

TITLE XXX

OCCUPATIONS AND PROFESSIONS

CHAPTER 329-A

PLUMBERS AND PLUMBING

Section 329-A:1

329-A:1 Purpose. – The purpose of this chapter is to protect and improve the general health and welfare of the people of the state of New Hampshire in the field of environmental sanitation by authorizing rules and regulations for licensing qualified plumbers.

Source. 1977, 562:1, eff. July 1, 1977.

Section 329-A:2

329-A:2 Definitions. – The following terms, as used in this chapter, shall have the following meanings:

I. "Master plumber" means any person, firm, corporation, or limited liability company that, as a business, hires or employs a person or persons to do plumbing work, or, without hiring any person, does that work as a principal business or as auxiliary to a principal business for his or its own account.

II. "Journeyman plumber" means any person who customarily performs the work of installing plumbing and drainage under the direction of a master plumber.

III. "Apprentice" means any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program that meets the requirements of the state apprenticeship council established in RSA 278.

IV. "Plumbing" means the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wastes. For the purposes of this chapter, however, the term "plumbing" shall not apply beyond the foundation wall of the building or one length of pipe from the building.

V. "Board" means the state board, established by RSA 329-A:3, for the licensing and regulation of plumbers.

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

VII. "Water treatment technician" means any person who installs, maintains, or repairs water treatment systems.

VIII. "Water treatment trainee" means any person who is engaged in learning about and assisting in installing, maintaining, or repairing water treatment systems under the direct supervision of a water treatment technician certified under this chapter.

IX. "Agent" means a person who is designated as an agent in writing by the property

owner of record and who does plumbing for that property owner of record without compensation.

X. "State plumbing code" means the state plumbing code described in RSA 329-A:15.

Source. 1977, 562:1. 2003, 272:1, eff. Jan. 1, 2004. 2006, 319:1-3, eff. July 1, 2006.

Section 329-A:3

329-A:3 Board. –

I. There shall be a state board for the licensing and regulation of plumbers consisting of 5 members: 3 licensed plumbers, one of whom may be a journeyman plumber, and 2 public members, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. A member of the board shall serve as the board secretary.

II. A public member of the board shall be a person who is not, and never was, a member of the plumbing trade or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of plumbing services or an activity directly related to plumbing, including the representation of the board or trade for a fee at any time during the 5 years preceding appointment.

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of environmental services.

Source. 1977, 562:1. 1981, 488:3. 1985, 199:1; 286:3. 1986, 202:15. 1996, 228:108, eff. July 1, 1996. 2006, 319:4, eff. July 1, 2006.

Section 329-A:4

329-A:4 Compensation and Expenses. – Members of the board shall each be allowed the sum of \$30 per day and their necessary traveling expenses incurred in carrying out their official duties.

Source. 1977, 562:1. 1987, 135:3, eff. May 7, 1987.

Section 329-A:5

329-A:5 Organization and Meetings. – The board shall hold at least 4 regular meetings each year, and special meetings may be held at such times as the business of the board may require. Notice of all meetings shall be given in such manner as the rules of the board may provide. The board shall annually elect a chairman and a vice-chairman from among its members. A quorum of the board shall consist of not less than 3 members, at least one of whom shall be a public member.

Source. 1977, 562:1. 1981, 488:4, eff. July 1, 1981.

Section 329-A:5-a

329-A:5-a Fees. – The board shall establish fees for licensure, renewal of licensure, and late renewal of licensure to practice under this chapter, for certification, renewal of certification, and late renewal of certification under this chapter, for initial apprentice identification cards and renewal of apprentice identification cards, for inspections done pursuant to RSA 329-A:17, for copies of the state plumbing code, for letters of verification requested by other jurisdictions relating to licensure and certification, for any courses, workshops, and seminars offered by the board, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. The fee for the annual renewal of certification issued to persons certified as water treatment technicians shall not be more than the fee for the annual renewal of licenses issued to journeyman plumbers.

Source. 1981, 488:5. 2003, 272:2, eff. Jan. 1, 2004. 2006, 319:5, eff. July 1, 2006.

Section 329-A:6

329-A:6 Receipts and Disbursements. – The secretary of the board shall receive and account at least monthly for all moneys derived under the provisions of this chapter, and shall pay the same to the state treasurer. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures from this fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this chapter. Under no circumstances shall the total amount of payments made hereunder exceed the amount of the fees collected hereunder. Any balance in said account shall lapse at the end of each fiscal year.

Source. 1977, 562:1. 1981, 488:12, eff. July 1, 1981.

Section 329-A:7

329-A:7 Examinations; Licenses and Certificates. – The board shall establish through rulemaking, pursuant to RSA 541-A, the nature of proctored examinations required for issuance of master plumber licenses, journeyman plumber licenses, and certifications as a water treatment technician, respectively. The scope of such examinations and the methods of procedure shall be prescribed by the board, provided that the scope of examination of water treatment technicians shall be limited to the configuration and installation of water treatment systems and the provisions of this chapter and the rules adopted by the board that relate to water treatment systems.

Source. 1977, 562:1. 2003, 272:3, eff. Jan. 1, 2004. 2006, 319:6, eff. July 1, 2006.

Section 329-A:8

329-A:8 Licenses; Master Plumbers. – Any person who, having held a journeyman plumber's license for at least 6 months, shall, upon the payment of the fees established by

the board, be entitled to an examination and, if found qualified by a majority of the board members, be licensed as a master plumber. A license issued under this section shall be publicly displayed at the licensee's principal place of business for as long as such business continues. Any person refused a license may be reexamined as often as such person may desire.

Source. 1977, 562:1. 1981, 488:6. 2003, 272:4, eff. Jan. 1, 2004. 2006, 319:7, eff. July 1, 2006.

Section 329-A:9

329-A:9 Licenses; Journeyman Plumbers. – Any person who, having successfully completed his or her apprenticeship in plumbing, has received an official completion certificate from the organization conducting the program shall, upon payment of the fees established by the board, be entitled to examination and, if found qualified by a majority of the board members, be licensed as a journeyman plumber. A license issued under this section shall be carried on the person licensed and displayed at any time upon request. Any journeyman plumber refused a license may be reexamined as often as he or she may desire.

Source. 1977, 562:1. 1981, 488:7. 2003, 272:5, eff. Jan. 1, 2004. 2006, 319:8, eff. July 1, 2006.

Section 329-A:9-a

329-A:9-a Certification of Water Treatment Technicians; Examinations. –

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

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

III. The board may issue, upon payment of the required fees, certification without examination to a corporation, partnership, limited liability company, or other business entity that installs, maintains, or repairs water treatment systems, provided the entity designates one employee certified under this chapter who is responsible for the entity's compliance with this chapter and the rules adopted by the board. Within 30 days after termination of employment of such employee by such entity, he or she shall give notice thereof to the board and, if no other employee is certified under this chapter, the entity shall not represent itself as employing certified water treatment technicians until some other employee has obtained certification. Notwithstanding any other provision of this

chapter, the board shall not require an additional fee for an entity that installs, maintains, or repairs water treatment systems where the person certified under this chapter is the sole owner of the entity.

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

Source. 2003, 272:6, eff. Jan. 1, 2004. 2006, 319:9, eff. July 1, 2006.

Section 329-A:9-b

329-A:9-b Apprentice Plumbers. – Apprentice plumbers shall obtain an identification card from the board and be subject to fees for such identification card and for renewed identification cards as adopted by the board pursuant to RSA 541-A. Apprentice identification cards shall expire each year on the last day of the month of the apprentice's birth. The board shall renew the identification cards of apprentice plumbers if they continue to be engaged in the learning and assisting in the installation of plumbing and drainage under an apprenticeship program that meets the requirements of the state apprenticeship council.

Source. 2006, 319:10, eff. July 1, 2006.

Section 329-A:10

329-A:10 Licenses Without Examination. – The board may issue, upon payment of the required fee, appropriate licenses without examination to a corporation, partnership, or limited liability company engaged in the business of plumbing, provided one or more officers of the corporation, one or more members of the partnership, or one or more managing members of the limited liability company, holds a master plumber's license under this chapter. Within 30 days after the death or withdrawal of the licensed person as a corporate officer or member of the partnership, he, she, or it shall give notice thereof to the board and, if no other officer or partner is a licensed master plumber, the corporation or partnership shall not act as a master plumber until some other officer or member has obtained a license. Notwithstanding any other provision, the board shall not require a fee for a corporation engaged in plumbing where a licensed master plumber is the sole shareholder of the corporation.

Source. 1977, 562:1. 1981, 488:8, 13. 1998, 132:1, eff. Aug. 1, 1998. 2006, 319:11, eff. July 1, 2006.

Section 329-A:11

329-A:11 Expiration and Renewal. –

I. Licenses and certificates issued by the board shall expire each year on the last day of the month of the holder's birth.

II. Licenses issued to corporations, partnerships, and limited liability companies shall expire on the last day of January of each year.

III. The board shall renew the licenses and certificates of eligible applicants upon the payment of the required fee and documentation of having met continuing education requirements and any other eligibility requirements established by the board pursuant to RSA 541-A.

IV. The board is authorized to offer continuing education courses, workshops, and seminars.

Source. 1977, 562:1. 1981, 488:9. 2003, 272:7, eff. Jan. 1, 2004. 2006, 319:12, eff. July 1, 2006.

Section 329-A:12

329-A:12 Disciplinary Action. –

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person licensed or certified by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license or certificate to practice under this chapter;

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

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession;

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

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

(f) Mental or physical incompetency to practice under this chapter;

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

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

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand;

(b) By suspension, limitation or restriction of license or certification for a period of up to 5 years;

(c) By revocation of license or certification; or

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

Source. 1977, 562:1. 1981, 488:10. 2003, 272:8, eff. Jan. 1, 2004. 2006, 319:13, 14, eff. July 1, 2006.

Section 329-A:12-a

329-A:12-a Appeals. – Any person affected by a final decision of the board may appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a.

Source. 2004, 257:57, eff. June 15, 2004.

Section 329-A:13

329-A:13 Exceptions. – The provisions of this chapter shall not apply to the following persons while performing plumbing work under the circumstances specifically described hereinafter; provided, however, that plumbing installed or maintained by such persons under such circumstances shall conform to the state plumbing code.

I. To regular employees of public utilities, as defined in RSA 362: 2, when working as such.

II. To a person, firm, corporation, or limited liability company who regularly employs a person whose duties include installation and maintenance of plumbing on the property of that person, firm, corporation, or limited liability company, when such employee is actually so engaged.

III. To a property owner or the property owner's agent who installs, repairs, or replaces plumbing in the property owner's own single-family detached or townhouse residence, including new construction, or any property owner or property owner's agent who makes minor installations, repairs, or replacements to the owner's property.

IV. To persons engaged in the installation of any heating, cooling, air conditioning or domestic water heating systems, whether solar, oil, gas, or electric, and persons engaged in the installation and servicing of water treatment systems or swimming pools.

V. To any plumbing installations in residential buildings performed by students enrolled in a high school vocational plumbing program approved by the department of education or an approved postsecondary vocational plumbing program, provided such work is performed under the supervision of either a teacher holding a plumber's license or by a licensed plumber who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the state board for the licensing and regulation of plumbers. Any person nominated by the state board shall hold a master's license issued by the board.

VI. To employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment.

Source. 1977, 562:1. 1979, 434:84. 1986, 199:2. 2003, 272:9, 11, eff. Jan. 1, 2004. 2006, 319:15, eff. July 1, 2006.

Section 329-A:14

329-A:14 Rulemaking Authority. – The board shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The design and content of all forms and applications required under this chapter.
- II. The application procedure and any eligibility requirements in addition to those in this chapter for a license to practice plumbing under this chapter and for license renewal and license reinstatement.
- III. The application procedure and any eligibility requirements in addition to those in this chapter for certification as a certified water treatment technician and for renewal of certification and reinstatement of certification.
- IV. The establishment of all fees required under this chapter.
- V. Ethical and professional standards required to be met by each holder of a license or certification to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards.
- VI. How plumbing apprentices are to apply for and receive their initial and renewal identification cards.
- VII. Standards for continuing education.
- VIII. Matters related to the proper administration of this chapter.
- IX. Procedures for the conduct of hearings consistent with the requirements of due process.

Source. 1977, 562:1. 1981, 488:11. 2003, 272:12, eff. Jan. 1, 2004. 2006, 319:16, eff. July 1, 2006.

Section 329-A:14-a

329-A:14-a Inspectors. – [Repealed 1985, 286:4, I, eff. Aug. 10, 1985.]

Section 329-A:15

329-A:15 State Plumbing Code. – The state plumbing code shall be that portion of the New Hampshire state building code, as defined in RSA 155-A, that pertains to plumbing.

Source. 1977, 562:1. 1985, 286:1. 2002, 8:8, eff. Sept. 14, 2002. 2006, 319:17, eff. July 1, 2006.

Section 329-A:16

329-A:16 Enforcement. –

- I. The state plumbing code shall be enforced by the building inspection department or by any officer designated by the administrative authority of the city or town; provided, however, that a city or town may adopt and enforce rules more stringent than the state plumbing code. In the absence of a building inspection department or officer designated to enforce the state plumbing code, the board shall have the authority to enforce the state

plumbing code.

II. The board shall refer all allegations of violations specified in RSA 329-A:18 to the New Hampshire attorney general and to the county attorney in the appropriate county. The county attorney shall investigate such allegations and take appropriate action if the attorney general does not do so.

Source. 1977, 562:1. 1985, 286:1, eff. Aug. 10, 1985. 2006, 319:18, eff. July 1, 2006.

Section 329-A:17

329-A:17 Inspectors. –

I. The board shall have the authority to appoint such inspectors as are necessary to insure compliance throughout the state with plumbing practices consistent with the public safety and welfare.

II. An inspector appointed under this section shall have the authority to enter any premises in which a plumbing installation subject to regulation under this chapter is being installed, replaced or repaired for the purpose of making such inspection as is necessary to carry out his duties under this section.

III. Any inspector may order the removal or correction of any violation of this chapter, and may order any public utility furnishing water to such installation to discontinue such service until the violations are corrected.

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

Source. 1985, 286:1, eff. Aug. 10, 1985. 2006, 319:19, eff. July 1, 2006.

Section 329-A:18

329-A:18 Penalties. –

I. Any business entity or person who procures a plumbing license or water treatment certificate wrongfully or by fraud is guilty of a misdemeanor.

II. Any business entity which performs plumbing without a currently valid plumbing license, and any person who is not an apprentice and performs plumbing without a currently valid license, is guilty of a misdemeanor, unless the business entity or person has a license which has been expired for no more than 12 months, in which case such business entity or person is guilty of a violation.

III. Any business entity or person employing a person to perform plumbing when the employed person is not an apprentice and does not have a currently valid plumbing license is guilty of a misdemeanor, unless the employed person has a license which has been expired for no more than 12 months, in which case the employing business entity or person is guilty of a violation.

IV. Any business entity not certified as a water treatment technician which represents

itself as so certified, and any person not certified as a water treatment technician who represents himself or herself as so certified, is guilty of a misdemeanor.

Source. 1985, 286:1. 2003, 272:10, eff. Jan. 1, 2004. 2006, 319:20, eff. July 1, 2006.