

Regular Session, 2008

SENATE BILL NO. 654

BY SENATOR NEVERS

PLUMBERS. Creates the Louisiana State Plumbing and HVACR-Mechanical Board.
(1/1/09)

1 AN ACT
2 To amend and reenact R.S. 37:1361(A) and the introductory paragraph of (B) and (B)(3),
3 1367(E), 1369, 1371, 1372, 1373(A), 1376(A), 1378(A)(3), (4), (5), (6), (7), and (8),
4 and 1379, and to enact R.S. 37:1361(B)(4), (5), (6), (7), and (8), 1366(J) and (K),
5 1367(I), (J), (K), and (L), 1368(J), (K), (L), (M), and (N), 1377(D)(10), (I), (J), (K),
6 and (L), and 1380(D), relative to the State Plumbing Board; to provide for the
7 creation and membership of the board; to provide for duties of the board; to provide
8 for journeyman and master HVACR-mechanics; to provide for licensure; to provide
9 temporary permits; to provide for fees; to provide for definitions; to provide for
10 membership of the advisory council; to provide for an effective date; and to provide
11 for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 37:1361(A) and the introductory paragraph of (B) and (B)(3),
14 1367(E), 1369, 1371, 1372, 1373(A), 1376(A), 1378(A)(3), (4), (5), (6), (7), and (8), and
15 1379 are hereby amended and reenacted and R.S. 37:1361(B)(4), (5), (6), (7), and (8),
16 1366(J) and (K), 1367(I), (J), (K), and (L), 1368(J), (K), (L), (M), and (N), 1377(D)(10), (I),
17 (J), (K), and (L), and 1380(D) are hereby enacted to read as follows:

1 (2) Master plumbers by the Louisiana Association of Plumbing, Heating and
2 Cooling Contractors of Louisiana or its successors.

3 (3) ~~Journeyman~~ **Journeyman** plumbers by the Louisiana Pipe Trades
4 Association or its successor.

5 **(4) Master HVACR-mechanics by the Mechanical Contractors**
6 **Association of Louisiana, Inc., with one being the current mechanical**
7 **representative from the Louisiana State Licensing Board for Contractors.**

8 **(5) Master HVACR-mechanics by the Louisiana Chapters of the**
9 **Associated Building Contractors.**

10 **(6) Journeyman HVACR-mechanics by the Louisiana State Pipe Trades**
11 **Association, with one being a person of a minority race.**

12 **(7) HVACR-mechanical inspector by the Louisiana State Uniform**
13 **Construction Code Commission.**

14 **(8) HVACR-mechanical engineer by the Louisiana Council of**
15 **Consulting Engineers.**

16 * * *

17 §1366. Duties of the board

18 * * *

19 **J. The board shall adopt tests of qualifications based upon the current**
20 **edition of the International Code Council International Mechanical Code,**
21 **Louisiana Residential Mechanical Code for One and Two-Family Dwellings,**
22 **and International Code Council Fuel Gas Code to be possessed by persons**
23 **actually engaged by HVACR-mechanical work of any character and require**
24 **that any person engaged in the duties of a journeyman or master HVACR-**
25 **mechanic possess a license granted by the board upon payment of a fee set by**
26 **the board.**

27 **K. The board shall recognize the systems of qualifications or registration**
28 **of HVACR-mechanic apprentices, as administered by joint and non-joint**
29 **apprenticeship committees approved by the state of Louisiana. However, the**

1 **board may accept an affidavit from an individual certifying his work experience**
2 **in the HVACR-mechanical field, and such individual may be certified as a**
3 **journeyman HVACR-mechanic provided he passes the written examination and**
4 **pays the fees established by the board.**

5 §1367. License required, journeyman and master plumber; medical gas piping
6 installer; medical gas and vacuum systems verifier; water supply
7 protection specialist endorsement; **gasfitter endorsement;**
8 **journeyman HVACR-mechanic; master HVACR-mechanic;** local
9 examination preempted

10 * * *

11 E. This Section shall preempt municipal or other local regulatory examination
12 authority over **journeymen or** master plumbers; **and journeyman or master**
13 **HVACR-mechanics,** notwithstanding any contrary provision of any home rule
14 charter. **This Section shall preempt municipal or other local regulatory**
15 **examination authority over gasfitting where a gasfitting endorsement is held by**
16 **any journeyman and/or master plumber or any journeyman and/or master**
17 **HVACR-mechanic licensed by this board.** Municipal or other local regulatory
18 authorities may assess and collect locally adopted **building** fees and charges relative
19 to plumbing, **gasfitter, and HVACR-mechanical** work as defined in R.S. 37:1377
20 performed in their respective jurisdictions, but only to persons licensed under R.S.
21 37:1368.

22 * * *

23 **I. No natural person shall engage in the work of either a journeyman or**
24 **master HVACR-mechanic unless he possesses a license or a renewal thereof**
25 **issued by the board. A journeyman HVACR-mechanic may engage in the art**
26 **of HVACR-mechanic work only when he is under the supervision of a master**
27 **HVACR-mechanic. An apprentice HVACR-mechanic may engage in the art of**
28 **HVACR-mechanical work only when he is under the direct, on-the-job**
29 **supervision of a licensed journeyman HVACR-mechanic in accordance with the**

1 regulations adopted by the Department of Labor.

2 J. No natural person shall engage in the work of a master HVACR-
3 mechanic unless he possesses a master HVACR-mechanic's license or renewal
4 thereof.

5 K. No employing entity shall hold itself out as engaging in the business
6 or art of HVACR-mechanical work unless it employs a master HVACR-
7 mechanic. For purposes of this Section, employment of a master HVACR-
8 mechanic means employment on a regularly paid basis for actual services
9 performed supervising licensed journeyman HVACR-mechanics.

10 L. The board shall adopt by regulation a gasfitter endorsement.

11 §1368. Issuance of journeyman and master plumber's license; medical gas piping
12 and installation license; medical gas and vacuum systems verifier
13 license; water supply protection specialist endorsement; **gasfitting**
14 **endorsement; journeyman HVACR-mechanic's license; master**
15 **HVACR-mechanic's license;** exemption

16 * * *

17 J. The board shall issue a license to any person who qualifies under the
18 board's regulations and who desires to engage in doing the work of a
19 journeyman HVACR-mechanic's examination given by the board and pays the
20 fees established by the board.

21 K. The board shall issue a license to any person who qualifies under the
22 board's regulations and who desires to engage in the work of a master HVACR-
23 mechanic, provided he passes a written master HVACR-mechanic's
24 examination, adopted by the board, and pays the fees established by the board.
25 A person issued a master HVACR-mechanic's license shall designate to the
26 board an employing entity, which may be a corporation, partnership or sole
27 proprietorship. A licensed master HVACR-mechanic shall notify the board of
28 any changes in employment status with an employing entity at any time.

29 L. Any journeyman HVACR-mechanic who was licensed prior to

1 **January 1, 2009 as such by a municipal or other local governmental authority**
2 **or possesses five years of documented board-approved experience in HVACR-**
3 **mechanic work shall be entitled, upon payment of a fee set by the board, to be**
4 **licensed as a journeyman HVACR-mechanic. Any master HVACR-mechanic**
5 **who was licensed prior to January 1, 2009 by the Louisiana State Licensing**
6 **Board for Contractors or a municipal or local governmental authority or**
7 **possesses five years of documented board-approved business experience as such**
8 **shall be entitled, upon payment of a fee set by the board, to be licensed as a**
9 **master HVACR-mechanic. The board shall by regulation adopt standards**
10 **relative to acceptable business experience. This Section shall be effective until**
11 **January 1, 2010.**

12 **M. The board shall adopt regulations establishing a category of inactive**
13 **master HVACR-mechanics who shall be charged a reasonable annual fee**
14 **during his period of inactivity. An inactive master HVACR-mechanic returning**
15 **to work as a master HVACR-mechanic shall pay the fee set by the board and**
16 **designate an employing entity.**

17 **N. The board shall adopt regulations establishing a gasfitter**
18 **endorsement and the qualifications for the same. The fees shall be identical to**
19 **those relating to other endorsements issued by the board.**

20 §1369. Temporary working permits

21 **A.** Temporary working permits to perform work as a journeyman plumber
22 may be issued as required by R.S. 37:1376 and may be issued to a holder of a state
23 license as a journeyman plumber from a state with like examinations, should that
24 state recognize the Louisiana license, or where other bonafide evidence shows that
25 the applicant's past experience would be capable of protecting the public from
26 defective plumbing. Each temporary permit must be signed by both the chairman
27 and secretary of the board. A reasonable fee may be charged for the issuance of
28 temporary permits, as fixed by the board. Temporary permits shall not be issued to
29 master plumbers.

1	examination	\$150.00
2	(c) Initial journeyman plumber and HVACR-mechanic license fee,	
3	payable upon successful completion of examination	\$40.00
4	(d) Journeyman plumber and HVACR-mechanic renewal fee	\$40.00
5	(e) Journeyman plumber and HVACR-mechanic revival fee	\$15.00
6	(f) Journeyman plumber and HVACR-mechanic revival fee paid	
7	after March 31	\$30.00
8	(g) Journeyman plumber and HVACR-mechanic temporary permits	\$75.00
9	(h) Journeyman plumber and HVACR-mechanic administrative charge	
10	for processing application	\$62.50
11	(i) Medical gas and vacuum systems verifier	
12	application fee	\$200.00
13	(j) Medical gas and vacuum systems verifier	
14	renewal fee	\$200.00
15	(k) Medical gas and vacuum systems verifier	
16	revival fee	\$65.00
17	(l) Medical gas and vacuum systems verifier	
18	revival fee paid after March 31	\$130.00
19	(m) N.S.F. check or returned check fee	\$20.00

20 (2) Any other fees adopted by the board in accordance with the
21 Administrative Procedure Act in effect on July 9, 1999 shall remain in effect.

22 §1372. Inspections

23 The board shall at reasonable times and hours inspect **HVACR-mechanical**
24 **work, gasfitting work**, plumbing work, medical gas piping installation, and the
25 work of water supply protection specialists under its jurisdiction to assure
26 compliance with this Chapter. The board may appoint and compensate special
27 enforcement officers for this purpose.

28 §1373. Injunctions

29 A. The board may enjoin any person from engaging in doing the work of a

1 journeyman plumber, master plumber, medical gas piping installer, medical gas and
2 vacuum systems verifier, ~~or~~ water supply protection specialist, gasfitter,
3 journeyman HVACR-mechanic, or master HVACR-mechanic wherever it
4 appears that a person is violating or is conspiring to violate the provisions of this
5 Chapter. The board may also enjoin an employing entity from violating or
6 conspiring to violate the provisions of this Chapter.

7 * * *

8 §1376. Exceptions

9 A. Any journeyman who has not been licensed and does his work in a place
10 not previously under the jurisdiction of the Louisiana State Plumbing and HVACR-
11 Mechanical Board shall, upon payment of the regular examination fee, be issued a
12 permit to continue the art of plumbing, limited to the area in which he has been
13 previously doing plumbing work.

14 * * *

15 §1377. Definitions; exceptions

16 * * *

17 D.

* * *

18 (10) Work performed by a person or firm properly licensed for
19 municipal or public works utility construction by the Louisiana State Licensing
20 Board for Contractors on utility construction on private property or
21 undedicated right of way, but limited to gravity sanitary sewer collection lines
22 six inches or larger, including manholes; sewer force mains four inches or
23 larger; or water lines four inches or larger, including fire hydrants, valves, and
24 fittings. This exemption shall not apply to work performed on gas lines or back
25 flow assemblies located on private property, nor to any service line within five
26 feet of any structure.

27 * * *

28 I. Gasfitter. A "gasfitter" is a natural person who possesses the
29 necessary qualifications and knowledge to plan and lay out fuel as systems; who

1 supervises journeyman plumbers or HVACR-mechanics possessing a gasfitter
2 endorsement issued by the board in the installation, alteration, and/or repair of
3 fuel gas systems; and who is licensed as such by the board.

4 J. Journeyman HVACR-mechanic. A "journeyman HVACR-
5 mechanic" is a natural person who possesses the necessary qualifications and
6 knowledge to perform the installation, maintain and repair of HVACR-
7 mechanical systems, is licensed as such by the board, is supervised by a master
8 HVACR-mechanic; and is an employee of an entity.

9 K. Master HVACR-mechanic. A "master HVACR-mechanic" is a
10 natural person who possesses the necessary qualifications and knowledge to
11 plan and lay out HVACR-mechanical systems; who supervises journeyman
12 HVACR-mechanics in the installation, alteration and/or repair of HVACR-
13 mechanical systems; and who is licensed as such by the board. This term shall
14 also include a person who possessed a Class A HVACR-mechanical license prior
15 to January 1, 2009.

16 L. HVACR-mechanical work. "HVACR-mechanical work" is the work
17 or business of installing, maintaining or repairing heating, ventilating, air-
18 conditioning and/or refrigeration systems and those HVACR-mechanical
19 systems as defined by the Louisiana State Licensing Board for Contractors and
20 for systems in buildings and on premises, including the installation or repairing
21 of pipes, valves, tanks, vessels, pumps, motors, fixtures, and/or any HVACR-
22 mechanical apparatus, equipment, device, or material for comfort or process.
23 For purposes of this Chapter, HVACR-mechanical work shall not include the
24 following:

25 (1) Work performed by a homeowner in his personal residence.

26 (2) Work performed in connection with the construction and
27 maintenance of HVACR-mechanical systems at manufacturing and processing
28 sites.

29 (3) Work performed for a private or municipal utility, including

1 **mechanical** codes not otherwise preempted by this Chapter or related regulations as
2 evidenced by adjudication before local governing authorities.

3 (8) The habitual violation by a master plumber, journeyman plumber,
4 apprentice plumber, medical gas piping installer, medical gas and vacuum systems
5 verifier, or holder of a water supply protection specialist endorsement, **holder of a**
6 **gasfitter endorsement, journeyman HVACR-mechanic or master HVACR-**
7 **mechanic** of the rules and regulations adopted by the board.

8 * * *

9 §1379. Advisory committee

10 There shall be an advisory committee appointed by the Louisiana Pipe Trades
11 Association and the Louisiana Association of Plumbing, Heating and Cooling
12 Contractors, Inc., with each organization appointing ~~five~~ **ten** members to the
13 committee. The committee shall have access to all meetings and records of the board
14 and shall have the privilege of discussing board business at any and all meetings, and
15 advise the board upon the board's activities. They shall receive no pay or expenses
16 and shall not be qualified to vote.

17 §1380. Insurance requirements for master plumbers **and master HVACR-**
18 **mechanics**

19 * * *

20 **D. (1) No master HVACR-mechanic or Class A HVACR-mechanic**
21 **license shall be issued, renewed or revived until the applicant has provided**
22 **proof acceptable to the board that insurance has been issued to the employing**
23 **entity designated in accordance with R.S. 37:1367 by an insurer licensed to do**
24 **business in this state.**

25 **(2) The employing entity shall maintain comprehensive general liability**
26 **and property damage insurance coverage with limits of not less than one**
27 **hundred thousand dollars per occurrence for bodily injury and fifty thousand**
28 **dollars per occurrence for property damage, with coverage extended to**
29 **operations and premises liability, independent contractor's liability,**

1 **contractual liability, and complete operations and product liability.**

2 **(3) An inactive master HVACR-mechanic shall not be subject to this**

3 **Section.**

4 Section 2. This Act shall become effective on January 1, 2009.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Present law provides for the State Plumbing Board.

Proposed law creates the State Plumbing and HVACR-Mechanical Board.

Present law provides for membership of the Plumbing Board as follows:

- (1) One Registered engineer.
- (2) One Plumbing inspector.
- (3) Three master plumbers.
- (4) Three journeyman plumbers.

Present law provides that the board shall be appointed by the governor and that each appointment shall be made from a list of three names.

Proposed law retains present law and adds additional members to the State Plumbing and HVACR-Mechanical Board. The members are as follows:

- (1) Three master HVACR-mechanics.
- (2) Three journeyman HVACR-mechanics.
- (3) One HVACR and/or mechanical inspector
- (4) One registered HVACR or mechanical consultant.

Present law provides for duties of the State Plumbing Board.

Proposed law retains present law and provides for additional duties as follows:

- (1) The board shall adopt tests of qualifications based upon the current edition of the International Code Council International Mechanical Code, Louisiana Residential Mechanical Code for One and Two-Family Dwellings, and International Code Council Fuel Gas Code to be possessed by persons actually engaged by HVACR-mechanical work of any character and require that any person engaged in the duties of a journeyman or master HVACR-mechanic possess a license granted by the board upon payment of a fee set by the board.
- (2) The board shall recognize the systems of qualifications or registration of HVACR-mechanic apprentices, as administered by joint and non-joint apprenticeship committees approved by the state of Louisiana. However, the board may accept an affidavit from an individual certifying his work experience in the HVACR-

mechanical field, and such individual may be certified as a journeyman HVACR-mechanic provided he passes the written examination and pays the fees established by the board.

Present law requires the licensing of certain professions and provides that local exams are preempted by law for such professions.

Proposed law retains present law and adds additional restrictions.

Proposed law provides that no natural person shall engage in the work of either a journeyman or master HVACR-mechanic unless he possesses a license or a renewal thereof issued by the board. A journeyman HVACR-mechanic may engage in the art of HVACR-mechanic work only when he is under the supervision of a master HVACR-mechanic. An apprentice HVACR-mechanic may engage in the art of HVACR-mechanical work only when he is under the direct, on-the-job supervision of a licensed journeyman HVACR-mechanic in accordance with the regulations adopted by the Department of Labor.

Proposed law provides that no natural person shall engage in the work of a master HVACR-mechanic unless he possesses a master HVACR-mechanic's license or renewal thereof.

Proposed law provides that no employing entity shall hold itself out as engaging in the business or art of HVACR-mechanical work unless it employs a master HVACR-mechanic. For purposes of this Section, employment of a master HVACR-mechanic means employment on a regularly paid basis for actual services performed supervising licensed journeyman HVACR-mechanics.

Proposed law provides that the board shall adopt by regulation a gasfitter endorsement.

Present law provides for the licensure or issuance of journeyman and master plumbers, medical gas piping and installers, medical gas and vacuum systems verifiers, and water supply protection specialists.

Proposed law retains present law and provides for a gasfitting endorsement and licensure of journeyman HVACR-mechanics and master HVACR-mechanics.

Proposed law provides for a grandfather provision for journeyman and master HVACR-mechanics until January 1, 2010.

Proposed law provides that the board shall adopt regulations establishing a category of inactive master HVACR-mechanics who shall be charged a reasonable annual fee.

Proposed law provides that the board shall adopt a regulation establishing a gasfitter endorsement and the qualifications necessary to acquire a gasfitter endorsement.

Present law provides for temporary work permits for journeyman plumbers.

Proposed law retains present law and provides that there shall be temporary work permits for journeyman HVACR-mechanics.

Present law provides for plumbers fees.

Proposed law retains present law and provide for HVACR-mechanics fees.

Present law provides for board inspections.

Proposed law retains present law and adds additional inspection duties to the boards' responsibilities.

Present law provides that the board may enjoin any person from engaging in doing the work of a journeyman plumber, master plumber, medical gas piping installer, medical gas and vacuum systems verifier, or water supply protection specialist wherever it appears that a person is violating or is conspiring to violate the provisions of this Chapter.

Proposed law provides that the board may enjoin any person from engaging in doing the work of a journeyman plumber, master plumber, medical gas piping installer, medical gas and vacuum systems verifier, water supply protection specialist, gasfitter, journeyman HVACR-mechanic, or master HVACR-mechanic wherever it appears that a person is violating or is conspiring to violate the provisions of this Chapter.

Present law provides for definitions.

Proposed law retains present law and provides for additional definitions.

Proposed law increases the number of members on the advisory committee from ten to twenty.

Proposed law provides for insurance requirements for master HVACR-mechanics.

Effective January 1, 2009.

(Amends R.S. 37:1361(A) and (B)(intro. para.) and (B)(3), 1367(E), 1369, 1371, 1372, 1373(A), 1376(A), 1378(A)(3), (4), (5), (6), (7), and (8), and 1379; adds R.S. 37:1361(B)(4), (5), (6), (7), and (8), 1366(J) and (K), 1367(I), (J), (K), and (L), 1368(J), (K), (L), (M), and (N), 1377(D)(10), (I), (J), (K), and (L), and 1380(D))