



TITLE 24

Professions and Occupations

CHAPTER 18. BOARD OF PLUMBING, HEATING, VENTILATION, AIR CONDITIONING, AND REFRIGERATION EXAMINERS

Subchapter I. Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners

§ 1801. Objectives.

The primary objective of the Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners, to which all other objectives are secondary, is to protect the general public, specifically those persons who are direct recipients of services regulated by this chapter, from unsafe practices and from occupational practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of practitioner competency and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against practitioners regulated by the Board; shall adjudicate at formal complaint hearings; shall promulgate rules and regulations; and shall impose sanctions, where necessary, against licensees. (71 Del. Laws, c. 185, § 1; 75 Del. Laws, c. 296, § 1.)

§ 1802. Definitions.

The following words, terms, and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Board" means the State Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners.

(2) "Commercial hood system" means a system or ventilation for an exhaust in commercial establishments.

(3) "Cooling system" means a system in which heat is removed from air, surrounding surfaces, or both. A cooling system includes an air conditioning system.

(4) "Division" means the Division of Professional Regulation.

(5) "Gas piping" means any arrangement of piping used to convey fuel gas, supplied by 1 meter, and each arrangement of gas piping serving a building, structure, or premises, whether individually metered or not. "Gas piping" does not include the installation of gas appliances where existing service connections are already installed, nor does the term include the installations, alterations, or maintenance of gas utilities owned by a public utility.

(6) "HVACR" means heating, ventilation, air conditioning, and refrigeration.

(7) "HVACR restricted services" means HVACR services that are limited to 1 of the following specialties:

a. Heating -- forced air systems; ventilation, air-conditioning; and gas piping; or

b. Heating -- hydronic systems and gas piping; or

c. Commercial hood systems; or

d. Refrigeration.

(8) "HVACR services" means the design, installation, construction, maintenance, service, repair, alteration, or modification of a product or of equipment including gas piping in heating and air conditioning, refrigeration, ventilation, or process cooling or heating systems.

(9) "Hydronic system" means a heating and cooling system using liquids or steam to transmit or remove heat.

(10) "License" means a document issued by the Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners certifying that the holder has met the requirements of this chapter and is a master plumber, master HVACR licensee, or master HVACR restricted licensee.

(11) "Master HVACR licensee" means an individual holding a current license pursuant to this chapter to provide heating, ventilation, air conditioning, commercial hood systems, hydronic systems, refrigeration, and gas piping services pursuant to this chapter.

(12) "Master HVACR licensee restricted" means an individual holding a current license pursuant to this chapter to provide services pursuant to this chapter in 1 of the following areas:

- a. Heating -- forced air systems; ventilation, air conditioning; and gas piping; or
- b. Heating -- hydronic systems and gas piping; or
- c. Commercial hood systems; or
- d. Refrigeration.

(13) "Master plumber", "licensed plumber", or "licensed master plumber" means an individual holding a current license to provide plumbing services issued pursuant to this chapter.

(14) "Plumber" is an individual who provides plumbing services.

(15) "Plumbing services" means the design, installation, construction, replacement, service, repair, alteration, or modification of the pipes, fixtures, and other apparatus used for bringing the water supply into a building and removing liquid and water-carried wastes from a building. Plumbing services also includes the installation and connection of gas piping.

(16) "Refrigeration system" means a system used to cool a surface or area below 55 degrees Fahrenheit or 12.9 degrees Celsius.

(17) "Substantially related" means the nature of the criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the work of a master plumber, master HVACR licensee, or master HVACR licensee restricted.

(18) "Supervision" means control and oversight by a master licensee who is an owner or full-time employee of the entity providing services. A supervising master licensee is responsible and accountable for the work performed under the supervising master licensee's license.

(19) "Ventilation system" means the natural or mechanical process of supplying air to, or removing air from, any space, whether the air is conditioned or not conditioned and at a rate of airflow of more than 250 cubic feet per minute. (71 Del. Laws, c. 185, § 1; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 262, § 31; 75 Del. Laws, c. 296, § 1.)

§ 1803. Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners; appointment; composition; qualification; term; vacancies; suspension or removal; unexcused absences; compensation.

(a) The State Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners shall administer and enforce this chapter.

(b) The Board shall consist of 9 members who are appointed by the Governor and who are residents of this State. Three members, 1 from each county, are master plumbers who have been engaged in the plumbing services for at least 5 years. Three members, 1 from each county, are master HVACR licensees or master HVACR restricted licensees who have been engaged in HVACR or HVACR restricted services for at least 5 years. Three members, 1 from each county, are public members. A public member may not be nor ever have been a master plumber, master HVACR licensee, or master HVACR restricted licensee; may not be a member of the immediate family of a master plumber, master HVACR licensee, or master HVACR restricted licensee; may not be nor ever have been employed by a master plumber, master HVACR licensee, master HVACR restricted licensee, plumbing contractor, HVACR

contractor, or HVACR restricted contractor; may not have a material interest in the providing of goods or services to master plumbers, master HVACR licensees, master HVACR restricted licensees, plumbing contractors, HVACR contractors, or HVACR restricted contractors; and may not be nor ever have been engaged in an activity directly related to providing plumbing, HVACR, or HVACR services. A public member must be accessible to inquiries, comments, and suggestions from the general public.

(c) Except as provided in subsection (d) of this section, each Board member serves a term of 3 years and may succeed himself or herself for 2 additional terms; provided, however, that if a member is initially appointed to fill a vacancy, the member may succeed himself or herself for only 2 additional full terms. A person appointed to fill a vacancy on the Board holds office for the remainder of the unexpired term of the vacating member. A term of office expires on the date specified in the appointment; however, a Board member whose appointment has expired remains eligible to participate in Board proceedings until replaced by the Governor. A person who is a member of the Board on June 27, 2006, may complete that member's term.

(d) A person who has never served on the Board may be appointed to the Board for 3 consecutive terms; but the person is thereafter ineligible to serve for 3 consecutive terms. A person who has been appointed 3 times to the Board or who has served on the Board for 9 years within any 12-year period may not again be appointed to the Board until an interim period of at least 1 term has expired since the person last served.

(e) An act or vote on Board business by a person appointed to the Board in violation of this section is invalid.

(f) The Governor shall suspend or remove a member of the Board for the member's misfeasance, nonfeasance, malfeasance, misconduct, incompetence, neglect of duty, or for other good cause. "Neglect of duty" means the failure to attend, without adequate reason, 3 consecutive regular business meetings, or at least half of all regular business meetings during any calendar year. A member subject to a disciplinary hearing may not participate in Board meetings until the charge is adjudicated or the matter is otherwise concluded. A Board

member may appeal to the Superior Court a suspension or removal initiated pursuant to this subsection.

(g) A member of the Board, while serving on the Board, may not hold elective office in any occupational association of master plumbers, master HVACR licensees, or master HVACR restricted licensees or serve as an officer of an occupational association's political action committee (PAC).

(h) The provisions of the State Employees', Officers' and Officials' Code of Conduct set forth in Chapter 58 of Title 29 apply to the members of the Board.

(i) The Division shall reimburse Board members for expenses involved in each meeting, including travel, according to Division policy. A member may not receive more than \$50 for each meeting attended, and not more than \$500 in any calendar year. (71 Del. Laws, c. 185, § 1; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 296, § 1.)

§ 1804. Organization; meetings; officers; quorum.

(a) The Board shall hold regularly scheduled business meetings at least once in each quarter of a calendar year, at other times as the president of the Board considers necessary, and at the request of a majority of the Board members.

(b) The Board shall elect annually a president, vice president, and secretary. Each term of office is for 1 year. An officer may not serve for more than 3 consecutive years in the same office.

(c) A majority of the members of the Board constitutes a quorum for the purpose of transacting business. However, at least 5 Board members must vote affirmatively to find that grounds for discipline exist and to impose a sanction for a disciplinary violation.

(d) Minutes of all meetings of the Board must be recorded. The Division shall maintain copies of the recorded minutes. At any hearing where evidence is presented, a record from which a verbatim transcript can be prepared shall be made. A person requesting a transcript incurs the expense of preparing the transcript. (71 Del. Laws, c. 185, § 1; 75 Del. Laws, c. 296, § 1.)

§ 1805. Records.

The Division shall keep a register of all approved applications for licensure as a master plumber, master HVACR licensee, and master HVACR licensee restricted, and shall keep complete records relating to meetings of the Board, examinations, rosters of licensees, changes to the Board's rules and regulations, complaints, hearings, and other matters as the Board determines. Records kept in accord with this section are prima facie evidence of the proceedings of the Board. (71 Del. Laws, c. 185, § 1; 74 Del. Laws, c. 262, § 32; 75 Del. Laws, c. 296, § 1.)

§ 1806. Authority of the Board.

(a) The Board of Plumbing, Heating, Ventilation, and Air Conditioning Examiners shall have the authority to:

(1) Administer and enforce the provisions of this chapter and of rules and regulations promulgated under this chapter;

(2) Promulgate rules and regulations necessary or desirable to carry out the objectives of this chapter, including rules and regulations to carry out the objectives governing licensure and the requirements for continuing education;

(3) Designate the application form to be used by all applicants and process all applications;

(4) Designate the written, standardized examination, approved by the Division and administered and graded by a testing service, to be taken by applicants except those who qualify for licensure by reciprocity;

(5) Evaluate certified records to determine whether an applicant for licensure, who is or has been licensed, registered, or otherwise authorized to provide services in another jurisdiction, has engaged in any act or offense that would be grounds for disciplinary action under this chapter and whether there are disciplinary proceedings or unresolved complaints pending against the applicant for such act or offense;

(6) Grant licenses to and renew licenses of, all applicants who meet the qualifications set forth in this chapter;

(7) Refer all complaints concerning master plumbers, master HVACR licensees, or master HVACR restricted licensees, or concerning the practices of the Board, or of the profession to the Division of Professional Regulation for investigation pursuant to § 8735(h) of Title 29. The Division of Public Health shall, upon request, assist the Division of Professional Regulation in the investigation of complaints requiring field inspections;

(8) Hold hearings and take such actions as are permitted under the Administrative Procedures Act, Chapter 101 of Title 29;

(9) Designate and impose appropriate sanction or penalty after time for appeal has lapsed, if the Board determines after a disciplinary hearing that the sanction or penalty should be imposed;

(10) Adopt, and revise as necessary, a detailed statewide HVACR and fuel gas code;

(11) Coordinate an effort with each county and municipality in the State, which effort will result in consistency in local plumbing, HVACR, and fuel gas codes and the statewide plumbing, HVRAC, and fuel gas code.

(b) The Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners shall promulgate regulations specifically identifying those crimes which are substantially related to the work of a master plumber, master HVACR licensee, or master HVACR licensee restricted. (71 Del. Laws, c. 185, § 1; 74 Del. Laws, c. 262, § 32; 75 Del. Laws, c. 296, § 1.)

NOTICE: The Delaware Code appearing on this site was prepared by the Division of Research of Legislative Council of the General Assembly with the assistance of the Government Information Center, under the supervision of the Delaware Code Revisors and the editorial staff of LexisNexis, includes all acts up to and including 75 Del. Laws, c. 441, effective September 7, 2006.

DISCLAIMER: Please Note: With respect to the Delaware Code documents available from this site or server, neither the State of Delaware nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately-owned rights. This information is provided for informational purposes only. Please seek legal counsel for help on interpretation of individual statutes.