S T A T E  O F  N E W  Y O R K

3106

2011-2012 Regular Sessions

I N  S E N A T E

February 8, 2011

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to establishing voluntary licensing of master plumbers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new article 28-F to read as follows:

ARTICLE 28-F
LICENSING OF MASTER PLUMBERS

SECTION 491. DEFINITIONS.
491-A. LICENSE; MASTER PLUMBER.
491-B. BOARD OF EXAMINERS.

S 491. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT REQUIRES OTHERWISE:

1. "BOARD" MEANS THE BOARD OF EXAMINERS FOR MASTER PLUMBERS ESTABLISHED BY SECTION FOUR HUNDRED NINETY-ONE-B OF THIS ARTICLE.

2. "DEPARTMENT" MEANS THE DEPARTMENT OF STATE.

3. "SECRETARY" MEANS THE SECRETARY OF STATE.

S 491-A. LICENSE; MASTER PLUMBER. 1. ANY PERSON WHO IS A PLUMBER IN THIS STATE MAY APPLY TO THE SECRETARY FOR A LICENSE AS A MASTER PLUMBER. SUCH A LICENSE SHALL NOT BE REQUIRED FOR THE PURPOSE OF ENGAGING IN THE PROFESSION OF BEING A MASTER PLUMBER. HOWEVER, SUCH LICENSE SHALL BE INDICATIVE THAT THE HOLDER THEREOF HAS MET THE STANDARDS FOR TRAINING, KNOWLEDGE AND EXPERIENCE NECESSARY TO BE A MASTER PLUMBER, AND ALSO AUTHORIZE THE HOLDER THEREOF TO ENGAGE IN THE PROFESSION OF BEING A MASTER PLUMBER IN ANY OTHER STATE WHICH GRANTS RECIPROCITY TO PLUMBERS LICENSED PURSUANT TO THIS ARTICLE. FURTHERMORE, EVERY PERSON LICENSED PURSUANT TO THIS ARTICLE SHALL BE AUTHORIZED TO PRACTICE AS A MASTER

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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PLUMBER THROUGHOUT THE STATE, NOTWITHSTANDING THE PROVISIONS OF THE GENERAL CITY LAW AND THE COUNTY LAW.

2. ANY PLUMBER WISHING TO BE LICENSED PURSUANT TO THIS ARTICLE SHALL:

(A) SUBMIT AN APPLICATION THEREFOR TO THE SECRETARY IN SUCH FORM AND MANNER AS PRESCRIBED BY THE SECRETARY AND CONTAINING SUCH INFORMATION AS THE BOARD DETERMINES TO BE NECESSARY TO DETERMINE THE QUALIFICATIONS AND FITNESS FOR LICENSING OF THE APPLICANT;

(B) SUBMIT THE APPLICATION FEE PRESCRIBED BY THE BOARD; AND

(C) COMPLETE AN EXAMINATION ESTABLISHED BY THE BOARD.

3. EVERY PERSON WHO SUCCESSFULLY PASSES THE EXAMINATION ESTABLISHED BY THE BOARD AND COMPLIES WITH THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL BE LICENSED PURSUANT TO THIS ARTICLE.

4. EVERY LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL REMAIN IN EFFECT FOR A PERIOD OF TWO YEARS, AND MAY BE RENEWED FOR ADDITIONAL TWO YEAR PERIODS UPON SUBMISSION OF A RENEWAL APPLICATION AND THE APPLICATION FEE ESTABLISHED BY THE BOARD.

S 491-B. BOARD OF EXAMINERS. 1. THERE SHALL BE ESTABLISHED WITHIN THE DEPARTMENT A BOARD OF EXAMINERS FOR MASTER PLUMBERS. SUCH BOARD SHALL CONSIST OF THIRTEEN MEMBERS AS FOLLOWS: THE SECRETARY, OR HIS OR HER DESIGNEE; FOUR MEMBERS APPOINTED BY THE GOVERNOR; FOUR MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; AND FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY. THE APPOINTED MEMBERS SHALL BE BROADLY REPRESENTATIVE OF PERSONS ENGAGED IN THE PROFESSION OF BEING A MASTER PLUMBER. EACH APPOINTED MEMBER OF THE BOARD SHALL BE APPOINTED FOR A TERM OF TWO YEARS. ANY MEMBER MAY BE REAPPOINTED FOR ADDITIONAL TERMS. THE STATE FIRE ADMINISTRATOR SHALL SERVE AS AN ADDITIONAL NON-VOTING MEMBER OF THE BOARD AND SHALL SERVE AS THE CHAIR.

2. THE BOARD SHALL MEET NOT LESS THAN THREE TIMES A YEAR.

3. THE BOARD SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING:

(A) THE SCOPE OF THE PROFESSION OF BEING A MASTER PLUMBER;

(B) QUALIFICATIONS FOR BEING A LICENSED MASTER PLUMBER;

(C) AN EXAMINATION TO DETERMINE THE KNOWLEDGE OF PERSONS APPLYING FOR A LICENSE PURSUANT TO THIS ARTICLE; AND

(D) FEES FOR LICENSES AND RENEWALS THEREOF PURSUANT TO THIS ARTICLE.

4. THE SECRETARY SHALL DESIGNATE AN EMPLOYEE OF THE DEPARTMENT TO ACT AS SECRETARY TO THE BOARD, AND SHALL PROVIDE SUCH BOARD WITH SUCH STENOGRAPHIC OR OTHER ASSISTANCE AS MAY BE NECESSARY.

5. MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION BUT SHALL BE ENTITLED TO ACTUAL AND NECESSARY TRAVELING AND OTHER EXPENSES WHILE ENGAGED IN THE PERFORMANCE OF SUCH MEMBER'S DUTIES PURSUANT TO THIS ARTICLE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately any rules and regulations necessary to implement the provisions of this act on its effective date are authorized to be made on or before such date.