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Bill Title: relative to the regulation of fuel gas fitters.				

## HB 1301 – AS INTRODUCED

2010 SESSION

10-2180

10/04

### HOUSE BILL *1301*

AN ACT relative to the regulation of fuel gas fitters.

SPONSORS: Rep. Patten, Carr 4

COMMITTEE: Executive Departments and Administration

### ANALYSIS

This bill makes changes to the regulation of fuel gas fitters by the commissioner of safety, including adding regulation of trainees, reciprocity agreements for licensees, and a reinstatement fee following suspension or revocation of a license.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

10-2180

10/04

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT relative to the regulation of fuel gas fitters.

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

1 New Paragraph; Fuel Gas Fitters; Definitions; Trainee. Amend RSA 153:27 by inserting

after paragraph XI the following new paragraph:

XII. "Trainee" means any person engaged in the process of meeting the licensing requirements of this subdivision, who shall work under the supervision of a licensed fuel gas fitter in the repair or installation of inside and outside piping from a gas meter or second stage regulator, and the repair or installation of residential and nonresidential heating equipment systems, hot water heating systems, or hearth equipment systems utilizing liquefied propane gas or natural gas.

2 Duties of Commissioner; Rulemaking. Amend RSA 153:28, I to read as follows:

I. The commissioner shall adopt rules under RSA 541-A necessary for the proper performance of the state fire marshal's duties to implement the licensure requirements established in this subdivision, which shall include the following:

(a) Standards regarding education or its equivalent, experience requirements, and testing requirements for applicants for initial licensure for the following specialty licenses:

(1) Hearth system installation and service technician.

(2) Liquefied propane installation technician.

(3) Liquefied propane service technician.

(4) Natural gas installation technician.

(5) Natural gas service technician.

(6) Piping installer.

**(7) Trainee.**

(b) Standards for license renewal and continuing education requirements. Continuing education requirements may be fulfilled in full or in part by existing training programs approved by the commissioner. The rules shall address continuing education requirements for each specialty license, including but not limited to the number of hours of continuing education for each specialty license, and education applicable to holders of multiple specialty licenses.

**(c) *The implementation of reciprocity agreements entered into by the commissioner which permit the licensing of fuel gas fitters from states which have a mutual fuel gas fitting reciprocity agreement with this state.***

***I-a.*** The commissioner shall adopt rules ~~[relative to the establishment of]~~ ***establishing*** application fees for licensure, for renewal, ~~[and]~~ ***and for reinstatement*** of licenses under this subdivision. The fee for examination by third parties shall be separate from the fees established by the commissioner.

~~[(d) After the first year,]~~ Fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be deposited in the general fund.

3 New Subparagraph; Fuel Gas Fitters; Special License; Trainee Added. Amend RSA 153:29, II by inserting after subparagraph (f) the following new subparagraph:

(g) Trainee.

4 Expiration of License; Late Fee. Amend RSA 153:30, I(b) to read as follows:

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

5 New Paragraph; Reinstatement; Fee. Amend RSA 153:30 by inserting after paragraph II the following new paragraph:

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

6 Disciplinary Action; Misconduct. Amend RSA 153:32, II(c) to read as follows:

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

7 Disciplinary Action; Immediate Suspension. Amend RSA 153:32, III to read as follows:

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

(a) By reprimand;

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

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

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

8 New Paragraph; Disciplinary Action; Reinstatement Fee. Amend RSA 153:32 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall assess a reinstatement fee for all suspended or revoked licenses of license holders seeking restoration of the license after the prescribed disciplinary time period.

9 Exceptions. Amend RSA 153:36, I to read as follows:

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

10 Effective Date. This act shall take effect July 1, 2010.