

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 408
Committee Substitute Favorable 5/15/97

Short Title: Plumbing/Heating Contractors/AB.

(Public)

Sponsors:

Referred to:

March 6, 1997

A BILL TO BE ENTITLED

1 AN ACT TO CREATE A FUEL PIPING LICENSE FOR PLUMBING AND HEATING
2 CONTRACTORS, TO AUTHORIZE THE BOARD OF EXAMINERS OF
3 PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO CREATE
4 OTHER RESTRICTED LICENSE CLASSIFICATIONS, AND TO ALLOW THE
5 REVOCATION OR SUSPENSION OF A LICENSE FOR FAILURE TO COMPLY
6 WITH RULES PROMULGATED BY THE BOARD.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 87-21(b) reads as rewritten:

10 "(b) Classes of Licenses; Eligibility and Examination of Applicant; Necessity for
11 License. –

12 (1) In order to protect the public health, comfort and safety, the Board shall
13 establish two classes of licenses: Class I covering all plumbing, heating,
14 and fire sprinkler systems for all structures, and Class II covering
15 plumbing and heating systems in single-family detached residential
16 dwellings.

17 (2) Effective April 15, 1998, the Board shall establish and issue a fuel
18 pipng license for use by persons who do not possess the required Class
19 I or Class II plumbing or heating license, but desire to engage in the

1 contracting or installing of fuel piping extending from an approved fuel
2 source at or near the premises, which piping is used or may be used
3 partly or entirely to supply fuel to plumbing or heating systems or
4 equipment or which, by its installation, may alter or affect the fuel
5 supply to plumbing or heating systems or equipment within the meaning
6 of G.S. 87-21(a).

7 The Board may also establish additional restricted classifications to
8 provide for: (i) the licensing of any person, partnership, firm, or
9 corporation desiring to engage in a specific phase of heating, plumbing,
10 or fire sprinkling contracting; (ii) the licensing of any person,
11 partnership, firm, or corporation desiring to engage in a specific phase
12 of heating, plumbing, or fire sprinkling contracting that is an incidental
13 part of their primary business, which is a lawful business other than
14 heating, plumbing, or fire sprinkling contracting; or (iii) the licensing of
15 persons desiring to engage in contracting and installing fuel piping from
16 an approved fuel source on the premises to a point inside the residence.

17 (3) The Board shall prescribe the standard of competence, experience and
18 efficiency to be required of an applicant for license of each class, and
19 shall give an examination designed to ascertain the technical and
20 practical knowledge of the applicant concerning the analysis of plans
21 and specifications, estimating costs, fundamentals of installation and
22 design, codes, fire hazards, and related subjects as these subjects pertain
23 to plumbing, heating, or fire sprinkler systems. The examination for a
24 fire sprinkler contractor's license shall include such materials as would
25 test the competency of the applicant and which may include the
26 minimum requirements of certification for Level III, subfield of
27 Automatic Sprinkler System Layout, National Institute for Certification
28 of Engineering Technologies (NICET). As a result of the examination,
29 the Board shall issue a certificate of license of the appropriate class in
30 plumbing, heating, or fire sprinkler contracting, and a license shall be
31 obtained, in accordance with the provisions of this Article, before any
32 person, firm or corporation shall engage in, or offer to engage in, the
33 business of plumbing, heating, or fire sprinkler contracting, or any
34 combination thereof. The Board may require experience as a condition
35 of examination, provided that (i) the experience required may not
36 exceed two years, (ii) that up to one-half the experience may be in the
37 form of academic or technical courses of study, and (iii) that registration
38 is not required at the commencement of the period of experience.

39 (4) Conditions of examination set by the Board shall be uniformly applied
40 to each applicant within each license classification. It is the purpose and
41 intent of this section that the Board shall provide an examination for
42 plumbing, heating group number one, or heating group number two, or
43 heating group number three, or each restricted classification, and may

1 provide an examination for fire sprinkler contracting or may accept a
2 current certification of the National Institute for Certification in
3 Engineering Technologies for Fire Protection Engineering Technician,
4 Level III, subfield of Automatic Sprinkler System Layout.

5 (5) The Board is authorized to issue a certificate of license limited to either
6 plumbing or heating group number one, or heating group number two,
7 or heating group number three, or fire sprinkler contracting, or any
8 combination thereof. The Board is also authorized to issue a certificate
9 of license limited to one or more restricted classifications that are
10 established pursuant to this section.

11 (6) Each application for examination shall be accompanied by a check,
12 post-office money order, or cash, in the amount of the annual license fee
13 required by this Article. Regular examinations shall be given in the
14 months of April and October of each year, and additional examinations
15 may be given at such other times as the Board may deem wise and
16 necessary. Any person may demand in writing a special examination,
17 and upon payment by the applicant of the cost of holding such
18 examination and the deposit of the amount of the annual license fee, the
19 Board in its discretion will fix a time and place for such examination.
20 Upon satisfactory proof of the applicant's inability to write and upon
21 demand of an applicant for a Class II plumbing or heating license six
22 weeks prior to an examination, the Board shall conduct the examination
23 of that applicant orally, and shall not require that applicant to take a
24 written examination as to examination inquiries answered other than by
25 preparation of diagrams. Signed statements from two reliable citizens
26 resident in the home county of the applicant shall constitute satisfactory
27 proof of an applicant's inability to write. A person who fails to pass any
28 examination shall not be reexamined until the next regular
29 examination."

30 Section 2. G.S. 87-22 reads as rewritten:

31 **"§ 87-22. License fee based on population; expiration and renewal; penalty.**

32 All persons, firms, or corporations engaged in the business of either plumbing or
33 heating contracting, or both, in cities or towns of 10,000 inhabitants or more shall pay an
34 annual license fee not exceeding seventy-five dollars (\$75.00), and in cities or towns of
35 less than 10,000 inhabitants an annual license fee not exceeding fifty dollars (\$50.00).
36 The annual fee for a piping or restricted classification license shall not exceed that for a
37 plumbing or heating license. All persons, firms, or corporations engaged in the business
38 of fire sprinkler contracting shall pay an initial application fee not to exceed seventy-five
39 dollars (\$75.00) and an annual license fee not to exceed three hundred dollars (\$300.00).
40 In the event the Board refuses to license an applicant, the license fee deposited shall be
41 returned by the Board to the applicant. All licenses shall expire on the last day of
42 December in each year following their issuance or renewal. It shall be the duty of the
43 secretary and treasurer to cause to be mailed to every licensee registered hereunder notice

1 to ~~his~~the licensee's last known address reflected on the records of the Board of the
2 amount of fee required for renewal of license, such notice to be mailed at least one month
3 in advance of the expiration of ~~said~~the license. In the event of failure on the part of any
4 person, firm or corporation to renew the license certificate annually and pay the fee
5 therefor during the month of January in each year, the Board shall increase ~~said~~the
6 license fee ten per centum (10%) for each month or fraction of a month that payment is
7 delayed; provided that the penalty for nonpayment shall not exceed the amount of the
8 annual fee, and provided further that the Board requires reexamination upon failure of a
9 licensee to renew license within three years after expiration. The Board may adopt
10 regulations requiring attendance at programs of continuing education as a condition of
11 license renewal. A licensee employed full time as a local government plumbing, heating,
12 or mechanical inspector and holding qualifications from the Code Officials Qualifications
13 Board may renew ~~his~~the license at a fee not to exceed twenty-five dollars (\$25.00)."

14 Section 3. G.S. 87-23(a) reads as rewritten:

15 "(a) The Board shall have power to revoke or suspend the license of or order the
16 reprimand or probation of any plumbing, heating, or fire sprinkler contractor, or any
17 combination thereof, who is guilty of any fraud or deceit in obtaining or renewing a
18 license, or who fails to comply with any provision or requirement of this Article, or the
19 rules adopted by the Board, or for gross negligence, incompetency, or misconduct, in the
20 practice of or in carrying on the business of a plumbing, heating, or fire sprinkler
21 contractor, or any combination thereof, as defined in this Article. Any person may prefer
22 charges of such fraud, deceit, gross negligence, incompetency, misconduct, or failure to
23 comply with any provision or requirement of this Article, or the rules of the Board,
24 against any plumbing, heating, or fire sprinkler contractor, or any combination thereof,
25 who is licensed under the provisions of this Article. All of ~~such~~the charges shall be in
26 writing and ~~verified by the complainant, and such charges shall be heard and determined~~
27 investigated by the Board. Any proceedings on the charges shall be carried out by the
28 Board in accordance with the provisions of Chapter 150B of the General Statutes."

29 Section 4. This act becomes effective October 1, 1997.