

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 408

Short Title: Plumbing/Heating Contractors/AB.

(Public)

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Sponsors: Representative Ives.

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Referred to: Rules, Calendar and Operations of the House.

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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  
20 contracting or installing of fuel piping extending from an approved fuel

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

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

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

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

1 current certification of the National Institute for Certification in  
2 Engineering Technologies for Fire Protection Engineering Technician,  
3 Level III, subfield of Automatic Sprinkler System Layout.

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

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

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

30 "**§ 87-22. License fee based on population; expiration and renewal; penalty.**

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

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

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

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

28 Section 4. This act is effective when it becomes law.