. EXAMINATION.** (a) A person who passes the plumb-
2 ing examination given by the board is entitled to be licensed as a
3 master plumber.

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

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

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

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

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

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

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

26 **Sec. 08.85.160. RE-EXAMINATION.** A person who fails an examina-
27 tion may apply for a subsequent examination, but shall pay the examina-
28 tion fee each time he applies.

29 **Sec. 08.85.170. QUALIFICATION FOR EXAMINATION.** A person is

1 entitled to take the examination who

2 (1) has completed application forms and returned them to the
3 department within the time specified in a regulation of the department;

4 (2) pays the application fee.

5 Sec. 08.85.180. FEES. The application fee is \$100. The renewal
6 fee is \$50. The fee for a duplicate license is \$50. The registration
7 fee is \$100.

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

16 Sec. 08.85.200. OUT-OF-STATE LICENSEE. A person licensed as a
17 master plumber or gas fitter in another jurisdiction is entitled to be
18 licensed in Alaska without examination upon payment of the registration
19 fee.

20 Sec. 08.85.210. REGISTRATION OF ORGANIZATIONS. (a) An associ-
21 ation, partnership, or corporation that engages in the plumbing business
22 shall register annually with the department. To be eligible to register,
23 the association, partnership, or corporation shall have in its employ
24 at least one licensed master plumber to supervise all its plumbing
25 business. The employment of a licensed master plumber does not entitle
26 an association, partnership, or corporation to be registered if the
27 licensed plumber also makes another association, partnership, or
28 corporation eligible to be registered. A properly registered associ-
29 ation, partnership, or corporation continues to be registered for 30

1 days after the examination after it no longer employs a licensed master
2 plumber unless it becomes eligible to register before that date.

3 (b) An association, partnership, or corporation that engages in
4 the gas fitting business shall register annually with the department.
5 To be eligible to register, the association, partnership, or corporation
6 shall employ at least one licensed gas fitter to supervise all its gas
7 fitting business. The employment of a licensed gas fitter does not
8 entitle an association, partnership, or corporation to be registered
9 if the licensed gas fitter also makes another association, partnership,
10 or corporation eligible to be registered. A properly registered
11 association, partnership, or corporation continues to be registered for
12 30 days after the examination after it no longer employs a licensed
13 gas fitter, unless it becomes eligible to register before that time.

14 **ARTICLE 3. MISCELLANEOUS PROVISIONS.**

15 **Sec. 08.85.230. PENALTY.** A person who violates sec. 120 or sec.
16 210 of this chapter is guilty of a misdemeanor.

17 **Sec. 08.85.240. EXCEPTIONS.** (a) Secs. 210 and 230 of this
18 chapter do not apply to

- 19 (1) a public service corporation;
20 (2) a public utility;
21 (3) a railroad;
22 (4) an airline;
23 (5) a steamship line;
24 (6) a business engaged in the sale of plumbing, illuminating,
25 or heating gas apparatus or equipment and which services only apparatus
26 and equipment that it has sold;
27 (7) a business not primarily engaged in plumbing or gas
28 fitting;
29 (8) an association, partnership or corporation that does not

1 provide plumbing or gas fitting services for the general public;

2 (9) a business engaged in the service connection and fitting
3 of fuel and lighting gas containers as an incidence to its business;

4 (10) a business engaged in plumbing or gas fitting only out-
5 side organized boroughs and not maintaining its principal place of
6 business within an organized borough.

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

8 (1) an employee of an organization mentioned in (a) of this
9 section;

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

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

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

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

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

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

5 Sec. 08.85.260. DEFINITIONS. In this chapter,

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

18 (2) "gas fitter" means a person engaged in the business of
19 installing or repairing (or contracting to install or repair) any gas
20 piping for illuminating or fuel gas, any gas burning devices or
21 metering, controlling or regulating devices connected to the piping;

22 (3) "board" means the Board of Plumbing and Gas Piping
23 Examiners;

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

25 (5) "building official" means a person empowered by a local
26 political subdivision to administer and enforce a building code ap-
27 plicable in the local political subdivision.

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

1 fee within six months after the effective date of this Act and has been a
2 plumber in this state continuously for one year immediately preceding the
3 effective date of this Act.

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

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

12 * Sec. 4. This Act takes effect July 1, 1967.
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