

CHAPTER 275  
SB 189-FN – FINAL VERSION

03/14/13 0775s  
8May2013... 1464h  
5June2013... 1965h  
06/26/13 2088CofC

2013 SESSION

13-0883  
10/05

SENATE BILL ***189-FN***

AN ACT relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board.

SPONSORS: Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. Cataldo, Dist 6; Sen. Reagan, Dist 17; Rep. Rosenwald, Hills 30; Rep. C. McGuire, Merr 29

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill establishes the mechanical licensing board within the division of fire safety, department of safety, for the regulation of fuel gas fitters, plumbers, and the voluntary certification of heating equipment personnel and water treatment technicians. The bill repeals the state board for the licensing and regulation of plumbers.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           275:1 State Fire Marshal; Duties. Amend RSA 21-P:12, VII to read as follows:

2           VII. Administration, supervision, and enforcement of RSA [~~153:27-37 regulating fuel gas~~  
3 ~~fitters]~~ **153:27-38. *There is hereby established within the department of safety a bureau of***  
4 ***building safety and construction under the supervision of the state fire marshal, which***  
5 ***shall include the mechanical safety staff.***

6           275:2 New Paragraph; Rulemaking. Amend RSA 21-P:14 by inserting after paragraph IX the  
7 following new paragraph:

8           X. The commissioner of safety shall have authority to approve rules prior to adoption by the  
9 mechanical licensing board, as provided in RSA 153:16-b and 153:27-38.

10          275:3 Voluntary Certification; Heating Equipment Personnel. Amend RSA 153:16-b to read as  
11 follows:

12          153:16-b Certification of Heating Equipment Installers and Heating Equipment Service  
13 Personnel; Penalty.

14           I. The [~~state fire marshal]~~ ***mechanical licensing board established in RSA 153:27-a***  
15 ***shall establish a voluntary certification program for certifying the following:***

16               (a) Individuals involved in the installation of residential and non-residential heating  
17 equipment systems, water heating systems, or appliances using heating oil.

18               (b) Individuals involved in the servicing and repair of heating equipment, water heating  
19 systems, or appliances using heating oil.

20           II. The [~~commissioner of the department of safety]~~ ***mechanical licensing board with the***  
21 ***approval of the commissioner*** shall adopt rules, pursuant to RSA 541-A, relative to the  
22 establishment of minimum education and training standards for voluntarily certified heating  
23 equipment installers and heating equipment service personnel.

24           III. The [~~commissioner of the department of safety]~~ ***mechanical licensing board with the***  
25 ***approval of the commissioner*** shall adopt rules, which shall not be subject to RSA 541-A, relative to

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1 the establishment of fees for voluntary certification under this section. After the first year of this  
2 program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct  
3 operating expenses of the previous fiscal year. Fees **collected** shall be deposited in the ~~[fire standards~~  
4 ~~and training and emergency medical services fund, established in RSA 21-P:12 d]~~ **general fund**.

5 IV. Whoever falsely claims to be certified under this section through advertising, signage, or  
6 verbal representation shall be guilty of a violation if a natural person, or guilty of a misdemeanor if  
7 any other person.

8 275:4 Subdivision Heading; Mechanical Licensing. Amend the subdivision heading preceding  
9 RSA 153:27 to read as follows:

10 ~~[Fuel Gas Fitters]~~ **Mechanical Licensing**

11 275:5 Definitions. RSA 153:27 is repealed and reenacted to read as follows:

12 153:27 Definitions. In this subdivision:

13 I. “Board” means the mechanical licensing board established in RSA 153:27-a.

14 II. “Domestic appliance technician” means any person engaged in the installation, servicing,  
15 and repair of liquefied propane or natural gas domestic appliances designed specifically for  
16 residential use, limited to residential clothes dryers and their venting systems, domestic stove tops,  
17 cook stoves and ranges and their venting systems, or outdoor cooking equipment and pool heaters.

18 III. “Fuel gas fitter” means a hearth system installation and service technician, a fuel gas  
19 installation technician, a fuel gas service technician, or a fuel gas piping installer regulated by this  
20 subdivision.

21 IV. “Fuel gas fitting” means the installation, repair, alteration, service, demolition or  
22 removal of pipes, fixtures, fittings, appliances, or apparatus necessary for supplying natural gas or  
23 propane for residential or non-residential use from the point of delivery and all gas piping before  
24 connection to the combustion zone and including the applicable venting of flue gases to the outside  
25 atmosphere and the provisions for air for combustion and ventilation.

26 V. “Fuel gas installation technician” means any person engaged in the installation of inside  
27 and outside piping from the outlet of the gas meter or first stage regulator or residential and non-  
28 residential heating equipment systems or water heating systems using liquefied propane gas or  
29 natural gas.

30 VI. “Fuel gas piping installer” means any person engaged in the installation of liquefied  
31 propane gas or natural gas piping or who is a New Hampshire licensed plumber, approved by the  
32 board through affidavit, experience, education or training in the use of NFPA 54, national fuel gas  
33 code as adopted pursuant to RSA 153:5 in the state fire code.

34 VII. “Fuel gas service technician” means any person engaged in the servicing and repair of  
35 inside and outside piping from the outlet of the gas meter or first stage regulator or residential and

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1 non-residential heating equipment systems or water heating systems using liquefied propane gas or  
2 natural gas.

3 VIII. “Fuel gas trainee” means any person engaged in the process of meeting the licensing  
4 requirements of this subdivision, who shall work under the supervision of a licensed fuel gas fitter in  
5 the repair or installation of inside and outside piping from a gas meter or first stage regulator, and  
6 the repair or installation of residential and nonresidential heating equipment systems, hot water  
7 heating systems, or hearth equipment systems utilizing liquefied propane gas or natural gas.

8 IX. “Hearth system installation and service technician” means any person engaged in the  
9 installation, servicing, and repair of liquefied propane or natural gas hearth appliances and venting  
10 systems.

11 X. “Journeyman plumber” means any person who customarily performs the work of  
12 installing, maintaining, and repairing plumbing and drainage under the direction of a master  
13 plumber.

14 XI. “License” means any license issued pursuant to this subdivision.

15 XII. “Master plumber” means any person, firm, corporation, or limited liability company that,  
16 as a business, hires or employs a person or persons to do plumbing work, or, without hiring any person,  
17 does that work as a principal business or as auxiliary to a principal business for its own account.

18 XIII. “Person” means an individual, natural person.

19 XIV. “Plumbing” means the practice, materials, and fixtures used in the installing,  
20 maintenance, extension, and alteration of all piping, fixtures, plumbing appliances, and plumbing  
21 appurtenances within or adjacent to any structure, in connection with sanitary drainage or storm  
22 drainage facilities; venting systems; and public or private water systems. For the purposes of this  
23 subdivision, the term “plumbing” shall not apply beyond the first fitting beyond the foundation wall  
24 of the building or 5 feet of pipe from the building.

25 XV. “Plumbing apprentice” means any person who is engaged in learning and assisting in  
26 the installation of plumbing and drainage under an apprenticeship program that meets the  
27 requirements of the state apprenticeship advisory council established in RSA 278.

28 XVI. “Water treatment system” means any apparatus for treating or processing water to  
29 modify, enhance, or improve its quality or to meet a specific water quality need, desire, or standard,  
30 and the pipes, fittings, and other components servicing such apparatus.

31 XVII. “Water treatment technician” means any person who installs, maintains, or repairs  
32 water treatment systems.

33 XVIII. “Water treatment trainee” means any person who is engaged in learning about and  
34 assisting in installing, maintaining, or repairing water treatment systems under the direct  
35 supervision of a water treatment technician certified under this subdivision.

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1           275:6 New Section; Mechanical Licensing Board. Amend RSA 153 by inserting after section 27  
2 the following new section:

3           153:27-a Mechanical Licensing Board. There is hereby established as a unit within the division  
4 of fire safety a mechanical licensing board. The term of office for the members appointed to the  
5 board shall be 3 years and until a successor is appointed. The initial appointed members of the  
6 board shall serve staggered terms. Vacancies shall be filled in the same manner and for the  
7 unexpired terms. No member of the board shall be appointed to more than 2 consecutive terms. A  
8 member of the board shall serve as the board secretary.

9           I.(a) No member of the board may be associated with the formal education for licensing,  
10 and/or be provider or an employee of a provider for continuing education for any profession or trade  
11 licensed under this subdivision.

12           (b) A public member of the board shall be a person who is not, and never was, a member  
13 of the fuel gas fitting or plumbing trade or the spouse of any such person, and who does not have,  
14 and never has had, a material financial interest in either the provision of plumbing and/or fuel gas  
15 services or an activity directly related to plumbing and/or fuel gas, including the representation of  
16 the board or trade for a fee at any time during the 5 years preceding appointment.

17           II. The board shall:

18           (a) Adopt rules as provided for in this subdivision.

19           (b) Implement the licensing program under this subdivision.

20           (c) Review and approve educational programs and providers.

21           (d) Conduct hearings for disciplinary actions.

22           (e) Review and recommend adoptions, exceptions, or omissions to technical standards as  
23 adopted under RSA 153:28.

24           (f) Develop and recommend for the legislature future changes to this subdivision.

25           III. The members of the board shall be appointed by the governor and council as follows:

26           (a) Two licensed journeymen or master plumbers, who are actively working in the trade  
27 as plumbers.

28           (b) Two licensed fuel gas fitters, both of whom are actively working in the trade as fuel  
29 gas fitters, and one of whom shall represent the propane fuel industry.

30           (c) One certified heating equipment installer or heating equipment service person under  
31 RSA 153:16-b.

32           (d) One licensed master plumber who is also a licensed fuel gas fitter and a certified  
33 heating equipment installer or servicer, actively working in the trade.

34           (e) One public member who is not, and never was, a member of the plumbing trade or  
35 the spouse of any such person, and who does not have, and never has had, a material financial  
36 interest in either the provision of plumbing services or an activity directly related to plumbing,

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1 including the representation of the board or trade for a fee at any time during the 5 years preceding  
2 appointment.

3 (f) One certified water treatment technician, who shall be a nonvoting member of the  
4 board.

5 IV. The board shall hold at least 8 regular meetings each year, and may hold special  
6 meetings at such times as the business of the board may require. Notice of all meetings shall be  
7 given in such a manner as rules adopted by the board may provide and in accordance with  
8 New Hampshire state law. A quorum of the board shall consist of 4 members.

9 V. The board shall annually elect a chairman and a vice-chairman from among its members.

10 VI. The secretary of the board shall receive at least monthly an accounting from the  
11 department of all moneys derived under the provisions of this subdivision.

12 275:7 Rulemaking Mechanical Licensing Board. RSA 153:28 is repealed and reenacted to read  
13 as follows:

14 153:28 Rulemaking.

15 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the  
16 appointed board members, in consultation with the state fire marshal and with the approval of the  
17 commissioner of safety, shall adopt rules, pursuant to under RSA 541-A, necessary for the proper  
18 implementation of the licensure requirements established in this subdivision, which shall include  
19 the following:

20 (a) Standards regarding requirements for education or its equivalent, field experience or  
21 its equivalent in an approved educational setting, and testing for applicants for initial licensure for  
22 the following specialty licenses:

23 (1) Hearth system installation and service technician.

24 (2) Fuel gas installation technician; provided that the standards adopted in rules  
25 shall require 1,000 hours of field experience, or its equivalent in an approved educational setting,  
26 within a 60-month period relevant to the installation, servicing, and repair of gas appliances or  
27 equipment and that up to 500 hours of relevant field experience installing, servicing, or repairing  
28 heating oil fired appliances or equipment within the 60-month period may be used to meet the  
29 required 1,000 hours.

30 (3) Fuel gas service technician; provided that the standards adopted in rules shall  
31 require 2,000 hours of field experience, or its equivalent in an approved educational setting, within a  
32 60-month period relevant to the installation, servicing, and repair of gas appliances, equipment, or  
33 gas piping and that up to 750 hours of relevant field experience installing, servicing, or repairing  
34 heating oil fired appliances or equipment within the 60-month period may be used to meet the  
35 required 2,000 hours.

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1                   (4) Fuel gas piping installer; provided that the standards adopted in rules shall  
2 require 1,000 hours of field experience, or its equivalent in an approved educational setting, within a  
3 60-month period relevant to the installation of gas piping and that up to 500 hours of relevant field  
4 experience installing, servicing, or repairing heating oil fired appliances or equipment within the 60-  
5 month period may be used to meet the required 1,000 hours.

6                   (5) Fuel gas trainee.

7                   (6) Domestic appliance technician.

8                   (7) Master plumber.

9                   (8) Journeyman plumber.

10                  (9) Apprentice plumber.

11                  (b) Standards for license renewal and continuing education requirements. Continuing  
12 education requirements may be fulfilled in full or in part by training programs approved by the  
13 board. The rules shall address the number of hours of continuing education for each specialty  
14 license, and education applicable to holders of multiple specialty licenses.

15                  (c) The implementation of reciprocity agreements entered into pursuant to paragraph V.

16                  II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the  
17 appointed board members, in consultation with the state fire marshal and with the approval of the  
18 commissioner of safety, shall establish application fees for licensure, for renewal, for late renewal,  
19 and for reinstatement of licenses under this subdivision pursuant to RSA 541-A. Such licensing fees  
20 including any endorsements shall not exceed \$500 per individual. The board shall also adopt fees for  
21 replacement licenses, for certified copies and reports, for inspections done pursuant to this  
22 subdivision, for letters of verification requested by individuals or jurisdictions relating to licensure  
23 and certification, and for transcribing and transferring records and other services. The fee for  
24 examination by third parties shall be separate from the fees established by the board. Fees shall be  
25 sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the  
26 previous fiscal year. Fees collected shall be deposited in the general fund.

27                  III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the  
28 appointed board members, in consultation with the state fire marshal and with the approval of the  
29 commissioner of safety, shall adopt technical standards for fuel gas fitting and plumbing by rule  
30 under RSA 541-A. The board shall use applicable codes as adopted by the state of New Hampshire.

31                  IV. The state fire marshal shall assist and support the board in administering and enforcing  
32 the provisions of this subdivision.

33                  V. The board may enter into reciprocity agreements which shall permit the licensing of fuel  
34 gas fitters and plumbers from states which have a mutual mechanical licensing reciprocity  
35 agreement with this state, for all mechanical licenses listed in paragraph I(a) provided the board

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1 determines that the requirements for licensure in that state are equivalent to, or greater than, those  
2 established by this subdivision.

3 275:8 Fuel Gas Fitter and Plumber Licensing. Amend RSA 153:29 through RSA 153:37 to read  
4 as follows:

5 153:29 Examinations; Licenses.

6 I. ***Notwithstanding RSA 21-G:9***, the ~~[commissioner]~~ ***board, with an affirmative vote of***  
7 ***at least 4 of the appointed board members, in consultation with the state fire marshal and***  
8 ***with the approval of the commissioner of safety***, shall establish, through rulemaking pursuant  
9 to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses ***and***  
10 ***plumbers licenses***. The scope of such examinations and the methods of procedure shall be  
11 prescribed by the ~~[commissioner]~~ ***board***. This may include an outside organization approved by the  
12 ~~[commissioner]~~ ***board***.

13 II. Each license issued by the ~~[commissioner]~~ ***board*** shall identify which of the following  
14 special licenses ~~[applies]~~ ***or license endorsements apply*** to the licensee:

15 (a) Hearth system installation and service technician.

16 (b) ~~[Liquefied propane]~~ ***Fuel gas*** installation technician.

17 (c) ~~[Liquefied propane]~~ ***Fuel gas*** service technician.

18 (d) ~~[Natural gas installation technician]~~.

19 (e) ~~Natural gas service technician~~.

20 (f) ~~[~~ ***Fuel gas*** piping installer.

21 (g) ~~(g)~~ ***(e) Fuel gas*** trainee.

22 ***(f) Domestic appliance technician***.

23 ***(g) Master plumber***.

24 ***(h) Journeyman plumber***.

25 ***(i) Apprentice plumber***.

26 III. No licensee shall engage in any activity not covered by his or her specialty license.

27 IV. The licensee shall have in his or her possession a current biennial license issued by the  
28 ~~[commissioner]~~ ***board***. The license shall be available for inspection on request. The ~~[commissioner]~~  
29 ***board*** shall issue ~~[both a wall license and]~~ a license suitable to be carried by the individual licensee.

30 153:29-a ~~[Fuel Gas Fitter]~~ ***Mechanical*** License; Business Entities.

31 I. The ~~[commissioner]~~ ***board*** may issue a business entity a ~~[gas fitter]~~ license without  
32 examination or continuing education requirements to corporations, partnerships, or limited liability  
33 companies engaged in fuel gas fitting ***and/or plumbing***, provided one or more officers of the  
34 corporation, or designee, or one or more members of the partnership, or designee, or one or more  
35 managing members of the limited liability company, or designee, hold an active and current license  
36 as a ~~[liquefied propane service technician or natural]~~ ***fuel gas service technician or master***



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1 *plumber for the appropriate mechanical business entity license, or any combination*  
2 *thereof, provided that the licensee of record is properly licensed for each of the business*  
3 *entities listed by the applicant* under this subdivision. Within 30 days after the death or  
4 withdrawal of the licensed person as a corporate officer, or designee, or member of the partnership,  
5 or designee, or one or more managing members of the limited liability company, or designee, the  
6 licensed person, corporation, partnership, or limited liability company shall give notice thereof to the  
7 ~~[commissioner]~~ **board** and, if no other officer, partner, manager or designee, is licensed as a  
8 ~~[liquefied propane service technician or natural]~~ **fuel** gas service technician **or master plumber**, the  
9 corporation, or partnership, or limited liability company shall not act as a fuel gas fitter **or plumber**  
10 until some other officer, member, or designee, has obtained a license as a ~~[liquefied propane service~~  
11 ~~technician or natural]~~ **fuel** gas service technician **or master plumber**. Notwithstanding any other  
12 provision of law, the ~~[commissioner]~~ **board** shall not require a fee for a ~~[corporation]~~ **business**  
13 **entity** engaged in fuel gas fitting **and/or plumbing** where a licensed ~~[liquefied propane service~~  
14 ~~technician or natural]~~ **fuel** gas service technician **or master plumber** is the sole ~~[shareholder]~~  
15 **individual holding the license** of the ~~[corporation]~~ **business entity**.

16 II. All licenses issued under this section shall expire every 2 years on the last day of  
17 ~~[December]~~ **January**. The ~~[commissioner]~~ **board** shall renew a valid license issued under this  
18 section on receipt of an application for renewal and the required fee before the expiration date of the  
19 license.

20 III. *Notwithstanding RSA 21-G:9*, the ~~[commissioner]~~ **board**, *with an affirmative vote*  
21 *of at least 4 of the appointed board members, in consultation with the state fire marshal*  
22 *and with the approval of the commissioner of safety*, shall adopt rules, pursuant to RSA 541-A,  
23 relative to the application and renewal procedure and any eligibility requirements in addition to  
24 those in this subdivision for a fuel gas fitter license **or plumber** for business entities issued  
25 pursuant to this section.

26 IV. *The board shall establish a fee structure for mechanical business entities by*  
27 *providing the following:*

28 (a) *Fees not to exceed \$250 for a business entity which employs no less than one*  
29 *additional licensee and not more than 5 employees required to be licensed under this*  
30 *subdivision.*

31 (b) *Fees not to exceed \$400 for a business entity employing not more than 20*  
32 *employees required to be licensed under this subdivision.*

33 (c) *Fees not to exceed \$600 for a business employing 21 or more employees*  
34 *required to be licensed under this subdivision.*

35 (d) *Application, renewal, late renewal and re-instatement fees.*

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1           V. *A licensed business entity may apply for and receive a permit from any*  
2 *municipality within the state.*

3           153:30 Expiration and Renewal.

4           I. Licenses shall be renewed as follows:

5           (a) Except for licenses issued pursuant to RSA 153:29-a, all licenses shall expire every 2  
6 years on the last day of the month of the holders birth. The ~~[commissioner]~~ **board** shall renew a  
7 valid license issued under this subdivision on receipt of an application for renewal and the required  
8 fee before the expiration date of the license.

9           (b) If a person or business entity fails to renew a license prior to expiration, the person  
10 or business entity may have the license reinstated within ~~[90]~~ **365** days of its expiration by paying  
11 the late fee in addition to the renewal fee. A late fee is not required during the first 30 days of  
12 expiration.

13           (c) Except for licenses issued pursuant to RSA 153:29-a, any application received ~~[90]~~  
14 **365** days or more after the expiration of the license shall be rejected unless accompanied by proof of  
15 successful completion of the examination required under RSA 153:29 subsequent to its expiration.

16           (d) Except for applications received pursuant to RSA 153:29-a, applicants for license  
17 renewal shall provide to the ~~[commissioner]~~ **board** evidence of completion of continuing education  
18 within the previous 24-month period.

19           II. Upon the request of a licensed fuel gas fitter *or licensed plumber* who is a member of  
20 any reserve component of the armed forces of the United States or the national guard and is called to  
21 active duty, the ~~[commissioner]~~ **board** shall place the person's license on inactive status. The license  
22 may be reactivated within one year of the licensee's discharge by payment of the renewal fee and  
23 with proof of completion of the most current continuing education requirement unless still within the  
24 renewal period.

25           III. The ~~[commissioner]~~ **board** shall assess a reinstatement fee for any individual or  
26 business entity license upon completion of a suspension or revocation period resulting from  
27 disciplinary action pursuant to RSA 153:32, IV.

28           153:31 Emergencies. The commissioner *of the department of safety* is authorized, at his or  
29 her discretion, to waive the requirements of this subdivision for the purpose of restoring service  
30 during an emergency, *as declared by the commissioner.*

31           153:32 Disciplinary Action.

32           I. The ~~[commissioner]~~ **board** may undertake disciplinary proceedings:

33           (a) Upon ~~[his or her]~~ *its* own initiative; or

34           (b) Upon written complaint of any person which charges that a person licensed by the  
35 ~~[commissioner]~~ **board** has committed misconduct under paragraph II and which specifies the  
36 grounds therefor.

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1           II. Misconduct sufficient to support disciplinary proceedings under this subdivision shall  
2 include:

3           (a) The practice of fraud or deceit in procuring or attempting to procure a license to  
4 practice under this subdivision;

5           (b) Conviction of any criminal offense involving injury to a victim or the risk of such  
6 injury or any criminal offense involving dishonesty;

7           (c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the  
8 practice of, the profession, or such conduct that poses risk to public health, safety, or welfare to  
9 individuals affected by the practices or actions of the licensee;

10           (d) Unfitness or incompetence by reason of negligent habits or other causes; or negligent  
11 or willful acts performed in a manner inconsistent with the health or safety of persons under the  
12 care of the licensee;

13           (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders  
14 him or her unfit to practice under this subdivision;

15           (f) Mental or physical incompetence to practice under this subdivision;

16           (g) Willful or repeated violation of the provisions of this subdivision; or

17           (h) Suspension or revocation of a license, similar to one issued under this subdivision, in  
18 another jurisdiction and not reinstated.

19           III. The ~~[commissioner]~~ **board** may take disciplinary action in any one or more of the  
20 following ways:

21           (a) By reprimand;

22           (b) By suspension, limitation, or restriction of license for a period of up to 5 years after  
23 hearing before the ~~[commissioner or his or her designee]~~ **board** pursuant to RSA 541-A, unless  
24 waived by the licensee;

25           (c) By revocation of license after hearing before the ~~[commissioner or his or her designee]~~  
26 **board** pursuant to RSA 541-A, unless waived by the licensee;

27           (d) By requiring the person to participate in a program of continuing education in the  
28 area or areas in which he or she has been found deficient; or

29           (e) By immediate suspension pursuant to RSA 541-A:30.

30           IV. The ~~[commissioner]~~ **board** shall assess a reinstatement fee for all suspended or revoked  
31 licenses of license holders seeking restoration of the license after the prescribed disciplinary time period.

32           153:33 Appeals **From Board Decisions**. ~~[Any person or business entity affected by a final  
33 decision of the commissioner may appeal such final decision pursuant to RSA 541.]~~

34           ***I.(a) A party to the proceedings shall have the right to file a petition with the  
35 superior court or the department of safety bureau of hearings to request a review of the  
36 final order of the board within 30 days of the date of the final order.***

1           ***(b) For appeals through the bureau of hearings, the bureau of hearings shall***  
2 ***review the record as developed before the board, together with any written legal argument***  
3 ***presented to the bureau at the earliest practical time. Based on that review, the bureau***  
4 ***may affirm or reverse the decision of the board or order that oral argument be held. As***  
5 ***justice may require, the bureau may remand the case to the board for further findings and***  
6 ***rulings. The petition for appeal shall set forth all the grounds upon which the final order***  
7 ***is sought to be overturned. Issues not raised by the appellant before the board shall not be***  
8 ***raised before the bureau of hearings. The burden of proof shall be on the appellant to***  
9 ***show that the decision of the board was unreasonable or unlawful.***

10           ***(c) No new or additional evidence shall be introduced in the bureau of hearings,***  
11 ***but the case shall be determined upon the record and evidence transferred, except that in***  
12 ***any case, if justice requires the review of evidence which by reason of accident, mistake, or***  
13 ***misfortune could not have been offered before the board, the bureau of hearings shall***  
14 ***remand the case to the board to receive and consider such additional evidence.***

15           ***II.(a) A party to the proceeding shall have the right to file a petition in the superior***  
16 ***court of the county in which the licensee resides to review the final order of the board or***  
17 ***the bureau of hearings within 30 days of the date of the final order.***

18           ***(b) At the earliest practical time, the court shall review the record as developed***  
19 ***before the board and/or the bureau of hearings, together with any written legal argument***  
20 ***presented to the court. Based on that review, the court may affirm or reverse the decision***  
21 ***of the board or order that oral argument be held. As justice may require, the court may***  
22 ***remand the case to the board for further findings and rulings. The petition for appeal***  
23 ***shall set forth all the grounds upon which the final order is sought to be overturned.***  
24 ***Issues not raised by the appellant before the board shall not be raised before the superior***  
25 ***court. The burden of proof shall be on the appellant to show that the decision of the board***  
26 ***was unreasonable or unlawful.***

27           ***(c) No new or additional evidence shall be introduced in the superior court, but***  
28 ***the case shall be determined upon the record and evidence transferred, except that in any***  
29 ***case, if justice requires the review of evidence which by reason of accident, mistake, or***  
30 ***misfortune could not have been offered before the board, the superior court shall remand***  
31 ***the case to the board to receive and consider such additional evidence.***

32           153:34 Inspectors.

33           ***I. The [commissioner] state fire marshal with the approval of the board and the***  
34 ***commissioner of safety shall have the authority to appoint such inspectors as are necessary to***  
35 ***insure compliance throughout the state with practices consistent with the public safety and welfare.***

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1 *Any person so employed shall be under the administration and supervisory direction of the*  
2 *state fire marshal.*

3 II. An inspector appointed under this subdivision shall have the authority to enter any  
4 premises in which a fuel gas fitter *or plumber* subject to regulation is performing, or has completed,  
5 work regulated under this subdivision for the purpose of making such inspection as is necessary to  
6 carry out his or her duties under this subdivision. If consent for such inspection is denied or not  
7 reasonably obtainable, the state fire marshal or his or her designee may obtain an administrative  
8 inspection warrant under RSA 595-B.

9 III. An inspector appointed under this subdivision may order the removal or correction of  
10 any violation of this subdivision.

11 IV. Whenever an inspector orders the removal or correction of a violation under paragraph  
12 III, he or she shall immediately notify the local building inspection department or administrative  
13 authority of the town where the violation is located, and further order that all the work in violation  
14 be corrected prior to continuance. The local building authority shall approve the continuation of  
15 work upon being satisfied that violations have been corrected and shall notify the inspector of such  
16 approval.

17 153:35 Local Enforcement. The rules adopted *by the mechanical licensing board* pursuant  
18 to RSA 153:28, may be enforced by the building inspection department or by any officer designated  
19 by the administrative authority of the city or town[; ~~provided, however, that a city or town may~~  
20 ~~adopt and enforce ordinances more stringent than the rules adopted under this subdivision~~].

21 153:36 Exceptions.

22 I. The license requirements of this subdivision shall not apply to anyone who performs fuel  
23 gas fitting within an existing single family, stand alone structure owned and occupied by the person  
24 who performs the fuel gas fitting work, and such structure is used as the individual's primary  
25 residence. Notwithstanding any provision to the contrary, any person who is exempt under this  
26 paragraph shall perform fuel gas fitting work in accordance with applicable technical standards, and  
27 comply with any applicable code, application, and inspection requirements that may apply to the fuel  
28 gas fitting work performed.

29 II. The license requirements of this subdivision shall not apply to persons performing tasks  
30 covered by federal and state regulation of public utilities pursuant to 49 C.F.R. part 192 and rules of  
31 the New Hampshire public utilities commission for gas service.

32 *III. The license requirements of this subdivision shall not apply to any plumbing or*  
33 *fuel gas fitting installations in residential buildings performed by students enrolled in a*  
34 *high school vocational plumbing or fuel gas fitting program approved by the department*  
35 *of education or an approved postsecondary vocational plumbing or fuel gas fitting*  
36 *program, provided such work is performed under the supervision of either a person*

1 *holding a valid license for the trade that he or she is supervising or by a licensed plumber*  
2 *or fuel gas fitter who is a supervisor of students in cooperative education placements from*  
3 *such programs; and in those cases where the installation is in a new building being*  
4 *constructed as a part of the vocational program, that the installation will be inspected and*  
5 *approved by an individual or group of individuals chosen by the local school districts from*  
6 *persons nominated by the mechanical licensing board. Any person nominated by the board*  
7 *shall hold a master plumber's, fuel gas installation technician, fuel gas service technician,*  
8 *or piping installer license issued by the board.*

9 *IV. The license requirements of this subdivision shall not apply to employees of*  
10 *public drinking water systems and public water system operators certified by the*  
11 *department of environmental services for drinking water treatment.*

12 *V. The license requirements of this subdivision shall not apply to any welder who*  
13 *shall hold a current and valid certification for welding as authorized by the American*  
14 *Society of Mechanical Engineers (ASME), who is supervised by a licensed fuel gas fitter or*  
15 *master plumber, for the sole purpose of joining pipe and pipe fittings, through the*  
16 *appropriate certified welding processes, to piping systems, under the direct supervision of*  
17 *the licensed fuel gas fitter or master plumber.*

18 *VI. The license requirements of this subdivision shall not apply to any member of*  
19 *the New Hampshire National Guard while in a unit training assembly status and enrolled*  
20 *in a plumbing program as part of their military training. Such training shall only be*  
21 *provided under the supervision of an instructor who holds a current plumber's license*  
22 *under this subdivision.*

23 *VII. The plumbing license requirements of this subdivision shall not apply to any*  
24 *person or business entity that performs plumbing in connection with the installation of any*  
25 *heating, cooling, air conditioning or domestic water heating systems, whether solar, oil,*  
26 *gas, or electric, or the installation and servicing of water treatment systems or swimming*  
27 *pools. Any person or business entity that is exempt under this paragraph shall perform*  
28 *plumbing in accordance with applicable technical standards, and comply with any code,*  
29 *application, and inspection requirements that apply to the plumbing performed.*

30 *VIII. The license requirements of this subdivision shall not apply to the following*  
31 *persons while performing plumbing work under the circumstances specifically described;*  
32 *provided, however, that plumbing installed or maintained by such persons under such*  
33 *circumstances shall conform to the state plumbing code:*

34 *(a) To regular employees of public utilities, as defined in RSA 362:2, when*  
35 *working as such.*

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1           ***(b) To a person, firm, corporation, or limited liability company who regularly***  
2 ***employs a person whose duties include installation and maintenance of plumbing on the***  
3 ***property of that person, firm, corporation, or limited liability company, when such***  
4 ***employee is actually so engaged.***

5           ***(c) To a property owner or the property owner's agent who installs, repairs, or***  
6 ***replaces plumbing in the property owner's own single-family detached or townhouse***  
7 ***residence, including new construction, or any property owner or property owner's agent***  
8 ***who makes minor installations, repairs, or replacements to the owner's property.***

9           153:37 Penalties.

10           I. Any person or business entity who performs fuel gas fitting ***or plumbing*** without first  
11 having obtained a license, shall be guilty of a misdemeanor.

12           II. Any person or business entity who violates any rule adopted under RSA 153:28 or  
13 whoever violates any ordinance or bylaw enacted pursuant to the provisions of RSA 153:35 shall be  
14 guilty of a misdemeanor.

15           III. Any person or business entity which procures any license based upon inaccurate  
16 information contained on an application, or procures any license by fraud, shall be guilty of a  
17 misdemeanor.

18           IV. Any person who performs fuel gas fitting ***or plumbing*** without first having obtained a  
19 license, or who violates any rule adopted pursuant to this subdivision, and such performance of fuel  
20 gas fitting ***or plumbing*** results in serious bodily injury or death, shall be guilty of a felony.

21           IV-a. Any person or business entity employing a person to perform fuel gas fitting ***or***  
22 ***plumbing*** when the employed person is not in training and does not have a current valid fuel gas  
23 fitting ***or plumbing*** license issued pursuant to this subdivision or rules adopted pursuant to this  
24 subdivision, shall be guilty of a misdemeanor.

25           ~~[V. The penalties in this subdivision shall not apply until after one calendar year following~~  
26 ~~the effective date of rules first adopted under this subdivision.]~~

27           275:9 New Section; Voluntary Certification of Water Treatment Technicians. Amend RSA 153  
28 by inserting after section 37 the following new section:

29           153:38 Voluntary Certification of Water Treatment Technicians; Examinations.

30           I. Any person who has acted as a water treatment trainee for a period of not less than one  
31 year shall, upon payment of the fees established by the board, be entitled to examination and, upon  
32 achieving the passing score on the examination, be certified as a water treatment technician. A  
33 certificate issued under this section shall be carried on the person and displayed at any time upon  
34 request. Any person failing to achieve the passing score on the examination may be examined as  
35 often as he or she may desire.

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1           II. The title “certified water treatment technician” shall be used only by persons and  
2 business entities certified under this section. No person shall continue to represent himself or  
3 herself and no business entity shall continue to represent itself as a certified water treatment  
4 technician after certification has been revoked or nonrenewed under this section.

5           III. The board may issue, upon payment of the required fees, certification without  
6 examination to a corporation, partnership, limited liability company, or other business entity that  
7 installs, maintains, or repairs water treatment systems, provided the entity designates one employee  
8 certified under this chapter who is responsible for the entity’s compliance with this subdivision and  
9 the rules adopted by the board. Within 30 days after termination of employment of such employee  
10 by such entity, he or she shall give notice thereof to the board and, if no other employee is certified  
11 under this section, the entity shall not represent itself as employing certified water treatment  
12 technicians until some other employee has obtained certification. The board shall not require an  
13 additional fee for an entity that installs, maintains, or repairs water treatment systems where the  
14 person certified under this section is the sole owner of the entity.

15           IV. The board may issue certification without examination to those water treatment  
16 technicians who provide adequate documentation of having operated in the capacity of a water  
17 treatment technician for a period of at least one year prior to January 1, 2004 and who pay the  
18 required fees.

19           V. The board, with the approval of the commissioner, shall adopt rules pursuant to RSA 541-  
20 A to implement the certification requirements established in this section, including the application  
21 procedure and any eligibility requirements in addition to those in this section for certification as a  
22 certified water treatment technician or water treatment trainee, the renewal of certification and  
23 reinstatement of certification, and to establish the fees for certification of water treatment  
24 technicians and water treatment trainees.

25           275:10 Reference To Plumbers Board; State Building Code Review Board. Amend RSA 155-  
26 A:10, I(1) to read as follows:

27                   (l) One master plumber licensed in this state for a minimum of 5 years, nominated by  
28 the [~~state board for the licensing and regulation of plumbers established in RSA 329-A~~] ***mechanical***  
29 ***licensing board established in RSA 153:27-a.***

30           275:11 Appeals of Decisions Removed; State Building Code Review Board. Amend RSA 155-  
31 A:11-a to read as follows:

32           155-A:11-a Appeal of Decisions of the Electricians’ Board and the [State] Board [~~for the~~  
33 ~~Licensing and Regulation of Plumbers~~] ***of Home Inspectors.***

34           I. The board shall hear appeals of final decisions of the board established under RSA 319-  
35 C:4[~~, the board established under RSA 329-A:3,~~] and the board established under RSA 310-A:186.



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1           II. The board shall hold a hearing within 40 days of the receipt of an appeal, unless an  
2 extension of time has been granted by the board at the written request of one of the parties and shall  
3 render a decision within 30 days of the conclusion of the hearing.

4           275:12 General Administration; Reference to Appeals Removed. Amend RSA 332-G:5 to read as  
5 follows:

6           332-G:5 Certain Appeals. Notwithstanding any other provision of law to the contrary, any  
7 person affected by the final decision of the electricians' board, established under RSA 319-C:4~~[or the~~  
8 ~~state board for the licensing and regulation of plumbers, established under RSA 329 A:3,]~~ may  
9 appeal such final decision to the state building code review board established under RSA 155-A:10.

10          275:13 Water Well Board; Reference to Plumbers. Amend RSA 482-B:7 to read as follows:

11          482-B:7 Plumbers Exempted. This chapter shall not restrict a plumber from engaging in the  
12 trade for which the plumber has been licensed if such plumber holds a pump installer's license. No  
13 examination shall be required for a person who is a plumber licensed ~~[under RSA 329 A]~~ **under**  
14 **RSA 153:27-a** and holds a valid pump installer's license on the effective date of this section.

15          275:14 Application of Act; Transition; Licensure; Rules.

16           I. Plumbers licensed by the board established in RSA 329-A, prior to repeal by this act, shall  
17 continue to be validly licensed until expiration, suspension, or revocation of the license by the  
18 mechanical licensing board according to RSA 153:27-37 as amended by this act.

19           II. Rules of the plumbers board adopted under the provisions of RSA 329-A shall continue to  
20 be effective until amended, replaced, superseded, or repealed by the mechanical licensing board  
21 pursuant to RSA 153:28.

22           III. Water treatment technicians certified by the plumbers board prior to the repeal of the  
23 plumbers board by this act shall continue to be validly certified until expiration, suspension, or  
24 revocation of the certification by the mechanical licensing board according to RSA 153:38 as inserted  
25 by this act.

26           IV. Gas fitters licensed by the department of safety under RSA 153:27-37 prior to the  
27 effective date of this act shall continue to be validly licensed until expiration, suspension, or  
28 revocation of the license by the mechanical licensing board according to RSA 153:27-37 as amended  
29 by this act.

30           V. Rules adopted by the department of safety under the provisions of RSA 153:28 prior to  
31 the effective date of this act shall continue to be effective until amended, replaced, superseded, or  
32 repealed by the mechanical licensing board pursuant to RSA 153:28.

33           VI. Individuals involved in the installation of residential and non-residential heating  
34 equipment systems, water heating systems, or appliances using heating oil and individuals involved  
35 in the servicing and repair of heating equipment, water heating systems, or appliances using heating  
36 oil, certified by the department of safety under RSA 153:16-b prior to the effective date of this act,

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1 shall continue to be validly certified until the expiration, suspension, or revocation of the  
2 certification by the mechanical licensing board under RSA 153:16-b as amended by this act.

3           VII. Rules adopted by the department of safety for the voluntary certification program under  
4 RSA 153:16-b prior to the effective date of this act shall continue to be effective until amended,  
5 replaced, superseded, or repealed by the mechanical licensing board pursuant to RSA 153:16-b as  
6 amended by this act.

7           275:15 Repeals. The following are repealed:

8           I. RSA 329-A, relative to the regulation of plumbers by the plumbers board.

9           II. RSA 6:12, I(b)(202) relative to designation of moneys deposited in the plumbers board  
10 account.

11           III. RSA 21-P:14, II(ee), relative to rulemaking authority of the commissioner of safety on  
12 licensing fuel gas fitters.

13           IV. RSA 153:16-c, II, relative to the duties of the heating system certification advisory  
14 committee.

15           275:16 Effective Date. This act shall take effect July 1, 2013.

16  
17 Approved: July 24, 2013

18 Effective Date: July 1, 2013