

Section 34-37-1

Definitions.

For purposes of this chapter, the following terms shall have the following meanings unless the context clearly requires a different meaning:

(1) **APPRENTICE GAS FITTER OR PLUMBER.** A person other than a master or journeyman gas fitter or plumber, who is engaged in learning and assisting in the installation of gas pipe, equipment, apparatus, and appliances, and shall work directly under the supervision of a journeyman or master gas fitter or plumber, and who has successfully fulfilled the registration requirements of the board and has been duly registered by the board as such for the current year. The apprentice shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request.

(2) **BOARD.** The State of Alabama Plumbers and Gas Fitters Examining Board as renamed by this chapter. The board shall examine, certify, and regulate plumbers, gas fitters, and medical gas piping fitters on a statewide basis pursuant to this chapter.

(3) **CERTIFICATION.** The process of testing at the state level to determine the knowledge and skill of an individual with respect to plumbing and gas fitting, and the issuing of certificates to indicate that an individual has passed the examination.

(4) **GAS FITTING, GAS SYSTEMS, or GAS WORK.** The installation, repair of pipes, fixtures, fittings, appliances, or apparatus necessary for supplying natural gas for residential or commercial use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation, including all gas fitting work further defined by any board rules and all codes currently adopted by the board. This chapter shall not be construed to prevent any contractor certified by the Alabama Board of Heating Air Conditioning, and Refrigeration Contractors from installing, replacing, or performing service or repair on natural gas fired air heating/cooling appliances, excluding piping to them provided the installing contractor has a valid certificate issued by the Alabama Board of Heating, Air Conditioning, and Refrigeration Contractors.

(5) **JOURNEYMAN GAS FITTER.** Every person who engages in or works at the actual installation, repair, or replacement of gas work, who has successfully fulfilled the examination requirements of the board, has been issued a journeyman gas fitter certificate by the board, and possesses a valid and current annual certificate issued by

the board. The journeyman gas fitter shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request.

(6) JOURNEYMAN PLUMBER. Any person who engages in or works at the actual installation, repair, or replacement of plumbing systems, who has successfully fulfilled the examination requirements of the board, has been issued a journeyman plumber certificate by the board, and possesses a valid and current annual certificate issued by the board. The journeyman plumber shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request.

(7) MASTER GAS FITTER. Any person or legal entity that engages in or works at the actual installation, repair, or replacement of gas systems, that has successfully fulfilled the examination requirements of the board, that has been issued a master gas fitter certificate by the board, and that possesses a valid and current annual certificate issued by the board. The master gas fitter shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request. This person may at any time register with the board as principal for any business, firm, or corporation.

(8) MASTER PLUMBER. Any person or legal entity that engages in or works at the actual installation, repair, or replacement of plumbing systems, that has successfully fulfilled the examination requirements of the board, has been issued a master plumber certificate by the board, and that possesses a valid and current annual certificate issued by the board. The master plumber shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request. This person may at any time register with the board as principal for any business, firm, or corporation.

(9) MEDICAL GAS PIPING. Piping used solely to transport gases used for medical purposes.

(10) MEDICAL GAS PIPING FITTER. A master plumber or master gas fitter who holds a current certificate for installation of medical gas piping. A journeyman plumber, journeyman gas fitter, apprentice plumber, or apprentice gas fitter who holds a current certificate for installation of medical gas piping shall be entitled to install medical gas piping under the direction of a master plumber or master gas fitter whose certificate entitles him or her to install medical gas piping. An apprentice plumber or apprentice gas fitter who holds a current certificate for medical gas piping shall at all times be under the direct supervision of either a master or journeyman who also holds a current certificate. The medical gas piping fitter shall have in his or her possession a current annual certificate issued by the board. The certificate shall be available for inspection on request.

(11) **PERSON or PERSONS.** Any individual, apprentice plumber, apprentice gas fitter, corporation, professional corporation, limited liability company, or other legal entity, or any combination thereof.

(12) **PLUMBING, PLUMBING SYSTEMS, or PLUMBING WORK.** All work associated with the installation, repair, or replacement of pipes, fixtures, or other apparatus necessary either for supplying water or for removing liquid or waterborne waste located on private property. The term is also used to denote installed fixtures, backflow prevention devices, drainage, vents, and water distribution systems located on private property, and all plumbing work further defined by board rules and all codes currently adopted by the board, with the exception of work allowed by this chapter.

(13) **PRINCIPAL.** The individual responsible for the contracting, superintending, installation, maintenance, or repair of plumbing or gas fitting systems, or both, for any legal entity, who is actively and continuously connected with the conduct of the business, and is responsible to the board for those responsibilities. The individual shall qualify to be a certified master gas fitter or a certified master plumber, or both. In addition, a principal must meet the following requirements:

a. At least one active employee of the legal entity shall be a duly registered and certified master gas fitter or plumber as defined in this section, actively and continuously connected with the conduct of the business and registered with the board as the principal of the business.

b. The principal master gas fitter or master plumber shall have in his or her possession a current annual certificate issued by the board. The certificate shall be available for the inspection on request.

(14) **REGISTRATION.** The process of application with the board with regard to apprentice plumbers, apprentice gas fitters, all corporations, professional corporations, limited liability companies and all other legal entities engaging in the business of plumbing or gas fitting, or both, within the State of Alabama.

(15) **RESIDENTIAL DWELLING.** Any structure, dwelling, or unit covered by the scope of the International Residential Code.

(16) **RESIDENTIAL JOBSITE.** A residential jobsite shall mean up to three structures located within a phase of a subdivision where the residential dwellings abut or are located adjacent to one another or where the residential dwellings are located on the same or intersecting streets. A residential jobsite shall also mean up to eight attached residential dwellings located under one roof assembly.

Section 34-37-2

Board renamed; authority expanded.

(a) The Plumbers Examining Board as created by Act No. 529 of the 1949 Regular Session of the Legislature (Acts 1949, p. 827), as amended, is renamed the State of Alabama Plumbers and Gas Fitters Examining Board and the authority of the board is expanded to allow the board to examine, certify, and regulate plumbers, gas fitters, and medical gas piping fitters on a statewide basis. The board may make and enforce rules adopted in accordance with Chapter 22 of Title 41, the Alabama Administrative Procedure Act.

(b) The board is authorized to expend funds for purposes of public awareness of the board and its rules and regulations to include advertising, promotional materials, event exhibiting, and other means approved by the board.

Section 34-37-3

Appointments to board; composition.

The board members serving on January 1, 2011, shall continue to serve on the board until successor board members are appointed and qualified. Appointments shall be subject to confirmation by the Senate. Commencing on March 26, 2012, as the term of office of a member serving on the board expires, the member shall continue to serve on the board until a successor board member is appointed and qualified. The Governor shall designate the length of term for each of his or her appointees not to exceed four years. The board shall always be composed of the following members: One member appointed by the Governor shall be a master plumber as defined by this chapter; one member appointed by the Governor shall be a master plumber as defined by this chapter whose work is primarily residential; one member appointed by the Governor shall be a journeyman plumber as defined by this chapter; one member appointed by the Governor shall be a registered professional engineer licensed by the State Board of Registration of Professional Engineers and Land Surveyors as provided in Article 2 of Chapter 11 of this title, or any subsequent act relating to the licensing of professional engineers; one member appointed by the Governor shall be a municipal or county building official; one member appointed by the Governor shall be a master gas fitter as defined in this chapter; one member appointed by the Governor shall be a master gas fitter as defined in this chapter whose work is primarily residential; one member appointed by the Governor shall be a journeyman gas fitter as defined in this chapter; and one member appointed by the Governor shall be appointed from the public at large. The member representing the public at large shall not be engaged or otherwise connected to the plumbing or gas industry or the installation of plumbing or gas work

nor connected with any person, firm, or corporation handling or dealing in material, fixtures, or appliances connected with plumbing or gas work. Each member of the board shall be a resident of this state and the membership of the board shall be coordinated to assure that the membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.

Section 34-37-4

Meetings, compensation, and expenses of board.

(a) The board shall meet when necessary for the proper performance of its duties, but in no case less than once a year. Meetings shall be held at places in the state as the board deems necessary. At its first meeting next following May 2, 1989, and every two years thereafter, the board shall organize itself by electing from its membership a chair, vice-chair, and a recording secretary. The board shall appoint, employ, or contract with an executive director for the board, and may appoint, employ, or contract with a deputy director, neither of whom shall be subject to the state Merit System. The executive director shall serve as treasurer of the board, but the deputy director may serve as treasurer of the board in the absence of the executive director or when otherwise directed by the board. The executive director and the deputy director shall not be a member of the board and shall not be engaged or otherwise connected with the plumbing or gas fitting industry. The board shall set the compensation of the executive director and the deputy director in accordance with regulations of the State Personnel Board. Four members of the board shall constitute a quorum for transacting business. Each member of the board shall receive as compensation for services the sum of two hundred dollars (\$200) per day for each day spent in active service for the board. In addition to per diem compensation, each board member shall be reimbursed for any necessary expense incurred in performing duties as a board member. The expenses allowable to each board member shall not exceed the per diem amount of state travel expenses allowed by law, from time to time, for state employees traveling on state business. Employees of the board shall also be entitled to reimbursement for traveling expenses incurred when traveling on official board business at the rate for state employees traveling on state business. The board may employ or contract for stenographic or clerical help and compliance officers when needed, and may purchase necessary office supplies, equipment, and services.

(b) The compensation and expense provided for in this section, and all other authorized expenses, shall be payable solely from fees collected by or on behalf of the board. In no event shall any expense incurred by the board be charged against any funds of the State of Alabama other than the funds collected under this chapter.

Section 34-37-5

Deposit and disbursement of funds; bond of the executive director and deputy director.

(a) There is established a separate special revenue trust fund in the State Treasury to be known as the State of Alabama Plumbers and Gas Fitters Examining Board Fund. All receipts collected by the board under this chapter shall be deposited in this fund and used only to carry out this chapter. The fund shall be disbursed only by warrant of the state Comptroller upon the State Treasury upon itemized vouchers approved by the executive director of the board or, in the absence of the executive director, by the deputy director. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, as amended, and only in amounts as stipulated in the general appropriation bill or other appropriation bills. All money remaining at the end of the fiscal year which exceeds 25 percent of the board's budget for the previous year shall be transferred to the 501(c)(3) nonprofit Alabama Home Builders Foundation to be used exclusively for classroom training tools at educational facilities that provide plumbing and gas fitting curriculums to include any program approved or accredited by the State of Alabama, the United States federal government, or the board. If at any time the Alabama Home Builders Foundation should lose its nonprofit status, those funds shall be transferred to the State General Fund.

(b) The executive director and the deputy director of the board shall, before entering upon the duties of their office, make and file with the Secretary of State an official bond in the sum of five thousand dollars (\$5,000), unless covered by the state blanket bond. The appropriate premiums on the bond shall be paid out of the funds of the board, and the bond shall be executed by an approved bonding fidelity or guaranty company qualified to do business in Alabama and acceptable to the Secretary of State.

Section 34-37-6

Certification, registration, and examination.

(a) It shall be unlawful for any person or other legal entity to contract, engage in, offer to engage, or convey the impression that he or she is certified in plumbing, gas fitting, or medical gas piping within this state unless the person has first registered or received a certificate of competency, hereinafter referred to as "certificate," that is in force and effect at the time the plumbing, gas fitting, or medical gas piping is offered, performed, directed, or superintended, except as hereinafter provided.

(b) The board shall register all legal entities engaging in, or offering to engage in, plumbing, gas fitting, or medical gas piping in this state upon forms provided by the board, and upon the applicant first paying all prescribed fees. Disciplinary action for the registered legal entities may be the same as for certified individuals engaged in plumbing, gas fitting, or medical gas piping.

(c) The business name which is registered with the board for each legal entity engaged in plumbing, gas fitting, or medical gas piping shall be displayed in a prominent manner on two sides of each service or construction vehicle. The lettering shall be a minimum of two inches in height.

(d) The board shall register every person who may apply for an apprentice plumber or gas fitter registration certificate upon forms provided by the board, upon the applicant first paying all prescribed fees.

(e) The board shall examine and pass upon the qualification of every person who applies for a journeyman plumber or gas fitter certificate upon forms provided by the board.

(1) An applicant for examination for a journeyman plumber or gas fitter certificate shall submit proof that the applicant has two years of current work experience as an apprentice plumber or gas fitter or has completed an apprentice training program approved by the board.

(2) Applicants for journeyman plumber or gas fitter shall be examined upon, orally or in writing, or otherwise demonstrate, by a board approved method, the fundamentals of plumbing or gas fitting, the theory and practice of plumbing installation and construction or gas fitting work, and the experience and ability of the applicant in practical plumbing installation and construction or gas fitting work.

(3) If the applicant is found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction or gas fitting work, and sufficient experience and ability in plumbing installation and construction or gas fitting work to safely and competently apply that knowledge and practice, the board shall issue a certificate, upon the applicant first paying all prescribed fees.

(4) The examination shall be administered by an independent examining agency.

(f) The board shall examine and pass upon the qualifications of every person who applies for a master plumber or master gas fitter certificate upon forms provided by the board.

(1) Applicants for examination for a master plumber certificate shall submit proof to the board that the applicant has at least one year of current work experience as a journeyman plumber.

(2) Applicants for examination for a master gas fitter certificate shall submit proof to the board that the applicant has at least one year of current work experience as a journeyman gas fitter.

(3) An applicant for a master certificate shall be examined upon knowledge, training, and ability, in the planning, laying out, and supervision of plumbing installation and construction work or gas fitting work, and if found to possess those qualifications, the applicant shall be issued a master plumber or gas fitter certificate by the board upon the applicant first paying all prescribed fees.

(4) The examination shall be administered by an independent examining agency.

(g) No person shall be issued a certificate without passing the prescribed examination. A person who has passed the examination must become certified within 90 calendar days and shall not be required to take the examination thereafter in order to secure a certificate in subsequent years. An individual who passes the examination but fails to become certified within 90 calendar days shall be required to retake the examination. At least four examinations per year shall be conducted, at a time and place prescribed by the board after reasonable notice.

(h) Any master plumber, master gas fitter, journeyman plumber, journeyman gas fitter, apprentice plumber, or apprentice gas fitter performing medical gas piping shall provide proof to the board that he or she has successfully completed a current medical gas piping certification program approved by the board.

(i) In the event the Governor or the Legislature declares a state of emergency, the board may issue an emergency certificate of endorsement for the performance of plumbing work or gas work in the impacted area to any applicant who holds a current out-of-state license that is in good standing. The board may adopt rules to implement this section. Emergency certificates of endorsement shall be valid for the duration of the declared emergency, but in no case more than 60 days.

Section 34-37-7

Reexamination.

Any person who fails to pass an examination may, upon reapplication and payment of the regular examination fee, be reexamined at any subsequent examination given by the board.

Section 34-37-8

Renewals; acceptance and inspection of certificate.

(a) Any person who holds a certificate issued by the board shall be issued statewide certification upon the annual renewal of their existing certificate.

(b) Any certificate issued by the board shall be acceptable by any city, town, or county in the state and any existing local statute or ordinance contrary to this section is repealed, and no other competency certification or examination shall be required of plumbers, gas fitters, or medical gas piping fitters by any local governmental entity.

(c) Any current registration or annual certificate issued to any individual by the board shall be in possession of the individual at any time he or she engages in or proposes to engage as a master, journeyman, or apprentice plumber, gas fitter, or medical gas piping fitter, as the case may be, and upon request he or she shall make the certificate or registration available for inspection and identification by any person or persons for whom he or she engages or proposes to engage as such, and for identification by plumbing, gas, or other authorized enforcement personnel of any governmental entity, board, or agency when requested.

(d) The board, by rule, may adopt continuing education requirements for licensees and may develop and produce courses, approve continuing education courses and providers, and set those fees necessary to administer these requirements.

Section 34-37-9

Fees; reissuance fees; exceptions.

The board shall set the necessary fees to administer the requirements of this chapter and when adopted, such fee schedule shall be in lieu of any fee schedule heretofore prescribed by the board. The board shall not change the fee schedule to be effective in the middle of a calendar year.

The certificates or registrations provided for herein shall be issued by the board upon the payment of the prescribed fees. All annual certificates or registrations shall expire on December 31 of the year in which they are issued. The certificate fees herein prescribed shall be in addition to all privilege or license taxes otherwise levied.

Certificates or registrations renewed after December 31 shall include the late renewal penalty established by the board.

All applicants requesting replacement of lost or stolen certificates shall be required to pay a reissuance fee based on the regular fee schedule.

All individuals serving in the armed forces will not be required to pay any back years for a renewal certificate during the calendar year he or she is released from active military duty.

All other individuals shall pay back years and prescribed penalties as set forth by rules of the board.

Any requests for waiver of back years and penalties shall be reviewed and considered by the board. The board shall vote to approve or disapprove each request.

Section 34-37-10

Temporary certificate.

Repealed by Act 2015-496 effective September 1, 2015.

Section 34-37-11

Reciprocal agreements.

The board may establish reciprocal agreements with any other state licensing or certifying board which recognizes, as a minimum, the standards prescribed by the board, and may allow certified plumbers and gas fitters to receive a certificate in this state without taking examinations if the plumber or gas fitter is currently licensed in the reciprocating state and upon the payment of the prescribed fees.

Section 34-37-12

Revocation of certificates.

(a) The board may revoke or suspend any certificate or registration if obtained through concealment, misstatement, or misrepresentation of any material fact in the application for such certificate. The board may discipline any person as defined in Section 34-37-1 for a violation of any law or ordinance pertaining to the business of the holder and may impose fines, administrative fees, or penalties not to exceed two thousand dollars \$2,000 for each violation. The board may also order restitution. Before a certificate or registration may be suspended or revoked, the holder thereof

shall have notice in writing, enumerating the charges against him or her, and be entitled to a hearing by the board not sooner than five days from receipt of notice. The holder of such certificate or registration shall be given an opportunity to present testimony, oral or written, and right of cross-examination and representation by counsel. All testimony shall be given under oath. The board shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses.

(b) A certificate holder who has either entered into an agreement with the board regarding the resolution of a violation or other disciplinary action, or who has been ordered by the board to comply with the terms of a disciplinary judgment, shall satisfy all terms and conditions of the agreement or order and shall comply with the terms of a disciplinary judgment, including the payment of all fines, fees, restitution, and penalties, before recertification is granted or renewed.

(c) The decision of the board shall be based on the evidence produced at the hearing and made a part of the record thereof. The board may suspend any certificate or registration up to one year or may revoke the certificate or registration. The person whose certificate or registration has been revoked shall not be permitted to apply for a certificate or registration for one year from the date of revocation. No certification or registration shall be suspended or revoked unless the majority of the board members concur. Board procedure shall be the same as defined in the Alabama Administrative Procedure Act, Chapter 22 of Title 41. The board may establish additional procedures as needed, provided that any additional procedures are published and made public and are not in conflict with state law.

Section 34-37-13

Master plumber's and gas fitter's bond.

Repealed by Act 2015-496 effective September 1, 2015.

Section 34-37-14

Wrongful use of certificate; notification of address; inactive status affidavit.

(a) No person who has obtained a certificate or registration shall allow his or her name to be used by another person, either for the purpose of obtaining permits, or doing business or work under his or her certificate or registration; and every person certified or registered shall notify the board of the address of his or her residence and place of business and the name under which such business is carried on, and shall give written notice within 30 days to the board of any change in either.

(b) Before any individual certified by the board engages in the business of master plumber and/or master gas fitter, he or she shall notify the board of the address of the place of business he or she engages in as such and the name under which such business is carried on and shall give written notice within 30 days of any change in either. All information required by this section shall be furnished on a business certification form furnished by the board.

(c) Any current certified or registered individual who does not intend to engage in the business of plumbing or gas fitting, as defined in this chapter, shall complete an inactive status affidavit obtained from the board. Any individual in inactive status must renew annually by remitting the annual inactive renewal fee set in the fee schedule.

(d) Code officials who hold a certification with the board and wish to be inactive shall be exempt from all renewal fees and re-examination requirements.

(e) Any individual in inactive status who wishes to reinstate active status shall complete an active status affidavit obtained from the board and remit all prescribed fees prior to re-engaging in plumbing or gas fitting, or both.

Section 34-37-15

Acts, works, and conduct permitted, without license; applicability of chapter.

(a) The following acts, work, and conduct may be performed by anyone, without registration or certificate, provided, however, that all work and services herein named or referred to shall be subject to an inspection and approval in accordance with the terms of all state laws and applicable municipal ordinances:

(1) Plumbing work performed by anyone who is regularly employed or acting as a maintenance person incidental to and in connection with the business in which he or she is employed and engaged, provided the plumbing work is performed on the premises of the employer, and who does not engage in the occupation of a plumber for the general public.

(2) Plumbing work performed upon the premises or equipment of a railroad or other businesses or industry, by an employee thereof who does not engage in the occupation of a plumber for the general public.

(3) Plumbing or gas fitting work performed, not on private property, with the exception of easements, by persons engaged by or employed by any public utility company in the laying, maintenance, and operation of its service mains or lines and

the installation, alteration, adjustment, repair, removal, and renovation of all types of appurtenances, and equipment provided such work does not alter gas piping on consumer side of meter.

(4) Any person engaged solely in the testing of backflow devices.

(5) Plumbing work performed by a property owner in or about a building owned or occupied by the owner.

(6) Any person may install washing machines to existing piping installation or waste lines, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of the trap.

(b) This chapter does not apply to any plumbing work performed by a property owner in or about a building owned or occupied by him or her, or plumbing work performed by anyone who is regularly employed by the property owner to provide maintenance or other repair services if the work is incidental to and in connection with the property for which he or she is employed and engaged and is done on the premises of the employer.

Section 34-37-16

Restrictions.

(a) No person shall use nor allow their certificate to enable anyone other than the certificate holder and his or her employees directly supervised by the certificate holder to perform plumbing or gas fitting. Local officials may require the certificate holder to be present if any problems develop on the work.

(b) No certificate issued by the board can be sold or transferred. Any certificate which is misused may be revoked by the board.

Section 34-37-17

Violation; penalty.

(a) The board shall have the administrative authority to discipline or require a certificate holder to attend training specific to violations. The board has the authority to levy civil fines or penalties to any registered apprentice, certificate holder, or legal entity registered by the board for a violation of any provision of this chapter regulating plumbers, gas fitters, or medical gas pipe fitters up to two thousand dollars (\$2,000) per violation and actual hearing cost.

(b) In addition to or in lieu of the criminal penalties and administrative sanctions provided in this chapter, the board may issue an order to any person or legal entity engaged in any activity, conduct, or practice constituting a violation of this chapter, directing the person or legal entity to forthwith cease and desist from the activity, conduct, practice, or performance of any work then being performed or about to be commenced.

(c) It shall be unlawful for any person or legal entity to violate any provision of this chapter regulating plumbers, gas fitters, or medical gas piping fitters. Any person convicted of such violation shall be punished as prescribed for a Class A misdemeanor.

Section 34-37-17.1

Records and confidentiality.

(a) The board shall keep a record of its proceedings.

(b) The records of the board shall be evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the executive director of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(c) Board records and papers of the following class are of a confidential nature and not public record: Examination material for examinations not yet given; exam scores; letters of inquiry and reference concerning applicants; board inquiry forms concerning applicants; pending or closed complaints and investigative files which shall remain confidential until an actual formal hearing may commence; and all other materials of like confidential nature.

Section 34-37-18

Repealer.

All laws or parts of laws which conflict with this act are hereby repealed and Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), is hereby specifically repealed.