

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 996

Short Title: Plumbing License Exemption.

(Public)

Sponsors: Senators Warren; and Albertson.

Referred to: Commerce.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO EXEMPT FROM THE PLUMBING LICENSURE REQUIREMENTS
CERTAIN PERSONS PERFORMING ON-SITE ASSEMBLY OF FACTORY
DESIGNED DRAIN SYSTEMS UNDERNEATH MANUFACTURED HOMES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 87-21 reads as rewritten:

**"§ 87-21. Definitions; contractors licensed by Board; examination; posting license,
etc.**

(a) Definitions. – For the purpose of this Article:

(1) The word 'plumbing' is hereby defined to be the system of pipes, fixtures, apparatus and appurtenances, installed upon the premises, or in a building, to supply water thereto and to convey sewage or other waste therefrom.

(2) The phrase 'heating, group number one' shall be deemed and held to be the heating system of a building, which requires the use of high or low pressure steam, vapor or hot water, including all piping, ducts, and mechanical equipment appurtenant thereto, within, adjacent to or connected with a building, for comfort heating.

(3) The phrase 'heating, group number two' means an air conditioning system which consists of an assemblage of interacting components

1 producing conditioned air for comfort cooling by the lowering of
2 temperature, and having a mechanical refrigeration capacity in excess of
3 fifteen tons, and which circulates air.

4 (4) The phrase 'heating, group number three' shall be deemed and held to be
5 a direct heating system of a building which produces heat to raise the
6 temperature of the space within the building for the purpose of comfort
7 in which electric heating elements or products of combustion exchange
8 heat either directly with the building supply air or indirectly through a
9 heat exchanger and using an air distribution system of ducts. A heating
10 system requiring air distribution ducts and supplied by ground water or
11 utilizing a coil supplied by water from a domestic hot water heater not
12 exceeding 150 Fahrenheit requires either plumbing or heating group
13 number one license to extend piping from valved connections in the
14 domestic hot water system to the heating coil and requires either heating
15 group number one or heating group number three license for installation
16 of coil, duct work, controls, drains and related appurtenances.

17 (5) Any person, firm or corporation, who for a valuable consideration, (i)
18 installs, alters or restores, or offers to install, alter or restore, either
19 plumbing, heating group number one, or heating group number two, or
20 heating group number three, or (ii) lays out, fabricates, installs, alters or
21 restores, or offers to lay out, fabricate, install, alter or restore fire
22 sprinklers, or any combination thereof, as defined in this Article, shall
23 be deemed and held to be engaged in the business of plumbing, heating,
24 or fire sprinkler contracting; provided, however, that nothing herein
25 shall be deemed to restrict the practice of qualified registered
26 professional engineers. Any person who installs a plumbing, heating, or
27 fire sprinkler system on property which at the time of installation was
28 intended for sale or to be used primarily for rental is deemed to be
29 engaged in the business of plumbing, heating, or fire sprinkler
30 contracting without regard to receipt of consideration, unless exempted
31 elsewhere in this Article.

32 (6) The word 'contractor' is hereby defined to be a person, firm or
33 corporation engaged in the business of plumbing, heating, or fire
34 sprinkler contracting.

35 (7) The word 'heating' shall be deemed and held to mean heating group
36 number one, heating group number two, heating group number three, or
37 any combination thereof.

38 ~~(8) The obtaining of a license, as required by this Article, shall not of itself~~
39 ~~authorize the practice of another profession or trade for which a State~~
40 ~~qualification license is required.~~

41 (9) The word 'Board' means the State Board of Examiners of Plumbing,
42 Heating, and Fire Sprinkler Contractors.

1 (10) The word 'experience' means actual and practical work directly related
2 to the category of plumbing, heating group number one, heating group
3 number two, heating group number three, or fire sprinkler contracting,
4 and includes related work for which a license is not required.

5 (11) The phrase 'fire sprinkler' means an automatic or manual sprinkler
6 system designed to protect the interior or exterior of a building or
7 structure from fire, and where the primary extinguishing agent is water.
8 These systems include wet pipe and dry pipe systems, preaction
9 systems, water spray systems, foam water sprinkler systems, foam water
10 spray systems, nonfreeze systems, and circulating closed-loop systems.
11 These systems also include the overhead piping, combination
12 standpipes, inside hose connections, thermal systems used in connection
13 with the sprinklers, tanks, and pumps connected to the sprinklers, and
14 controlling valves and devices for actuating an alarm when the system is
15 in operation. This subsection shall not apply to owners of property who
16 are building or improving farm outbuildings. This subsection shall not
17 include water and standpipe systems having no connection with a fire
18 sprinkler system. Nothing herein shall prevent licensed plumbing
19 contractors, utility contractors, or fire sprinkler contractors from
20 installing underground water supplies for fire sprinkler systems.

21 (b) Classes of Licenses; Eligibility and Examination of Applicant; Necessity for
22 License. – In order to protect the public health, comfort and safety, the Board shall
23 establish two classes of licenses: Class I covering all plumbing, heating, and fire sprinkler
24 systems for all structures, and Class II covering plumbing and heating systems in single-
25 family detached residential dwellings. The Board shall prescribe the standard of
26 competence, experience and efficiency to be required of an applicant for license of each
27 class, and shall give an examination designed to ascertain the technical and practical
28 knowledge of the applicant concerning the analysis of plans and specifications,
29 estimating costs, fundamentals of installation and design, codes, fire hazards, and related
30 subjects as these subjects pertain to plumbing, heating, or fire sprinkler systems. The
31 examination for a fire sprinkler contractor's license shall include such materials as would
32 test the competency of the applicant and which may include the minimum requirements
33 of certification for Level III, subfield of Automatic Sprinkler System Layout, National
34 Institute for Certification of Engineering Technologies (NICET).

35 As a result of the examination, the Board shall issue a certificate of license of the
36 appropriate class in plumbing, heating, or fire sprinkler contracting, and a license shall be
37 obtained, in accordance with the provisions of this Article, before any person, firm or
38 corporation shall engage in, or offer to engage in, the business of plumbing, heating, or
39 fire sprinkler contracting, or any combination thereof. The obtaining of a license, as
40 required by this Article, shall not of itself authorize the practice of another profession or
41 trade for which a State qualification license is required. The Board may require
42 experience as a condition of examination, provided that (i) the experience required
43 may not exceed two years, (ii) that up to one-half the experience may be in the form of

1 academic or technical courses of study, and (iii) that registration is not required at the
2 commencement of the period of experience. Conditions of examination set by the Board
3 shall be uniformly applied to each applicant within each license classification. It is the
4 purpose and intent of this section that the Board shall provide an examination for
5 plumbing, heating group number one, or heating group number two, or heating group
6 number three, and may provide an examination for fire sprinkler contracting or may
7 accept a current certification of the National Institute for Certification in Engineering
8 Technologies for Fire Protection Engineering Technician, Level III, subfield of
9 Automatic Sprinkler System Layout. The Board is authorized to issue a certificate of
10 license limited to either plumbing or heating group number one, or heating group number
11 two, or heating group number three, or fire sprinkler contracting, or any combination
12 thereof.

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

28 (c) To Whom Article Applies. – The provisions of this Article shall apply to all
29 persons, firms, or corporations who engage in, or attempt to engage in, the business of
30 plumbing, heating, or fire sprinkler contracting, or any combination thereof as defined in
31 this Article. The provisions of this Article shall not apply to those who make minor
32 repairs or minor replacements to an already installed system of plumbing or heating, but
33 shall apply to those who make repairs, replacements, or modifications to an already
34 installed fire sprinkler system.

35 (c1) Exemption. – The provisions of this Article shall not apply to a person who
36 performs the on-site assembly of a factory designed drain line system for a manufactured
37 home, as defined in G.S. 143-143.9(6), if the person is a licensed manufactured home
38 retailer, a licensed manufactured home set-up contractor, or an employee of either, and
39 the person performs the assembly according to factory instructions. The assembly of the
40 drain system shall be approved by a local building inspector.

41 (d) Repealed by Session Laws 1979, c. 834, s. 7.

42 (d1) Expired.

1 (e) Posting License; License Number on Contracts, etc. – The current license
2 issued in accordance with the provisions of this Article shall be posted in the business
3 location of the licensee, and its number shall appear on all proposals or contracts and
4 requests for permits issued by municipalities. The initial qualified licensee on a license is
5 the permanent possessor of the license number under which that license is issued, except
6 that a licensee, or the licensee's legal agent, personal representative, heirs or assigns, may
7 designate in writing to the Board a qualified licensee to whom the Board shall assign the
8 license number upon the payment of a ten dollar (\$10.00) assignment fee. Upon such
9 assignment, the qualified licensee becomes the permanent possessor of the assigned
10 license number. Notwithstanding the foregoing, the license number may be assigned
11 only to a qualified licensee who has been employed by the initial licensee's plumbing and
12 heating company for at least 10 years or is a lineal relative, sibling, first cousin, nephew,
13 niece, daughter-in-law, son-in-law, brother-in-law, or sister-in-law of the initial licensee.
14 Each successive licensee to whom a license number is assigned under this subsection
15 may assign the license number in the same manner as provided in this subsection.

16 (f) Repealed by Session Laws 1971, c. 768, s. 4.

17 (g) The Board may, in its discretion, grant to plumbing, heating, or fire sprinkler
18 contractors licensed by other states license of the same or equivalent classification
19 without written examination upon receipt of satisfactory proof that the qualifications of
20 such applicants are substantially equivalent to the qualifications of holders of similar
21 licenses in North Carolina and upon payment of the usual license fee.

22 (h) Expired."

23 Section 2. This act is effective when it becomes law.