

7450

I N S E N A T E

May 15, 2014

Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to establishing the "consumer construction protection act" and the licensing and certification of plumbing and mechanical trades

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

1 Section 1. This act shall be known and may be cited as the "consumer  
2 construction protection act".  
3 S 2. Legislative intent. It is the intent of this legislation to regu-  
4 late, license and certify the business of plumbing and related mechan-  
5 ical trades, within the state of New York, in order to protect and  
6 promote the health, safety and welfare of the residents of the state of  
7 New York. This legislation provides that no person, business, partner-  
8 ship or other entity shall engage in the work or trade of installing,  
9 altering, removing, replacing, testing, or repairing of plumbing and  
10 related systems, as provided herein, within the state of New York unless  
11 duly licensed or permitted as required by this legislation.  
12 S 3. The education law is amended by adding a new article 152 to read  
13 as follows:

14 ARTICLE 152  
15 PLUMBING AND MECHANICAL TRADES  
16 SECTION 7530. INTRODUCTION.  
17 7531. DEFINITIONS.  
18 7532. PRACTICE OF PLUMBING AND MECHANICAL TRADES.  
19 7533. STATE BOARD OF TRADES.  
20 7534. LICENSING REQUIREMENTS AND PROCEDURES.  
21 7535. MECHANICAL TRADES CERTIFICATION.  
22 7536. SPECIAL PROVISIONS.  
23 7537. PROHIBITED ACTS AND ENFORCEMENT.  
24 7538. INSURANCE.  
25 7539. WAIVER.  
26 7540. REPEALER.

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

LBD15114-01-4

1           7541. SEVERABILITY.

2       S 7530. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF  
3 PLUMBING AND MECHANICAL TRADES. THE GENERAL PROVISIONS FOR ALL  
4 PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE SHALL  
5 APPLY TO THIS ARTICLE.

6       S 7531. DEFINITIONS. FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING  
7 TERMS SHALL HAVE THE FOLLOWING MEANINGS, UNLESS OTHERWISE INDICATED BY  
8 THE CONTEXT:

9       1. BOARD. THE NEW YORK STATE BOARD OF TRADES AS PROVIDED BY THIS ARTI-  
10 CLE.

11       2. BUSINESS ENTITY. AS USED IN THIS CHAPTER, THE TERM "BUSINESS ENTI-  
12 TY" SHALL INCLUDE ANY CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP OR  
13 JOINT VENTURE FORMED FOR THE PURPOSE OF ENGAGING IN THE BUSINESS AND/OR  
14 TRADE OF PLUMBING AND/OR RELATED MECHANICAL TRADES.

15       3. CERTIFICATE OF COMPETENCY. A CERTIFICATE ISSUED BY THE BOARD TO  
16 PERSONS WHO HAVE SUCCESSFULLY COMPLETED AN EXAMINATION FOR MASTER PLUM-  
17 BER OR OTHER MECHANICAL TRADE AS PROVIDED FOR BY THE PROVISIONS OF THIS  
18 CHAPTER.

19       4. DIRECTOR. THE NEW YORK STATE DEPARTMENT OF LABOR COMMISSIONER.

20       5. FAMILY. A SPOUSE OF A BOARD MEMBER, OR A PERSON CLAIMED AS A  
21 DEPENDENT ON THE BOARD MEMBER'S LATEST INDIVIDUAL TAX RETURN.

22       6. FIRE PROTECTION SPRINKLER SYSTEMS. ALL DEVICES AND APPARATUSES  
23 COMPRISING THE SPRINKLER SYSTEM EXTENDING FROM THE CLAPPER VALVE STATION  
24 OR STATIONS TO AND INCLUDING THE SPRINKLER HEADS AND INSPECTION TEST  
25 STATIONS, AND ANY OTHER REQUIRED APPARATUSES AND TERMINAL POINTS WITHIN  
26 THE PIPING SYSTEM.

27       7. APPRENTICE. A PERSON WHO IS AT LEAST SIXTEEN YEARS OF AGE WHO HAS  
28 ENTERED INTO A WRITTEN AGREEMENT WITH A SPONSOR TO PROVIDE FOR HIS OR  
29 HER PARTICIPATION IN AN APPROVED PROGRAM OF TRAINING THROUGH EMPLOYMENT  
30 AND RELATED AND SUPPLEMENTAL INSTRUCTION IN ACCORDANCE WITH THE NEW YORK  
31 STATE DEPARTMENT OF LABOR APPRENTICESHIP PROGRAMS AND AGREEMENTS.

32       8. HVAC SYSTEM. ANY DEVICE OR APPARATUS USED IN CONNECTION WITH A  
33 HEATING, VENTILATION AND/OR AIR-CONDITIONING SYSTEM LOCATED IN ANY  
34 BUILDING STRUCTURE WHATSOEVER. FOR PURPOSES OF THIS CHAPTER, THIS DEFI-  
35 NITION SHALL INCLUDE ALL CONVEYANCE PIPES FOR ANY AND ALL TYPES OF  
36 REFRIGERANT GAS, OIL AND/OR WATER, INCLUDING PIPING TO POTABLE WATER  
37 CONNECTIONS.

38       9. INCIDENTAL POTABLE WATER CONNECTION. A CONNECTION TO AN EXISTING  
39 POTABLE WATER SYSTEM THAT DOES NOT INVOLVE SUBSTANTIAL MODIFICATION,  
40 ALTERATION AND/OR REPAIR TO THE EXISTING SYSTEM. FOR PURPOSES OF THIS  
41 CHAPTER, AN "INCIDENTAL POTABLE WATER CONNECTION" DOES NOT INCLUDE THE  
42 INSTALLATION OF, ALTERATION OF AND/OR MODIFICATION TO A POTABLE WATER,  
43 WASTE, SOIL AND/OR VENT SYSTEM OR REPLACEMENT OF VALVES OR BACK-FLOWING  
44 DEVICES.

45       10. JOURNEYMAN. A PERSON WHO WORKS IN NEW YORK STATE AND IS EMPLOYED  
46 BY AND UNDER THE DIRECT SUPERVISION AND CONTROL OF A LICENSED MASTER  
47 PLUMBER OR A LICENSED OR CERTIFIED MECHANICAL TRADESPERSON, WITH A MINI-  
48 MUM OF TEN THOUSAND HOURS OF EXPERIENCE AS AN APPRENTICE IN THE PLUMBING  
49 OR HEATING TRADE, OR WITH A MINIMUM OF TWO THOUSAND HOURS OF EXPERIENCE  
50 AS AN APPRENTICE IN THE L.P. GAS, SPRINKLER, PUMP INSTALLATION, WATER  
51 TREATMENT, OR WELL DRILLING TRADE, OR A MINIMUM OF SIX THOUSAND HOURS  
52 EXPERIENCE IN HVAC. A JOURNEYMAN WILL BE REQUIRED TO SUCCESSFULLY  
53 COMPLETE AN EXAMINATION FOR REGISTRATION AS A JOURNEYMAN PLUMBER CARD-  
54 HOLDER OR CERTIFICATION AS A JOURNEYMAN MECHANICAL TRADESPERSON CARD-  
55 HOLDER. PRIOR TO THE THIRTIETH DAY OF JUNE NEXT SUCCEEDING THE EFFECTIVE  
56 DATE OF THIS ARTICLE, THE BOARD WILL ISSUE JOURNEYMAN PLUMBER CARDS AND

1 JOURNEYMAN MECHANICAL TRADESPERSON CARDS UPON SUCCESSFUL APPLICATION TO  
2 THE BOARD.

3 11. LAWN, GARDEN AND AGRICULTURAL SPRINKLER SYSTEM. A SYSTEM OF PIPING  
4 OR OTHER MECHANICAL MEANS FOR THE PURPOSE OF SUPPLYING LAND WITH WATER  
5 BY ARTIFICIAL MEANS, AS BY DIVERTING STREAMS, FLOODING OR SPRAYING, OR  
6 TO MOISTEN, WET OR NOURISH VEGETATION, LAWNS, CROPS OR OTHER AGRICUL-  
7 TURAL MEANS.

8 12. L.P. GAS SYSTEM. ALL DEVICES AND APPARATUSES COMPRISING THE LIQUID  
9 PETROLEUM GAS PIPING SYSTEM FOR ALL L.P. GAS BURNING APPLIANCES EXTEND-  
10 ING FROM THE POINT OF CONNECTION WITH THE LOCAL SUPPLIER'S METER AND/OR  
11 STORAGE TANK TO ALL TERMINATION POINTS CONTAINED IN THE CUSTOMER'S  
12 PIPING SYSTEM.

13 13. MASTER PLUMBER. A PERSON WHO ENGAGES IN OR CARRIES ON THE CRAFT OF  
14 PLUMBING, AS PROVIDED FOR BY THE PROVISIONS OF THIS CHAPTER.

15 14. MECHANICAL TRADES. TRADES THAT ARE DIRECTLY RELATED TO THE TRADE  
16 OF PLUMBING AND SUBJECT TO CERTIFICATION UNDER THE PROVISIONS OF THIS  
17 CHAPTER, INCLUDING:

18 (A) FIRE SPRINKLER SYSTEMS: INSTALLATION, REPAIR AND MAINTENANCE;

19 (B) LAWN, GARDEN AND/OR AGRICULTURAL SPRINKLER SYSTEMS: INSTALLATION,  
20 REPAIR AND MAINTENANCE;

21 (C) L.P. GAS SYSTEMS (INCLUDING NATURAL, PROPANE, BUTANE, AND ANY  
22 OTHER GAS USED FOR HEATING, COOKING, OR ORNAMENTAL PURPOSES FROM THE  
23 POINT OF CONNECTION WITH THE LOCAL SUPPLIER'S METER AND/OR STORAGE TANK  
24 TO ALL TERMINATION POINTS CONTAINED IN CONSUMERS' PIPING SYSTEMS, AND  
25 OXYGEN AND SIMILAR PIPING SYSTEMS LOCATED AT MEDICAL OFFICES): INSTALLA-  
26 TION, REPAIR, MAINTENANCE, EXTENSION, RELOCATION AND/OR ALTERATION;

27 (D) HEATING, VENTILATION AND AIR-CONDITIONING ("HVAC") SYSTEMS:  
28 INSTALLATION, REPAIR AND MAINTENANCE, EXTENSION AND/OR ALTERATION; AND

29 (E) WATER WELL, PUMP, STORAGE, TREATMENT AND/OR FILTRATION SYSTEMS:  
30 INSTALLATION, DRILLING, REPAIR AND MAINTENANCE.

31 15. MECHANICAL TRADESPERSON. A PERSON ENGAGED IN ANY ONE OF THE  
32 MECHANICAL TRADES AS DEFINED BY THIS CHAPTER.

33 16. PERSON. FOR PURPOSES OF THIS CHAPTER, THE TERM "PERSON" SHALL  
34 INCLUDE AN INDIVIDUAL PARTNERSHIP, CORPORATION, BUSINESS ORGANIZATION OR  
35 OTHER SIMILAR ENTITY.

36 17. PLUMBER. A CRAFTSMAN WHO INSTALLS, REPAIRS PIPES, FIXTURES AND  
37 OTHER APPARATUS FOR THE DISTRIBUTION OF WATER OR GAS IN A BUILDING OR  
38 FOR THE DISPOSAL OF SEWAGE, AS DEFINED IN CHAPTER TWO OF THE NEW YORK  
39 STATE PLUMBING CODE.

40 18. POTABLE WATER SOURCE. WATER FREE FROM IMPURITIES PRESENT IN  
41 AMOUNTS SUFFICIENT TO CAUSE DISEASE OR HARMFUL PHYSIOLOGICAL EFFECTS AND  
42 CONFORMING IN BACTERIOLOGICAL AND CHEMICAL QUALITY TO THE REQUIREMENTS  
43 OF THE PUBLIC HEALTH AUTHORITY HAVING JURISDICTION.

44 19. SHEET METAL. UTILITY CONSISTING OF THE DUCT WORK AND MATERIAL FOR  
45 THE DISTRIBUTION OF AIR-CONTROLLED MOVEMENT.

46 S 7532. PRACTICE OF PLUMBING AND MECHANICAL TRADES. 1. NO PERSON  
47 SHALL ENGAGE IN, CARRY ON OR CONDUCT THE BUSINESS OR TRADE OF PLUMBING  
48 OR SIMILAR MECHANICAL TRADE WITHIN THE STATE OF NEW YORK, AND NO PERSON  
49 SHALL REPRESENT HIMSELF OR HERSELF TO BE, OR ADVERTISE AS A PLUMBER,  
50 MASTER PLUMBER OR MECHANICAL TRADESPERSON WITHIN THE STATE OF NEW YORK  
51 UNLESS DULY LICENSED OR CERTIFIED IN ACCORDANCE WITH THE PROVISIONS OF  
52 THIS CHAPTER.

53 2. NO PERSON SHALL ENGAGE IN THE BUSINESS OR TRADE OF PLUMBING OR  
54 OTHER SIMILAR MECHANICAL TRADE, AS DEFINED HEREIN, OR HIRE HIMSELF OR  
55 HERSELF OUT TO PERFORM THE SERVICES OF MASTER PLUMBER, LICENSED OR  
56 CERTIFIED MECHANICAL TRADESPERSON, JOURNEYMAN PLUMBER OR JOURNEYMAN

1 MECHANICAL TRADESPERSON, OR APPRENTICE UNLESS HE OR SHE HAS BEEN DULY  
2 AUTHORIZED TO DO SO BY THE ISSUANCE OF A MASTER PLUMBER LICENSE, MECHAN-  
3 ICAL TRADES CERTIFICATION, JOURNEYMAN PLUMBER CARD OR JOURNEYMAN MECHAN-  
4 ICAL TRADESPERSON CARD, OR APPRENTICE REGISTRATION.

5 3. NO PERSON WHO HAS BEEN LICENSED OR CERTIFIED UNDER THE PROVISIONS  
6 OF THIS CHAPTER SHALL COMMENCE ANY NEW INSTALLATION, REPAIR OR ALTER-  
7 ATION TO ANY PLUMBING OR GAS SYSTEM WITHIN THE STATE OF NEW YORK WITHOUT  
8 FIRST HAVING OBTAINED THE APPROPRIATE PERMIT OR PERMITS FROM THE LOCAL  
9 BUILDING DEPARTMENT HAVING JURISDICTION, WHICH SHALL FORWARD A COPY OF  
10 THE SAME TO THE BOARD.

11 4. NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO OBIVIATE THE  
12 NEED FOR PROCURING ANY AND ALL PERMITS OTHERWISE REQUIRED BY LAW FOR THE  
13 PERFORMANCE OF PLUMBING AND/OR MECHANICAL TRADES WORK.

14 S 7533. STATE BOARD OF TRADES. A STATE BOARD OF TRADES SHALL BE  
15 APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER  
16 FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON  
17 MATTERS OF PROFESSIONAL LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE  
18 WITH SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE BOARD OF TRADES  
19 SHALL BE COMPOSED OF NOT LESS THAN SEVEN MEMBERS OF THE PLUMBING INDUS-  
20 TRY OR RELATED MECHANICAL TRADES LICENSED IN THIS STATE. AN EXECUTIVE  
21 SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON  
22 RECOMMENDATION OF THE COMMISSIONER AND SHALL BE A MEMBER OF THE PLUMBING  
23 INDUSTRY OR RELATED MECHANICAL TRADES WHO IS LICENSED IN THIS STATE.

24 S 7534. LICENSING REQUIREMENTS AND PROCEDURES. 1. WRITTEN APPLICA-  
25 TIONS FOR LICENSURE AND/OR CERTIFICATION SHALL BE SUBMITTED TO THE  
26 SECRETARY OF THE BOARD ON THE FORM PRESCRIBED BY THE BOARD. AT A MINI-  
27 MUM, EACH APPLICATION SHALL SET FORTH THE NAME, RESIDENCE ADDRESS, BUSI-  
28 NESS ADDRESS, TELEPHONE NUMBERS AND TRADE NAMES OF THE APPLICANT, PLUS  
29 SUCH ADDITIONAL INFORMATION CONCERNING HIS OR HER QUALIFICATIONS AS THE  
30 BOARD MAY REQUIRE. ALL APPLICATIONS SHALL BE SIGNED BY THE APPLICANT,  
31 WHOSE SIGNATURE SHALL BE DULY ACKNOWLEDGED. APPLICATIONS MUST BE MADE  
32 IN THE NAME OF THE INDIVIDUAL SEEKING LICENSURE AND/OR CERTIFICATION. IF  
33 THE APPLICANT IS AN OFFICER, OWNER OR EMPLOYEE OF A PLUMBING AND/OR  
34 MECHANICAL TRADE BUSINESS, PARTNERSHIP OR CORPORATION, THEN THE APPLICA-  
35 TION SHALL SET FORTH THE NAMES OF ALL OFFICERS, OWNERS AND EMPLOYEES  
36 THEREOF AS OF THE DATE OF APPLICATION.

37 2. APPLICANTS SHALL INCLUDE WITH THEIR APPLICATION SATISFACTORY  
38 EVIDENCE THAT THEY HAVE SUCCESSFULLY COMPLETED A MINIMUM NUMBER OF HOURS  
39 OF EXPERIENCE IN THEIR RESPECTIVE TRADE AS DESCRIBED BELOW. SUCH  
40 DOCUMENTATION SHALL BE SUBMITTED TOGETHER WITH SUCH OTHER INFORMATION  
41 AND/OR DOCUMENTATION AS THE BOARD MAY REQUIRE IN CONSIDERING SAID APPLI-  
42 CATION. FAILURE TO SUBMIT THE FOREGOING EVIDENCE AND/OR INFORMATION WILL  
43 RESULT IN A DENIAL OF SAID APPLICATION.

44 (A) APPLICANTS FOR A MASTER PLUMBER'S LICENSE MUST INCLUDE WITH THEIR  
45 APPLICATION SATISFACTORY EVIDENCE THAT THEY HAVE SUCCESSFULLY COMPLETED  
46 TEN THOUSAND HOURS OF EXPERIENCE AS AN APPRENTICE AND EIGHT THOUSAND  
47 HOURS OF EXPERIENCE AS A JOURNEYMAN IN THE PLUMBING TRADE UNDER THE  
48 EMPLOY OF A LICENSED MASTER PLUMBER.

49 (B) APPLICANTS FOR A LICENSE IN THE HEATING, HVAC OR SHEET METAL  
50 TRADES MUST INCLUDE WITH THEIR APPLICATION SATISFACTORY EVIDENCE THAT  
51 THEY HAVE SUCCESSFULLY COMPLETED SIX THOUSAND HOURS OF EXPERIENCE AS AN  
52 APPRENTICE AND EIGHT THOUSAND HOURS OF EXPERIENCE AS A JOURNEYMAN IN THE  
53 HEATING, HVAC OR SHEET METAL TRADE UNDER THE EMPLOY OF A LICENSED MASTER  
54 TRADESMAN.

55 (C) APPLICANTS FOR A LICENSE IN THE L.P. GAS, SPRINKLER, PUMP INSTAL-  
56 LATION, WATER TREATMENT OR WELL DRILLING TRADES MUST INCLUDE WITH THEIR

1 APPLICATION SATISFACTORY EVIDENCE THAT THEY HAVE COMPLETED TWO THOUSAND  
2 HOURS OF EXPERIENCE AS AN APPRENTICE AND TWO THOUSAND HOURS OF EXPERI-  
3 ENCE AS A JOURNEYMAN IN THE L.P. GAS, SPRINKLER, PUMP INSTALLATION,  
4 WATER TREATMENT OR WELL DRILLING TRADES UNDER THE EMPLOY OF A LICENSED  
5 MASTER TRADESMAN.

6 (D) THE BOARD SHALL NOT REQUIRE A LETTER FROM A FORMER EMPLOYER  
7 EVIDENCING EXPERIENCE IN THE APPLICANT'S RESPECTIVE FIELD.

8 3. UPON RECEIPT OF AN APPLICATION, THE SECRETARY SHALL IMMEDIATELY  
9 FORWARD A COPY OF THE SAME TO THE CHAIRMAN OF THE BOARD.

10 4. WHERE APPLICABLE, APPLICATIONS MUST BE ACCOMPANIED BY THE APPROPRI-  
11 ATE TESTING FEE. TESTING FEES COLLECTED UNDER THIS CHAPTER SHALL NOT BE  
12 REFUNDABLE IN THE EVENT OF FAILURE TO TAKE OR PASS THE WRITTEN EXAMINA-  
13 TION. THESE FEES SHALL BE SPLIT BETWEEN THE STATE OF NEW YORK AND THE  
14 COUNTY GOVERNMENT IN WHICH THE APPLICANT RESIDES.

15 5. UPON SATISFACTORY SUBMISSION OF ALL APPLICATION MATERIALS, THE  
16 APPLICANT SHALL BE REQUIRED TO TAKE AND SUCCESSFULLY COMPLETE THE APPRO-  
17 PRIATE NEW YORK STATE EXAMINATION FOR THE TRADE FOR WHICH LICENSURE  
18 AND/OR CERTIFICATION IS SOUGHT. EITHER THE BOARD OR AN APPROVED TESTING  
19 AGENCY SHALL PROVIDE WRITTEN EXAMINATIONS A MINIMUM OF FOUR TIMES PER  
20 CALENDAR YEAR. THE DATE, TIME AND PLACE OF TESTING SHALL BE DETERMINED  
21 BY THE BOARD OR THE APPROVED TESTING AGENCY. THE BOARD SHALL PROVIDE  
22 APPLICANTS WITH A MINIMUM OF TWO WEEKS' WRITTEN NOTICE OF TESTING DATES.  
23 A COMPLETE RECORD OF EVERY EXAMINATION ADMINISTERED UNDER THE PROVISIONS  
24 OF THIS CHAPTER SHALL BE KEPT ON FILE WITH THE BOARD FOR A PERIOD OF  
25 THREE YEARS FOLLOWING THE DATE OF EXAMINATION.

26 6. APPLICANTS MUST RECEIVE A GRADE OF SEVENTY PERCENT OR HIGHER ON THE  
27 WRITTEN EXAMINATION TO QUALIFY FOR LICENSURE. APPLICANTS SHALL BE NOTI-  
28 FIED OF THE RESULTS OF THEIR WRITTEN EXAMINATION WITHIN TEN WORKING DAYS  
29 AFTER THE DATE OF THE EXAMINATION. THE NAMES AND ADDRESSES OF ALL  
30 SUCCESSFUL APPLICANTS SHALL BE REGISTERED BY THE BOARD IN THE PLUMBING  
31 AND MECHANICAL TRADES LICENSING RECORDS MAINTAINED BY THE BOARD.

32 7. IN THE EVENT AN APPLICANT FAILS THE WRITTEN EXAMINATION, HE OR SHE  
33 MAY REAPPLY FOR LICENSURE UNDER THE PROVISIONS OF THIS CHAPTER, SUBJECT  
34 TO THE FOLLOWING ADDITIONAL WAITING PERIODS:

35 (A) SECOND WRITTEN EXAMINATION: AT THE NEXT AVAILABLE TEST DATE, MEAS-  
36 URED FROM THE DATE OF THE APPLICANT'S FIRST WRITTEN EXAMINATION.

37 (B) THIRD AND SUBSEQUENT WRITTEN EXAMINATION: ONE YEAR WAITING PERIOD,  
38 MEASURED FROM THE DATE OF THE APPLICANT'S PRECEDING WRITTEN EXAMINATION.

39 (C) NEW APPLICATION REQUIRED. AN APPLICANT WHO FAILS THE WRITTEN EXAM-  
40 INATION THREE TIMES MUST SUBMIT A NEW APPLICATION, ACCOMPANIED BY  
41 PAYMENT OF THE APPROPRIATE FEE.

42 8. THE AMOUNTS FOR TESTING, LICENSING, RENEWAL AND OTHER FEES PROVIDED  
43 FOR UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE SET BY RESOLUTION OF  
44 THE LEGISLATURE. ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS CHAPTER  
45 ARE NONREFUNDABLE AND SPLIT BETWEEN THE STATE OF NEW YORK AND THE COUNTY  
46 GOVERNMENT IN WHICH THE APPLICANT RESIDES.

47 9. THE BOARD, WITH LEGISLATIVE APPROVAL, MAY WAIVE THE EXAMINATION  
48 REQUIREMENTS AND ISSUE A MASTER PLUMBING LICENSE OR A MECHANICAL TRADE  
49 CERTIFICATION TO ANY PERSON HOLDING AN EQUIVALENT CURRENT AND VALID  
50 LICENSE OR CERTIFICATION ISSUED BY OTHER POLITICAL SUBDIVISIONS OF THE  
51 STATE OF NEW YORK, PROVIDED THAT, IN THE JUDGMENT OF THE BOARD THE QUAL-  
52 IFICATIONS FOR SUCH LICENSE OR CERTIFICATION BY SUCH OTHER POLITICAL  
53 SUBDIVISIONS ARE SUBSTANTIALLY SIMILAR TO THOSE REQUIRED BY OR PERMITTED  
54 PURSUANT TO THIS ARTICLE. FURTHERMORE, SUCH POLITICAL SUBDIVISION SHALL  
55 SIMILARLY ISSUE A LICENSE OR CERTIFICATION WITHOUT EXAMINATION TO AN  
56 INDIVIDUAL WITH SUCH QUALIFICATIONS LICENSED OR CERTIFIED IN NEW YORK

1 STATE, AS EVIDENCED BY LOCAL LAW AND/OR RESOLUTION BY SUCH POLITICAL  
2 SUBDIVISION. BOTH THE STATE OF NEW YORK AND THE POLITICAL SUBDIVISION  
3 SHALL FILE WITH THEIR RESPECTIVE COUNTY OR TOWN CLERK THESE RECIPROCITY  
4 AGREEMENTS. ALL OTHER REQUIREMENTS FOR LICENSURE AND/OR CERTIFICATION  
5 PROVIDED FOR BY THIS CHAPTER REMAIN APPLICABLE TO SUCH PERSONS. SUCH  
6 PERSONS ARE SUBJECT TO ALL PROVISIONS OF THIS CHAPTER.

7 10. UPON PAYMENT OF THE APPROPRIATE FEE, THE BOARD SHALL ISSUE A  
8 LICENSE OR MECHANICAL TRADE CERTIFICATE TO THE APPROVED APPLICANT,  
9 TOGETHER WITH AN INDICIA OF LICENSURE OR CERTIFICATION EVIDENCING THE  
10 SAME (WHICH SHALL REMAIN THE PROPERTY OF THE STATE OF NEW YORK).  
11 LICENSES AND/OR CERTIFICATIONS SHALL BE ISSUED TO INDIVIDUALS ONLY.

12 11. (A) EACH MASTER PLUMBING LICENSE AND/OR MECHANICAL TRADES CERTIF-  
13 ICATION ISSUED HEREUNDER SHALL EXPIRE ON THE THIRTY-FIRST DAY OF DECEM-  
14 BER.

15 (B) BEGINNING ON THE THIRTIETH DAY OF JUNE NEXT SUCCEEDING THE EFFEC-  
16 TIVE DATE OF THIS ARTICLE, EACH JOURNEYMAN PLUMBER'S CARD AND EACH JOUR-  
17 NEYMAN MECHANICAL TRADESPERSON CARD SHALL BE ISSUED FOR A TWO-YEAR PERI-  
18 OD EXPIRING ON THE SUCCEEDING THIRTIETH DAY OF JUNE AND SHALL BE ISSUED  
19 UPON THE PAYMENT OF A TWO-YEAR FEE. THEREAFTER, SUCH JOURNEYMAN  
20 PLUMBER'S CARD AND JOURNEYMAN MECHANICAL TRADES CARD SHALL EXPIRE ON THE  
21 THIRTIETH DAY OF JUNE OF EACH EVEN NUMBERED YEAR.

22 (C) ALL APPRENTICE REGISTRATION CARDS ISSUED PURSUANT TO THE DEFI-  
23 NITION OF "APPRENTICE" IN SECTION SEVENTY-FIVE HUNDRED THIRTY-ONE OF  
24 THIS ARTICLE SHALL EXPIRE ON JUNE THIRTIETH, NEXT SUCCEEDING THE EFFEC-  
25 TIVE DATE OF THIS ARTICLE AND SHALL BE ISSUED UPON PAYMENT OF A TWO YEAR  
26 FEE. THEREAFTER EACH APPRENTICE REGISTRATION CARD SHALL EXPIRE ON THE  
27 THIRTIETH DAY OF JUNE OF EACH ODD-NUMBERED YEAR.

28 12. APPLICATIONS FOR RENEWAL OF A LICENSE OR CERTIFICATION DULY ISSUED  
29 UNDER THE PROVISIONS OF THIS CHAPTER SHALL BE SUBMITTED TO THE SECRETARY  
30 OF THE BOARD ON THE FORM PRESCRIBED BY THE BOARD AT LEAST THIRTY DAYS  
31 PRIOR TO THE EXPIRATION DATE OF THE LICENSE AND/OR CERTIFICATION, AND  
32 SHALL BE ACCOMPANIED BY THE APPROPRIATE ANNUAL LICENSING FEE. UPON  
33 REQUEST BY THE BOARD, APPLICANTS FOR RENEWAL MUST PROVIDE THE BOARD WITH  
34 SUCH PROOF AS MAY BE NECESSARY AND APPROPRIATE TO SATISFY THE BOARD OF  
35 THE APPLICANT'S QUALIFICATIONS, COMPETENCY AND FITNESS TO CARRY ON THE  
36 TRADE FOR WHICH HE OR SHE IS LICENSED AND/OR CERTIFIED.

37 13. IF APPLICATION FOR RENEWAL IS NOT MADE WITHIN THE TIME PRESCRIBED  
38 HEREIN, THE BOARD, IN ITS SOLE DISCRETION, MAY NEVERTHELESS RENEW THE  
39 LICENSE AND/OR CERTIFICATION IN ACCORDANCE WITH THE BOARD'S RULES AND  
40 REGULATIONS. IN SUCH EVENT, BEFORE THE BOARD MAY ISSUE A RENEWAL, THE  
41 LICENSE OR CERTIFICATE HOLDER MUST PAY THE APPROPRIATE PENALTY FEE, AS  
42 SET BY THE LEGISLATURE. IF AN APPLICATION FOR A RENEWAL IS NOT MADE BY  
43 MARCH THIRTY-FIRST, THE BOARD WILL NOTIFY THE APPLICANT BY REGISTERED  
44 MAIL THAT HIS OR HER APPLICATION FOR RENEWAL HAS NOT YET BEEN RECEIVED,  
45 AND AN ADDITIONAL LATE FEE, IN AN AMOUNT SET BY THE BOARD AND APPROVED  
46 BY THE LEGISLATURE, SHALL BE ASSESSED AGAINST THE LICENSEE OR CERTIF-  
47 ICATE HOLDER, WHICH FEE SHALL BE PAID IN FULL PRIOR TO THE ISSUANCE OF A  
48 LICENSE OR CERTIFICATE RENEWAL.

49 14. WHENEVER A LICENSED MASTER PLUMBER OR LICENSED OR CERTIFIED  
50 MECHANICAL TRADESPERSON REPRESENTING A PLUMBING OR MECHANICAL TRADES  
51 BUSINESS, WHICH OPERATES UNDER A TRADE, PARTNERSHIP OR CORPORATE NAME,  
52 SEVERS HIS OR HER RELATIONSHIP WITH SUCH BUSINESS, IT SHALL BE THE DUTY  
53 OF THE LICENSE AND/OR CERTIFICATE HOLDER AND THE BUSINESS TO NOTIFY THE  
54 BOARD OF SUCH ACTION WITHIN THIRTY DAYS FROM THE DATE THEREOF. FAILURE  
55 TO DO SO SHALL BE DEEMED SUFFICIENT CAUSE FOR DENYING A NEW LICENSE,  
56 CERTIFICATION AND/OR RENEWAL THEREOF TO SUCH PERSON AND PROHIBITING THE

1 BUSINESS TO CONTINUE IN THE BUSINESS OF PLUMBING AND/OR MECHANICAL  
2 TRADES.

3 15. ALL LICENSEES, CERTIFICATE HOLDERS AND CARD HOLDERS SHALL BE  
4 REQUIRED TO PRESENT EVIDENCE OF LICENSURE, CERTIFICATION OR REGISTRATION  
5 UPON DEMAND BY THE DIRECTOR, THE CODE ENFORCEMENT OFFICER OR OFFICERS  
6 AND/OR THE LICENSE ENFORCEMENT OFFICER OR OFFICERS APPOINTED UNDER THIS  
7 CHAPTER. FAILURE TO DO SO SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.  
8 A VIOLATION OF THIS SECTION SHALL SUBJECT SUCH PERSON TO CIVIL AND/OR  
9 CRIMINAL PENALTIES AS PROVIDED FOR IN THIS ARTICLE.

10 (A) LICENSED AND CERTIFIED CONTRACTORS SHALL REQUIRE ALL WORKERS WORK-  
11 ING FOR THE LICENSED OR CERTIFIED CONTRACTOR ON A JOB SITE TO CARRY  
12 IDENTIFICATION AT ALL TIMES ON THE JOB SITE. A VIOLATION OF THIS SECTION  
13 SHALL SUBJECT THE LICENSED OR CERTIFIED CONTRACTOR TO A CIVIL PENALTY AS  
14 PROVIDED FOR IN THIS ARTICLE.

15 (B) SHOULD A LICENSED OR CERTIFIED CONTRACTOR BE CHARGED WITH A  
16 VIOLATION FOR A WORKER NOT CARRYING IDENTIFICATION, THE LICENSED OR  
17 CERTIFIED CONTRACTOR SHALL HAVE TWO BUSINESS DAYS TO PRODUCE THE WORK-  
18 ER'S IDENTIFICATION TO THE DEPARTMENT OF CONSUMER AFFAIRS FOR A  
19 REDUCTION IN THE CIVIL PENALTY. IN ORDER TO RECEIVE A REDUCTION IN THE  
20 CIVIL PENALTY, AT THE TIME THE IDENTIFICATION IS PRODUCED TO THE DEPART-  
21 MENT OF CONSUMER AFFAIRS THE LICENSED OR CERTIFIED CONTRACTOR SHALL  
22 PRESENT THE PAYROLL RECORDS OF THE EMPLOYEE OR EVIDENCE OF THE LICENSED  
23 OR CERTIFIED CONTRACTOR'S PAYMENT TO THE COMPANY THAT EMPLOYS THE WORKER  
24 FOUND ON THE JOB SITE WITHOUT IDENTIFICATION.

25 16. MILITARY SERVICE EXCEPTION. IN THE EVENT A LICENSE AND/OR CERTIF-  
26 ICATE HOLDER IS CALLED TO ACTIVE DUTY IN THE UNITED STATES MILITARY, HIS  
27 OR HER LICENSE AND/OR CERTIFICATE SHALL BE DEEMED FROZEN DURING THE  
28 PERIOD OF SUCH ACTIVE DUTY. UPON RETURN FROM ACTIVE DUTY, AND PRESENTA-  
29 TION TO THE BOARD OF PROOF OF THE DATES OF ACTIVE DUTY, SUCH LICENSE  
30 AND/OR CERTIFICATE SHALL BE REACTIVATED EFFECTIVE THE DAY AFTER THE LAST  
31 DATE OF ACTIVE DUTY AND CREDITED FOR EACH DAY OF ACTIVE DUTY. THIS  
32 EXCEPTION SHALL RETROACTIVELY APPLY TO ANY DEPLOYMENTS OCCURRING AFTER  
33 SEPTEMBER ELEVENTH, TWO THOUSAND ONE.

34 17. NO HOLDER OF A LICENSE OR MECHANICAL TRADE CERTIFICATION DULY  
35 ISSUED UNDER THE PROVISIONS OF THIS CHAPTER SHALL, DIRECTLY OR INDIRECT-  
36 LY, AUTHORIZE, CONSENT TO OR PERMIT THE USE OF HIS OR HER LICENSE OR  
37 CERTIFICATION BY OR ON BEHALF OF ANY OTHER PERSON OR BUSINESS ENTITY. A  
38 VIOLATION OF THIS SUBDIVISION SHALL BE GROUNDS FOR IMMEDIATE REVOCATION  
39 OR SUSPENSION OF LICENSE OR CERTIFICATION IN ACCORDANCE WITH THIS ARTI-  
40 CLE, AND SHALL SUBJECT SUCH LICENSE AND/OR CERTIFICATE HOLDER TO CIVIL  
41 AND CRIMINAL PENALTIES AS PROVIDED FOR IN THIS ARTICLE.

42 18. NO PERSON WHO IS LICENSED AS A MASTER PLUMBER OR LICENSED OR  
43 CERTIFIED AS A MECHANICAL TRADESPERSON PURSUANT TO THIS ACT SHALL HIRE  
44 ANY PERSON TO PERFORM SERVICES OF A JOURNEYMAN PLUMBER OR JOURNEYMAN  
45 TRADESPERSON IN THE STATE OF NEW YORK UNLESS SUCH PERSON HAS OBTAINED A  
46 JOURNEYMAN PLUMBER CARD OR JOURNEYMAN MECHANICAL TRADESPERSON CARD UNDER  
47 THIS LAW.

48 19. NO PERSON WHO IS LICENSED AS A MASTER PLUMBER OR LICENSED OR  
49 CERTIFIED AS A MECHANICAL TRADESPERSON PURSUANT TO THIS ACT SHALL HIRE  
50 ANY PERSON TO PERFORM SERVICES OF AN APPRENTICE IN THE STATE OF NEW YORK  
51 UNLESS SUCH PERSON HAS REGISTERED AS AN APPRENTICE UNDER THIS LAW.

52 20. A VIOLATION OF THIS SECTION SHALL SUBJECT SUCH PERSON TO CIVIL  
53 AND/OR CRIMINAL PENALTIES AS PROVIDED FOR IN THIS CHAPTER, EXCEPT THAT A  
54 MASTER PLUMBER SHALL BE RESPONSIBLE FOR ANY AND ALL UNREGISTERED EMPLOY-  
55 EES.

1 21. THIS SECTION SHALL NOT BE CONSTRUED TO IMPOSE PENALTIES UPON AN  
2 EMPLOYEE OF AN UNLICENSED PLUMBER OR AN UNLICENSED OR UNCERTIFIED  
3 MECHANICAL TRADESPERSON. SHOULD AN UNLICENSED PLUMBER OR UNLICENSED OR  
4 UNCERTIFIED MECHANICAL TRADESPERSON HIRE A JOURNEYMAN PLUMBER, JOURNEY-  
5 MAN MECHANICAL TRADESPERSON OR APPRENTICE, THE UNLICENSED PLUMBER OR  
6 UNCERTIFIED MECHANICAL TRADESPERSON SHALL BE PENALIZED.

7 22. NO PERSON WHO HAS NOT QUALIFIED FOR AND OBTAINED A LICENSE,  
8 CERTIFICATE, OR REGISTRATION CARD ISSUED UNDER THE PROVISIONS OF THIS  
9 CHAPTER SHALL REPRESENT HIMSELF OR HERSELF TO THE PUBLIC, OR ENGAGE IN  
10 THE WORK OF, A LICENSED MASTER PLUMBER, JOURNEYMAN PLUMBER, LICENSED OR  
11 CERTIFIED MECHANICAL TRADESPERSON, JOURNEYMAN MECHANICAL TRADESPERSON OR  
12 APPRENTICE IN THE STATE OF NEW YORK.

13 23. A VIOLATION OF THIS SECTION SHALL SUBJECT SUCH PERSON TO CIVIL  
14 AND/OR CRIMINAL PENALTIES AS PROVIDED FOR IN THIS ARTICLE, EXCEPT THAT A  
15 MASTER PLUMBER SHALL BE RESPONSIBLE FOR ANY AND ALL UNREGISTERED EMPLOY-  
16 EES.

17 24. THE BOARD SHALL HAVE THE POWER TO SUSPEND OR REVOKE ANY LICENSE,  
18 CERTIFICATION OR RENEWAL THEREOF DULY ISSUED UNDER THE PROVISIONS OF  
19 THIS CHAPTER UPON A SHOWING, MADE IN ACCORDANCE WITH THE RULES AND REGU-  
20 LATIONS OF THE BOARD AND SUPPORTED BY SUBSTANTIAL EVIDENCE, THAT:

21 (A) THE LICENSE AND/OR CERTIFICATE HOLDER VIOLATED ANY PROVISION OF  
22 THIS CHAPTER, THE RULES AND REGULATIONS OF THE BOARD, OR ANY OTHER LAW  
23 OR ORDINANCE PERTAINING TO PLUMBING OR MECHANICAL TRADES; OR

24 (B) THE LICENSE AND/OR CERTIFICATE HOLDER IS UNFIT OR INCAPABLE OF  
25 PERFORMING OR ENGAGING IN THE TRADE FOR WHICH HE OR SHE IS LICENSED  
26 AND/OR CERTIFIED, AS EVIDENCED BY SUBSTANTIATED COMPLAINTS AND/OR CHARG-  
27 ES FILED AGAINST THE LICENSEE AND/OR CERTIFICATE HOLDER WITH THE BOARD.

28 25. PRIOR TO TAKING ACTION TO SUSPEND OR REVOKE A LICENSE AND/OR  
29 CERTIFICATE, THE BOARD SHALL PROVIDE NOTICE AND CONDUCT A HEARING IN  
30 ACCORDANCE WITH THE PROCEDURES SET FORTH IN THIS CHAPTER.

31 26. IN THE EVENT THE BOARD SUSPENDS OR REVOKES A LICENSE AND/OR  
32 CERTIFICATE ISSUED HEREUNDER, IT SHALL SET FORTH IN WRITING THE REASONS  
33 SUPPORTING SUCH DETERMINATION AND PROVIDE A COPY OF THE SAME TO THE  
34 LICENSE AND/OR CERTIFICATE HOLDER WITHIN TEN DAYS AFTER THE CLOSE OF THE  
35 HEARING.

36 27. IN THE EVENT OF SUSPENSION, SAID DETERMINATION SHALL SET FORTH THE  
37 TERM OF THE SUSPENSION.

38 28. IN THE EVENT OF REVOCATION, THE LICENSEE AND/OR CERTIFICATE HOLDER  
39 SHALL RETURN HIS OR HER INDICIA OF LICENSURE OR CERTIFICATION TO THE  
40 BOARD VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED. SUCH PERSON SHALL  
41 NOT BE ELIGIBLE FOR RELICENSING AND/OR RECERTIFICATION UNLESS AND UNTIL  
42 HE OR SHE RECEIVES WRITTEN AUTHORIZATION TO RE-APPLY FROM THE BOARD, AND  
43 ONLY THEN AFTER SUCCESSFUL RE-EXAMINATION IN ACCORDANCE WITH THE  
44 PROVISIONS OF THIS ARTICLE.

45 29. (A) UPON WRITTEN REQUEST BY THE LICENSEE AND/OR CERTIFICATE HOLD-  
46 ER, SETTING FORTH IN DETAIL THE REASONS THEREFOR, THE BOARD MAY DEEM A  
47 LICENSE OR CERTIFICATE SHELVED, SUBJECT TO THE FOLLOWING:

48 (I) THE LICENSEE AND/OR CERTIFICATE HOLDER SHALL SURRENDER HIS OR HER  
49 PLATE TO THE BOARD.

50 (II) THE GRANTING OF A REQUEST FOR SHELVED STATUS SHALL NOT BE DEEMED  
51 OR OTHERWISE CONSIDERED A SUSPENSION OF LICENSE OR CERTIFICATE.

52 (III) THE PERIOD OF SHELVED STATUS MAY BE GRANTED FOR A PERIOD OF ONE  
53 YEAR.

54 (IV) THE PERIOD OF SHELVED STATUS SHALL COMMENCE ON JANUARY FIRST OF  
55 THE NEXT YEAR FOLLOWING THE GRANTING OF APPROVAL BY THE BOARD.



1 (B) ON OR BEFORE THE DECEMBER THIRTY-FIRST OF EACH YEAR OF SHELVED  
2 STATUS, THE LICENSEE AND/OR CERTIFICATE HOLDER MUST EITHER:

3 (I) SUBMIT A WRITTEN REQUEST FOR AN EXTENSION OF SHELVED STATUS, WHICH  
4 MAY BE GRANTED AT THE DISCRETION OF THE BOARD; OR

5 (II) SUBMIT A WRITTEN REQUEST THAT HIS OR HER LICENSE OR CERTIFICATE  
6 BE REACTIVATED, WHICH REQUEST SHALL BE GRANTED BY THE BOARD WITHOUT  
7 FURTHER TESTING OR QUALIFICATION.

8 (C) UPON REACTIVATION, THE LICENSEE AND/OR CERTIFICATE HOLDER SHALL BE  
9 REQUIRED TO PAY THE APPROPRIATE ANNUAL LICENSING OR CERTIFICATE FEE  
10 REGARDLESS OF THE TIME REMAINING IN THE CALENDAR YEAR.

11 (D) ANY LICENSE OR CERTIFICATE HOLDER OF A SHELVED LICENSE FOUND WORK-  
12 ING IN THE STATE OF NEW YORK SHALL BE DEEMED UNLICENSED/UNCERTIFIED. THE  
13 LICENSE OR CERTIFICATE HOLDER SHALL BE SUBJECT TO FINES AND PENALTIES AS  
14 PROVIDED FOR IN THIS CHAPTER, AND SHALL PERMANENTLY LOSE HIS/HER ELIGI-  
15 BILITY TO APPLY FOR A SHELVED LICENSE IN THE FUTURE.

16 (E) A LICENSEE OR CERTIFICATE HOLDER GRANTED SHELVED STATUS MUST  
17 COMPLETE ANY CONTINUING EDUCATION CREDIT HOURS THAT MAY BE REQUIRED  
18 DURING THE PERIOD OF TIME THE LICENSE OR CERTIFICATE IS SHELVED IN ORDER  
19 TO REACTIVATE THE LICENSE OR CERTIFICATE.

20 30. (A) FOR PURPOSES OF THIS SECTION, A LICENSED MASTER PLUMBER OR  
21 MECHANICAL TRADESPERSON, AS DEFINED IN THIS CHAPTER, SHALL BE ELIGIBLE  
22 TO SHELVE HIS/HER LICENSE/CERTIFICATION WHILE HE/SHE IS EXCLUSIVELY  
23 EMPLOYED BY:

24 (I) NEW YORK STATE GOVERNMENT

25 (II) A TOWN OR VILLAGE WITHIN NEW YORK STATE

26 (III) A SCHOOL DISTRICT IN NEW YORK STATE

27 (B) THE REQUEST FOR SHELVED STATUS HEREUNDER SHALL BE MADE ANNUALLY TO  
28 THE BOARD IN WRITING. ONCE THE BOARD HAS GRANTED AUTHORIZATION TO  
29 SHELVE, THE LICENSE/CERTIFICATE HOLDER SHALL SURRENDER HIS/HER PLATE,  
30 LICENSE/CERTIFICATE AND REMOVE DECALS FROM HIS/HER VEHICLES, PRIOR TO  
31 ACTIVATION OF SUCH SHELVED STATUS. NO SHELVED LICENSE/CERTIFICATE HOLD-  
32 ER SHALL RECEIVE A COPY OR ANY OTHER REPRODUCTION OF SUCH SHELVED  
33 LICENSE/CERTIFICATION. IN NO WAY SHALL APPROVAL OF SHELVED STATUS HERE-  
34 UNDER BE DEEMED A SUSPENSION.

35 (C) A FEE SHALL BE ASSESSED AGAINST THE LICENSE AND/OR CERTIFICATE  
36 HOLDER DURING ANY PERIOD OF APPROVED SHELVED STATUS. IF A LICENSEE/CERTIFICATE  
37 HOLDER ACTIVATES HIS/HER LICENSE/CERTIFICATION AT ANY TIME DURING THE  
38 CALENDAR YEAR, HE/SHE WILL BE RESPONSIBLE FOR THE FULL YEAR'S FEE. FEES  
39 SHALL NOT BE PRORATED.

40 (D) ANY LICENSE OR CERTIFICATE HOLDER OF A SHELVED LICENSE FOUND WORK-  
41 ING OUTSIDE HIS/HER EXCLUSIVE EMPLOYMENT BY NEW YORK STATE GOVERNMENT, A  
42 NEW YORK STATE TOWN OR VILLAGE, OR SCHOOL DISTRICT WITHIN THE STATE OF  
43 NEW YORK SHALL BE DEEMED UNLICENSED/UNCERTIFIED. HE OR SHE SHALL BE  
44 SUBJECT TO FINES AND PENALTIES AS PROVIDED FOR IN THIS CHAPTER, AND  
45 SHALL PERMANENTLY LOSE HIS OR HER ELIGIBILITY TO APPLY FOR A SHELVED  
46 LICENSE IN THE FUTURE.

47 (E) A LICENSE OR CERTIFICATE HOLDER GRANTED SHELVED STATUS MUST  
48 COMPLETE ANY CONTINUING EDUCATION CREDIT HOURS THAT MAY BE REQUIRED  
49 DURING THE PERIOD OF TIME THE LICENSE OR CERTIFICATE IS SHELVED IN ORDER  
50 TO REACTIVATE THE LICENSE OR CERTIFICATE.

51 31. (A) LICENSES MAY NOT BE ISSUED IN THE NAME OF A CORPORATE OR BUSI-  
52 NESS ENTITY. IN THE CASE OF A CORPORATION, PARTNERSHIP, LIMITED PARTNER-  
53 SHIP OR JOINT VENTURE, THE INDIVIDUALS WHO ARE RESPONSIBLE FOR THE  
54 PERFORMANCE OF THE WORK COVERED BY THIS CHAPTER ON BEHALF OF SUCH CORPO-  
55 RATION, PARTNERSHIP, LIMITED PARTNERSHIP OR JOINT VENTURE, WHETHER THEY  
56 BE EMPLOYEES, OFFICERS, OWNERS, OR SHAREHOLDERS OF THE SAME, MUST BE

1 INDIVIDUALLY LICENSED OR CERTIFIED IN ACCORDANCE WITH THE PROVISIONS OF  
2 THIS ARTICLE.

3 (B) SUCH LICENSED MASTER PLUMBER OR LICENSED OR CERTIFIED TRADESPERSON  
4 SHALL BE SOLELY RESPONSIBLE FOR THE PROPER SUPERVISION AND LAYOUT OF ANY  
5 PLUMBING OR MECHANICAL TRADE WORK PERFORMED IN THE NAME OF SUCH BUSINESS  
6 ENTITY. ALL PERFORMING WORK UNDER SUCH LICENSED MASTER PLUMBER AND/OR  
7 LICENSED OR CERTIFIED TRADESPERSON MUST BE ACTIVE EMPLOYEES OF SUCH  
8 BUSINESS ENTITY.

9 (C) ALL SUCH CORPORATIONS, PARTNERSHIPS, LIMITED PARTNERSHIPS OR JOINT  
10 VENTURES MUST FILE WITH THE BOARD A CERTIFIED COPY OF THE APPLICABLE  
11 BUSINESS CERTIFICATION AS IS ON FILE WITH THE CLERK OF THE COUNTY WHERE  
12 SUCH BUSINESS ENTITY MAINTAINS ITS PRINCIPAL PLACE OF BUSINESS.

13 (D) IT SHALL BE A VIOLATION OF THIS CHAPTER FOR ANY PERSON OR BUSINESS  
14 ENTITY DOING OR SEEKING TO DO BUSINESS IN NEW YORK STATE TO PRESENT  
15 HIMSELF, HERSELF OR ITSELF TO THE PUBLIC AS A "PLUMBER", "MASTER PLUM-  
16 BER" OR "MECHANICAL TRADESPERSON" BY THE USE OF SUCH TERMS OR OTHER  
17 WORDS OF SIMILAR IMPORT AND MEANING ON SIGNS, CARDS, STATIONERY, PRINTED  
18 MATERIAL OR IN ANY OTHER MANNER WHATSOEVER, UNLESS SUCH PERSON OR BUSI-  
19 NESS ENTITY SHALL HAVE COMPLIED WITH THE REQUIREMENTS OF THIS ARTICLE.

20 S 7535. MECHANICAL TRADES CERTIFICATION. 1. CERTIFICATION REQUIRED.  
21 ANY PERSON AND/OR BUSINESS ENTITY, INCLUDING LICENSED MASTER PLUMBERS,  
22 WHO WISH TO PERFORM SERVICES IN CONNECTION WITH THE INSTALLATION, REPAIR  
23 AND MAINTENANCE OF FIRE-PROTECTION SPRINKLER SYSTEMS; LAWN, GARDEN AND  
24 AGRICULTURAL SPRINKLER SYSTEMS; L.P. GAS SYSTEMS; HVAC SYSTEMS; AND  
25 WATER WELL, TREATMENT AND PUMP SYSTEMS, MUST BE CERTIFIED IN ACCORDANCE  
26 WITH THE PROVISIONS OF THIS ARTICLE.

27 2. SPECIAL REGULATIONS AND REQUIREMENTS.

28 (A) FIRE SPRINKLER SYSTEM AND LAWN, GARDEN AND AGRICULTURAL SPRINKLER  
29 SYSTEM CERTIFICATION.

30 (I) THE APPLICANT MUST SUBMIT PROOF OF A MINIMUM OF FOUR THOUSAND  
31 HOURS OF EXPERIENCE WORKING WITH SPRINKLER SYSTEMS.

32 (II) UPON CERTIFICATION, SUCH CERTIFIED MECHANICAL TRADESPERSON AND/OR  
33 BUSINESS ENTITY, IN ADDITION TO PERFORMING THE WORK FOR WHICH THEY ARE  
34 CERTIFIED, MAY MAKE ONLY INCIDENTAL POTABLE WATER CONNECTIONS AS DEFINED  
35 HEREIN. ANY CONNECTION TO A POTABLE WATER SOURCE MUST BE MADE BY A  
36 LICENSED MASTER PLUMBER.

37 (B) L.P. GAS CERTIFICATION.

38 (I) THE APPLICANT MUST SUCCESSFULLY COMPLETE THE NEW YORK STATE L.P.  
39 EXAMINATION.

40 (II) THE APPLICANT MUST SUBMIT PROOF OF SUCCESSFUL COMPLETION OF A  
41 CERTIFIED EMPLOYEE TRAINING PROGRAM AND GAS CHECK TO THE BOARD PRIOR TO  
42 THE ISSUANCE OF AN L.P. GAS CERTIFICATION.

43 (III) THE APPLICANT MUST SUBMIT PROOF OF A MINIMUM OF FOUR THOUSAND  
44 HOURS OF EXPERIENCE WORKING IN THE L.P. GAS INDUSTRY.

45 (IV) ANY RELOCATION OF MORE THAN THREE FEET OF AN L.P./NATURAL GAS  
46 APPLIANCE CONNECTED TO A POTABLE WATER SUPPLY MUST BE PERFORMED BY A  
47 LICENSED MASTER PLUMBER.

48 (V) L.P./NATURAL GAS FILING REQUIREMENT.

49 (A) ALL L.P./NATURAL GAS WORK PERFORMED IN NEW YORK STATE MUST BE  
50 FILED FOR INSPECTION WITH THE BOARD.

51 (B) ALL L.P./NATURAL GAS HOOK-UPS MUST BE INSPECTED BEFORE ANY GAS  
52 SERVICE CAN BE TURNED ON.

53 (C) A VIOLATION OF THIS SECTION SHALL SUBJECT SUCH PERSON TO CIVIL  
54 PENALTIES AS PROVIDED IN THIS CHAPTER.

55 (C) HVAC CERTIFICATION.

1 (I) CERTIFICATION WILL BE ISSUED ONLY UPON SUBMISSION TO THE BOARD OF  
2 SUCH PROOF AS MAY BE REQUIRED TO DEMONSTRATE THE APPLICANT'S EXPERIENCE,  
3 QUALIFICATIONS AND SKILL TO PERFORM THE WORK OF AN HVAC MECHANICAL  
4 TRADESPERSON, INCLUDING SATISFACTORY PROOF OF A MINIMUM OF FOURTEEN  
5 THOUSAND HOURS OF EXPERIENCE IN THE PERFORMANCE OF HVAC INSTALLATION,  
6 MAINTENANCE AND REPAIR.

7 (II) WORK PERFORMED UNDER THE HVAC CERTIFICATION SHALL BE LIMITED TO  
8 OIL HEATING AND COOLING SYSTEMS.

9 (III) ANY HVAC ALTERATION, MODIFICATION OR INSTALLATION INVOLVING  
10 RELOCATION OF ANY PART OF THE HVAC SYSTEM MORE THAN THREE FEET FROM AN  
11 EXISTING HEATING, VENTILATION OR AIR-CONDITIONING APPLIANCE WHICH IS  
12 CONNECTED TO A POTABLE WATER SOURCE MUST BE PERFORMED BY A LICENSED  
13 MASTER PLUMBER.

14 (D) WATER WELL AND PUMP CERTIFICATION.

15 (I) CERTIFICATION IS REQUIRED FOR ALL PERSONS AND BUSINESS ENTITIES  
16 ENGAGED IN THE DRILLING OF WATER WELLS, INSTALLATION OF WATER PUMPS  
17 AND/OR PUMPING SYSTEMS, INSTALLATION OF FILTRATION AND/OR WATER TREAT-  
18 MENT SYSTEMS, AND/OR INSTALLATION OF COLD WATER STORAGE TANKS. SEPARATE  
19 CERTIFICATIONS ARE REQUIRED FOR EACH RELATED TRADE. NO OTHER WORK MAY BE  
20 PERFORMED, EXCEPT FOR THE WORK WHICH CERTIFICATION IS ISSUED.

21 (II) CERTIFICATION WILL BE ISSUED ONLY UPON SUBMISSION TO THE BOARD OF  
22 SUCH PROOF AS MAY BE REQUIRED TO DEMONSTRATE THE APPLICANT'S EXPERIENCE,  
23 QUALIFICATIONS AND SKILL TO PERFORM SUCH WORK.

24 (III) APPLICANTS FOR CERTIFICATION FOR WELL WATER DRILLING MUST:

25 (A) BE AT LEAST TWENTY-ONE YEARS OF AGE;

26 (B) POSSESS A MINIMUM OF FOUR THOUSAND HOURS' EXPERIENCE IN THE DRILL-  
27 ING INDUSTRY;

28 (C) PASS TWO EXAMS GIVEN BY A NEW YORK DEPARTMENT OF ENVIRONMENTAL  
29 CONSERVATION RECOGNIZED EQUIVALENT TESTING COMPANY WITH A GRADE OF  
30 SEVENTY PERCENT OR BETTER; AND

31 (D) BE REGISTERED WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
32 CONSERVATION.

33 (IV) APPLICANTS FOR CERTIFICATION IN PUMP AND/OR PLUMBING SYSTEMS  
34 INSTALLATION, MUST:

35 (A) BE AT LEAST TWENTY-ONE YEARS OF AGE;

36 (B) POSSESS A MINIMUM OF TWO YEARS OF EXPERIENCE IN THE PUMP INDUSTRY;

37 (C) PASS TWO EXAMS GIVEN BY A NEW YORK STATE DEPARTMENT OF ENVIRON-  
38 MENTAL CONSERVATION RECOGNIZED TESTING COMPANY WITH A GRADE OF SEVENTY  
39 PERCENT OF BETTER; AND

40 (D) BE REGISTERED WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
41 CONSERVATION.

42 (V) APPLICANTS FOR ALL OTHER CERTIFICATIONS IN THIS FIELD MUST PRESENT  
43 THE BOARD WITH SATISFACTORY PROOF OF A MINIMUM OF TWO YEARS OF PRIOR  
44 EXPERIENCE IN THE FIELD FOR WHICH CERTIFICATION IS SOUGHT.

45 (E) WATER TREATMENT CERTIFICATION.

46 (I) CERTIFICATION IS REQUIRED FOR ALL PERSONS AND BUSINESS ENTITIES  
47 ENGAGED IN THE INSTALLATION, REPAIR, REPLACEMENT, ALTERATION AND MAINTENANCE  
48 OF WATER SOFTENERS, WATER TREATMENT AND/OR PURIFICATION SYSTEMS.

49 (II) CERTIFICATION UNDER THIS SECTION DOES NOT AUTHORIZE THE CERTIF-  
50 ICATE HOLDER TO INSTALL INITIAL CONNECTION TO A POTABLE WATER SOURCE OR  
51 TO SANITARY WASTE SYSTEMS OR LINES. SUCH CONNECTIONS MUST BE PERFORMED  
52 BY A LICENSED MASTER PLUMBER.

53 (III) CERTIFICATION WILL BE ISSUED ONLY UPON SUBMISSION TO THE BOARD  
54 SUCH PROOF AS MAY BE REQUIRED TO DEMONSTRATE THE APPLICANT'S EXPERIENCE,  
55 QUALIFICATIONS AND SKILL TO PERFORM SUCH WORK.

56 (IV) APPLICANTS FOR WATER TREATMENT CERTIFICATION MUST:

1 (A) BE AT LEAST TWENTY-ONE YEARS OF AGE;

2 (B) POSSESS A MINIMUM OF FOUR THOUSAND HOURS OF EXPERIENCE IN THE  
3 WATER TREATMENT INDUSTRY; AND

4 (C) PASS TWO EXAMS GIVEN BY THE WATER QUALITY ASSOCIATION WITH A PASS-  
5 ING GRADE OF SEVENTY PERCENT OR BETTER.

6 (F) SHEET METAL CERTIFICATION.

7 (I) CERTIFICATION IS REQUIRED FOR ALL PERSONS AND BUSINESS ENTITIES  
8 ENGAGED IN THE INSTALLATION OF SHEET METAL AND DUCT WORK USED IN HVAC  
9 SYSTEMS.

10 (II) CERTIFICATION WILL BE ISSUED ONLY UPON SUBMISSION TO THE BOARD OF  
11 SUCH PROOF AS MAY BE REQUIRED TO DEMONSTRATE THE APPLICANT'S EXPERIENCE,  
12 QUALIFICATIONS AND SKILL TO PERFORM SUCH WORK INCLUDING SATISFACTORY  
13 PROOF OF A MINIMUM OF FOURTEEN THOUSAND HOURS OF EXPERIENCE WORKING IN  
14 THE SHEET METAL INDUSTRY.

15 (III) APPLICANTS FOR CERTIFICATION FOR SHEET METAL CERTIFICATION MUST:

16 (A) BE AT LEAST TWENTY-ONE YEARS OF AGE;

17 (B) POSSESS A MINIMUM OF SEVEN YEARS' EXPERIENCE WORKING WITH SHEET  
18 METAL; AND

19 (C) PASS THE SHEET METAL EXAMINATION WITH A GRADE OF SEVENTY PERCENT  
20 OR BETTER.

21 S 7536. SPECIAL PROVISIONS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF  
22 THIS CHAPTER, A MASTER PLUMBER LICENSE SHALL NOT BE REQUIRED TO MAKE  
23 INCIDENTAL POTABLE WATER CONNECTIONS TO EXISTING POTABLE WATER PIPING  
24 SYSTEMS, PROVIDED SUCH CONNECTION IS MADE BY A PERSON WHO HAS BEEN DULY  
25 CERTIFIED UNDER THE PROVISIONS OF THIS CHAPTER IN THE RELATED AND APPLI-  
26 CABLE MECHANICAL TRADE.

27 2. EXCEPTION. IN A NEW CONSTRUCTION, DEFINED HEREIN TO MEAN A STRUC-  
28 TURE THAT DOES NOT HAVE A PRESENT EXISTING POTABLE WATER SYSTEM, ALL  
29 FINAL POTABLE WATER SUPPLY CONNECTIONS TO AND FROM AND APPLIANCES  
30 LOCATED WITHIN THE STRUCTURE MUST BE MADE BY A LICENSED MASTER PLUMBER.  
31 FURTHER, ALL L.P. GAS PIPING AND NATURAL GAS PIPING CONNECTIONS WITHIN  
32 SUCH STRUCTURES MUST BE INSTALLED BY A LICENSED MASTER PLUMBER OR DULY  
33 CERTIFIED MECHANICAL TRADESPERSON.

34 3. (A) EACH PERSON ISSUED A LICENSE OR CERTIFICATION UNDER THIS CHAP-  
35 TER WILL BE ISSUED A WRITTEN CERTIFICATE OF LICENSE OR CERTIFICATION, A  
36 PERSONAL IDENTIFICATION CARD AND A VEHICLE BUMPER DECAL, EACH OF WHICH  
37 WILL CONTAIN THE HOLDER'S NAME, NEW YORK STATE LICENSE OR CERTIFICATION  
38 NUMBER, AND THE EXPIRATION DATE THEREOF. ALL ITEMS SO ISSUED SHALL BE  
39 AND REMAIN THE PROPERTY OF NEW YORK STATE.

40 (B) THE CERTIFICATE OF LICENSE OR CERTIFICATION MUST BE CONSPICUOUSLY  
41 DISPLAYED AT THE HOLDER'S PLACE OF BUSINESS AT ALL TIMES.

42 (C) THE PERSONAL IDENTIFICATION CARD MUST BE IN THE HOLDER'S  
43 POSSESSION AT ALL TIMES WHILE ON A JOB SITE, AND AVAILABLE FOR  
44 INSPECTION.

45 (D) THE VEHICLE'S BUMPER DECAL MUST BE AFFIXED TO THE LEFT REAR BUMPER  
46 OF ALL VEHICLES OWNED, LEASED OR USED BY THE LICENSE OR CERTIFICATION  
47 HOLDER IN THE PERFORMANCE OF HIS OR HER TRADE OR BUSINESS.

48 (E) ALL VEHICLES WHICH ARE OWNED, LEASED OR USED IN THE NAME OF A  
49 BUSINESS ENTITY, THE OWNERS, PRINCIPALS AND/OR EMPLOYEES OF WHICH ARE  
50 SUBJECT TO THE PROVISIONS OF THIS ARTICLE, MUST PROMINENTLY DISPLAY THE  
51 BUSINESS NAME AND NEW YORK STATE LICENSE OR CERTIFICATION.

52 (F) ALL VEHICLES WHICH ARE OWNED, LEASED OR USED IN THE NAME OF A  
53 BUSINESS ENTITY, THE OWNERS, PRINCIPALS AND/OR EMPLOYEES OF WHICH ARE  
54 SUBJECT TO THE PROVISIONS OF THIS ARTICLE, MUST BE DULY REGISTERED WITH  
55 THE BOARD BY PROVIDING PROOF OF VEHICLE REGISTRATION.

1 (G) FAILURE TO COMPLY IN ANY MANNER WITH THE PROVISIONS OF THIS SUBDI-  
2 VISION SHALL BE A VIOLATION OF THIS ARTICLE AND SHALL SUBJECT THE  
3 LICENSE/CERTIFICATION HOLDER TO THE SANCTIONS PROVIDED FOR IN THIS ARTI-  
4 CLE.

5 S 7537. PROHIBITED ACTS AND ENFORCEMENT. 1. THE FOLLOWING ACTS ARE  
6 STRICTLY PROHIBITED:

7 (A) ABANDONMENT OR FAILURE TO PERFORM, WITHOUT JUSTIFICATION, ANY  
8 CONTRACT FOR PLUMBING OR MECHANICAL TRADES WORK OR PROJECT ENGAGED IN OR  
9 UNDERTAKEN BY THE CONTRACTOR.

10 (B) MAKING ANY SUBSTANTIAL MISREPRESENTATION IN THE PROCUREMENT OF A  
11 CONTRACT FOR PLUMBING OR MECHANICAL TRADES WORK, OR MAKING ANY FALSE  
12 PROMISE LIKELY TO INFLUENCE, PERSUADE OR INDUCE.

13 (C) ANY FRAUD IN THE EXECUTION OF OR IN THE MATERIAL ALTERATION OF ANY  
14 CONTRACT, PROMISSORY NOTE OR OTHER DOCUMENT INCIDENT TO A CONTRACT FOR  
15 PLUMBING OR MECHANICAL TRADES WORK.

16 (D) MAKING A FALSE STATEMENT OR PROVIDING FALSE INFORMATION IN MAKING  
17 AN APPLICATION FOR REGISTRATION, INCLUDING DUPLICATE OR RENEWAL.

18 (E) PREPARING OR ACCEPTING ANY MORTGAGE, PROMISSORY NOTE OR OTHER  
19 EVIDENCE OF INDEBTEDNESS UPON THE OBLIGATION OF A CONTRACT FOR PLUMBING  
20 OR MECHANICAL TRADES WORK WITH KNOWLEDGE THAT IT REPRESENTS A GREATER  
21 MONETARY OBLIGATION THAN THE AGREED-UPON CONSIDERATION FOR THE CONTRACT.

22 (F) DEMANDING OR RECEIVING ANY PAYMENTS PRIOR TO THE SIGNING OF A  
23 CONTRACT FOR PLUMBING OR MECHANICAL TRADES WORK.

24 (G) RECEIVING AT OR BEFORE THE TIME OF EXECUTION OF A CONTRACT A  
25 DEPOSIT OF MORE THAN ONE THIRD OF THE CONTRACT PRICE.

26 (H) DIRECTLY OR INDIRECTLY PUBLISHING ANY ADVERTISEMENT RELATING TO  
27 PLUMBING OR MECHANICAL TRADES WORK WHICH CONTAINS AN ASSERTION, REPRE-  
28 SENTATION OR STATEMENT OF FACT WHICH IS FALSE, DECEPTIVE OR MISLEADING,  
29 PROVIDED THAT ANY ADVERTISEMENT WHICH IS SUBJECT TO AND COMPLIES WITH  
30 THEN EXISTING RULES, REGULATIONS OR GUIDES OF THE FEDERAL TRADE COMMIS-  
31 SION SHALL NOT BE DEEMED FALSE, DECEPTIVE OR MISLEADING; OR BY ANY MEANS  
32 OR ADVERTISING OR PURPORTING TO OFFER THE GENERAL PUBLIC ANY MECHANICAL  
33 TRADE WORK WITH THE INTENT NOT TO ACCEPT CONTRACTS FOR THE PARTICULAR  
34 WORK OR AT THE PRICE WHICH IS ADVERTISED OR OFFERED TO THE PUBLIC.

35 (I) DISREGARD AND VIOLATION OF THE BUILDING, SANITARY AND HEALTH LAWS  
36 OF THE STATE OF NEW YORK OR OF ANY POLITICAL OR MUNICIPAL SUBDIVISION  
37 THEREOF.

38 (J) FAILURE TO NOTIFY THE BOARD, IN WRITING, OF ANY CHANGES OF CONTROL  
39 IN OWNERSHIP, MANAGEMENT OR BUSINESS NAME OR LOCATION.

40 (K) FAILURE TO ADHERE TO ANY OF THE REQUIREMENTS AS SET FORTH IN THIS  
41 ARTICLE.

42 (L) CONDUCTING A PLUMBING OR MECHANICAL TRADES BUSINESS IN ANY NAME  
43 OTHER THAN THE ONE IN WHICH THE CONTRACTOR IS REGISTERED.

44 (M) FAILURE TO COMPLY WITH ANY ORDER, DEMAND OR REQUIREMENT MADE BY  
45 THE BOARD PURSUANT TO THE VARIOUS PROVISIONS OF THIS ARTICLE.

46 (N) FAILURE TO LIST REGISTRATION NUMBER IN ANY AND ALL ADVERTISEMENTS  
47 FOR THE REGISTERED PLUMBING OR MECHANICAL TRADE BUSINESS.

48 (O) FAILURE TO ESTABLISH OR MAINTAIN FINANCIAL SOLVENCY, TAKING INTO  
49 ACCOUNT THE SCOPE AND SIZE OF A PERSON'S BUSINESS IN RELATION TO THE  
50 PERSON'S CURRENT ASSETS, LIABILITIES, CREDIT RATING, NET WORTH AND  
51 CIRCUMSTANCES AFFECTING SOLVENCY. SUCH FINANCIAL INFORMATION SHALL BE  
52 CONFIDENTIAL AND NOT A PUBLIC RECORD BUT, WHERE RELEVANT, SHALL BE  
53 ADMISSIBLE AS EVIDENCE IN ANY ADMINISTRATIVE HEARING OR JUDICIAL ACTION  
54 PROCEEDING.

55 (P) FAILURE TO MAINTAIN THE PROPER INSURANCE, SURETY LICENSE AND  
56 PERMIT BOND, AS REQUIRED.

1 (Q) ANY FRAUD IN RECOMMENDING THE INSTALLATION, REPAIR OR REPLACEMENT  
2 OF ANY ITEM THE TRADESMEN KNEW OR SHOULD HAVE KNOWN WAS NOT REQUIRED.

3 (R) WORK WHICH IS NOT CONSISTENT WITH NEW YORK STATE BUILDING CODES,  
4 LOCAL CODES, CONTEMPORARY INDUSTRY STANDARDS OR ANY OTHER APPLICABLE  
5 CODES.

6 2. SUSPENSION, REVOCATION AND CIVIL FINES. FOLLOWING A HEARING AS  
7 PROVIDED FOR HEREIN, THE BOARD SHALL HAVE THE POWER TO REVOKE OR SUSPEND  
8 FOR SUCH PERIOD AS THE BOARD MAY DEEM APPROPRIATE ANY LICENSE OR CERTIF-  
9 ICATION ISSUED UNDER THE PROVISIONS OF THIS CHAPTER, AND/OR ASSESS AND  
10 IMPOSE CIVIL FINES AS PROVIDED FOR HEREIN, PROVIDED A MAJORITY OF THE  
11 BOARD IS SATISFIED BY SUBSTANTIAL EVIDENCE THAT A PERSON OR THE HOLDER  
12 OF SUCH LICENSE OR CERTIFICATION HAS VIOLATED A PROVISION OF THIS CHAP-  
13 TER, THE RULES AND REGULATIONS OF THE BOARD, OR ANY OTHER LAW, REGU-  
14 LATION OR ORDINANCE APPLICABLE TO PLUMBING OR RELATED MECHANICAL TRADES.

15 3. PROCEDURE FOR SUSPENSION, REVOCATION AND/OR IMPOSITION OF CIVIL  
16 FINES. (A) NOTICE OF CHARGES. PRIOR TO REVOCATION OR SUSPENSION OF A  
17 LICENSE OR CERTIFICATION, AND/OR THE ASSESSMENT OF ANY CIVIL PENALTIES  
18 AS PROVIDED FOR HEREIN, THE HOLDER THEREOF SHALL RECEIVE IN WRITING, IN  
19 THE FORM OF AN APPEARANCE TICKET, ALL OF THE PARTICULARS OF THE ALLEGED  
20 VIOLATION. SUCH NOTICE SHALL BE FORWARDED TO THE ALLEGED VIOLATOR BY THE  
21 CODE ENFORCEMENT OFFICER VIA REGISTERED OR CERTIFIED MAIL, RETURN  
22 RECEIPT REQUESTED, AND SHALL CONTAIN THE FOLLOWING INFORMATION:

23 (I) THE NAME AND ADDRESS OF THE ALLEGED VIOLATOR.

24 (II) THE SPECIFIC SECTION OR SECTIONS OF THIS ARTICLE ALLEGED TO HAVE  
25 BEEN VIOLATED.

26 (III) A STATEMENT OF THE FACTS AND CIRCUMSTANCES SUPPORTING THE CHARGE  
27 OR CHARGES.

28 (IV) THE DATE, TIME AND PLACE WHERE THE ALLEGED VIOLATOR IS SUMMONED  
29 TO APPEAR BEFORE THE BOARD FOR A HEARING ON THE ALLEGED VIOLATION.

30 (V) A STATEMENT ADVISING THE ALLEGED VIOLATOR THAT ANY ANSWER TO THE  
31 CHARGES MUST BE FILED WITH THE BOARD WITHIN FIFTEEN DAYS OF HIS OR HER  
32 RECEIPT THEREOF, AS EVIDENCED BY THE RETURNED RECEIPT OF MAILING.

33 (VI) A STATEMENT OF THE POSSIBLE PENALTIES TO BE IMPOSED IN THE EVENT  
34 THE CHARGES ARE PROVEN TO THE BOARD BY SUBSTANTIAL EVIDENCE.

35 (VII) A STATEMENT ADVISING THE ALLEGED VIOLATOR THAT A DEFAULT JUDG-  
36 MENT WILL BE ENTERED AGAINST HIM OR HER IN THE EVENT HE OR SHE FAILS TO  
37 APPEAR AS DIRECTED.

38 (VIII) A STATEMENT ADVISING THE ALLEGED VIOLATOR THAT HE OR SHE HAS  
39 THE RIGHT:

40 (A) TO BE REPRESENTED BY LEGAL COUNSEL (AT HIS OR HER OWN EXPENSE);

41 (B) TO TESTIFY, CALL WITNESSES AND/OR PRESENT EVIDENCE IN HIS OR HER  
42 DEFENSE AT THE HEARING.

43 (B) HEARING. (I) TIMING. THE HEARING ON ANY ALLEGED VIOLATION OF THIS  
44 ARTICLE SHALL BE HELD BEFORE THE BOARD WITHIN SIXTY DAYS OF THE DATE OF  
45 THE WRITTEN NOTICE PROVIDED FOR IN PARAGRAPH (A) OF THIS SUBDIVISION.

46 (II) ADJOURNMENTS. ANY REQUEST FOR AN ADJOURNMENT MUST BE MADE IN  
47 WRITING AND MAY BE GRANTED AT THE SOLE DISCRETION OF THE BOARD.

48 (III) RECORD. A STENOGRAPHIC RECORD OR RECORD OF THE HEARING SHALL BE  
49 CREATED BY THE BOARD.

50 (IV) RULES OF EVIDENCE. COMPLIANCE WITH THE TECHNICAL RULES OF  
51 EVIDENCE SHALL NOT BE REQUIRED, BUT ALL EVIDENCE PRESENTED MUST BE MATE-  
52 RIAL AND RELEVANT AS DETERMINED BY THE HEARING OFFICER (OR PRESIDING  
53 BOARD MEMBER).

54 (V) PRESIDING OFFICER. THE HEARING SHALL BE CONDUCTED BY THE BOARD AND  
55 SHALL BE PRESIDED OVER BY THE CHAIRMAN OF THE BOARD OR, IN HIS OR HER  
56 ABSENCE, THE VICE-CHAIRMAN.

1 (VI) PRESENTATION OF EVIDENCE IN SUPPORT OF THE CHARGES. EVIDENCE OF  
2 ALLEGED VIOLATION SHALL BE PRESENTED TO THE BOARD BY THE CODE ENFORCE-  
3 MENT OFFICER OR OFFICERS, OR SUCH OFFICER'S DESIGNEE, WHO SHALL BE  
4 SUBJECT TO CROSS-EXAMINATION BY THE ALLEGED VIOLATOR OR HIS OR HER LEGAL  
5 REPRESENTATIVE.

6 (VII) BURDEN OF PROOF. THE CHARGES CONTAINED IN THE NOTICE SHALL BE  
7 PROVED BY SUBSTANTIAL EVIDENCE.

8 (VIII) FINDINGS OF FACT DECISION. WITHIN THIRTY DAYS FROM SUBMISSION  
9 OF ALL EVIDENCE AND THE CLOSE OF THE HEARING, THE BOARD SHALL ISSUE A  
10 WRITTEN DECISION ON THE CHARGES, SETTING FORTH THEREIN:

11 (A) ITS FINDINGS OF FACT AS DETERMINED BY THE EVIDENCE PRESENTED AT  
12 THE HEARING;

13 (B) ITS DECISION REGARDING THE ALLEGED VIOLATOR'S GUILT OR INNOCENCE  
14 OF THE CHARGES SET FORTH IN THE NOTICE OF CHARGES;

15 (C) A STATEMENT OF THE REASONS SUPPORTING ITS DECISION;

16 (D) THE PENALTY, IF ANY, TO BE IMPOSED, INCLUDING ANY RELEVANT EFFEC-  
17 TIVE DATE OR PERIODS OF DURATION AS DETERMINED BY THE BOARD; AND

18 (E) A STATEMENT REGARDING THE RIGHT TO CHALLENGE THE BOARD'S DECISION  
19 PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

20 (IX) NOTICE OF DECISION. THE BOARD SHALL IMMEDIATELY CAUSE A WRITTEN  
21 COPY OF ITS FINDINGS OF FACT AND DECISION TO BE DELIVERED TO THE ALLEGED  
22 VIOLATOR VIA REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

23 (X) JUDICIAL REVIEW. THE DECISION OF THE BOARD SHALL BE SUBJECT TO  
24 JUDICIAL REVIEW IN ACCORDANCE WITH ARTICLE SEVENTY-EIGHT OF THE CIVIL  
25 PRACTICE LAW AND RULES.

26 4. PERMISSIBLE PENALTIES. IN ADDITION TO ITS POWER TO SUSPEND OR  
27 REVOKE A LICENSE OR CERTIFICATION ISSUED HEREUNDER, OR IN LIEU THEREOF,  
28 THE BOARD, FOLLOWING A DETERMINATION THAT THE CHARGES HAVE BEEN PROVEN  
29 BY SUBSTANTIAL EVIDENCE, MAY IMPOSE THE FOLLOWING ADDITIONAL PENALTIES:

30 (A) ISSUANCE OF AN OFFICIAL REPRIMAND AND WARNING LETTER, A COPY OF  
31 WHICH SHALL BE RETAINED BY THE BOARD AND CONSIDERED IN CONNECTION WITH  
32 FUTURE APPLICATIONS FOR LICENSURE, CERTIFICATION AND/OR RENEWAL.

33 (B) A CIVIL PENALTY IN AN AMOUNT AUTHORIZED BY RESOLUTION OF THE NEW  
34 YORK STATE LEGISLATURE, BUT NOT TO EXCEED FIVE THOUSAND DOLLARS FOR EACH  
35 VIOLATION OF THIS ARTICLE.

36 (C) RESTITUTION. TO THE EXTENT A CONSUMER HAS BEEN MATERIALLY DAMAGED  
37 AS A DIRECT RESULT OF A VIOLATION OF THIS CHAPTER, THE BOARD MAY ISSUE  
38 AN ORDER OF RESTITUTION, THE AMOUNT OF WHICH SHALL BE BASED UPON SUFFI-  
39 CIENT AND SATISFACTORY EVIDENCE OF SUCH DAMAGE AS PRESENTED TO THE BOARD  
40 BY THE AGGRIEVED CONSUMER.

41 5. LITIGATION COSTS. IN THE EVENT THE STATE IS REQUIRED TO INSTITUTE  
42 LEGAL PROCEEDINGS TO COLLECT ANY PORTION OF A FINE OR PENALTY IMPOSED  
43 UPON A PERSON UNDER THIS ARTICLE, THE STATE SHALL BE ENTITLED TO RECOVER  
44 FROM THE PERSON ANY AND ALL ASSOCIATED COSTS THEREOF, INCLUDING ATTOR-  
45 NEYS FEES AND INTEREST ON ANY UNPAID FINE OR PENALTY CALCULATED AT THE  
46 STATUTORY RATE.

47 6. TO INVESTIGATE ALLEGED VIOLATIONS OF THIS SECTION, THE DIRECTOR, OR  
48 HIS OR HER DULY AUTHORIZED DESIGNEE, SHALL BE ENTITLED TO REQUEST AND  
49 REVIEW RECORDS MAINTAINED BY THE HOLDER OF A LICENSE AND/OR CERTIF-  
50 ICATION WHICH DEMONSTRATES THEIR COMPLIANCE WITH SAID SECTION. UPON  
51 COMPLETION OF AN INVESTIGATION, THE DIRECTOR SHALL HAVE THE POWER TO  
52 FORWARD HIS OR HER FINDINGS TO THE BOARD FOR THE INSTITUTION OF  
53 PROCEEDINGS PURSUANT TO THIS SECTION. THE DETERMINATION OF THE BOARD  
54 SHALL BE SUBJECT TO JUDICIAL REVIEW IN ANY COURT OF COMPETENT JURISDIC-  
55 TION.

1 7. IN ADDITION TO ANY CIVIL PENALTIES THAT MAY BE IMPOSED IT SHALL BE  
2 A CLASS A MISDEMEANOR, AS DEFINED IN THE PENAL LAW, PUNISHABLE BY A TERM  
3 OF IMPRISONMENT NOT EXCEEDING ONE YEAR AND A FINE NOT EXCEEDING ONE  
4 THOUSAND DOLLARS, TO DIRECTLY OR INDIRECTLY ENGAGE IN OR WORK AT THE  
5 BUSINESS OF A MASTER PLUMBER OR LICENSED OR CERTIFIED MECHANICAL TRADES-  
6 PERSON, AS PROVIDED HEREIN, IN THE STATE OF NEW YORK, WITHOUT APPLICABLE  
7 LICENSE OR CERTIFICATE WHILE HIS OR HER LICENSE OR CERTIFICATE IS  
8 SUSPENDED OR REVOKED.

9 8. THIS SECTION SHALL BE ENFORCED BY THE NEW YORK STATE POLICE.  
10 ARRESTS MADE PURSUANT TO THIS SECTION SHALL BE MADE BY A POLICE OFFICER  
11 OR A PEACE OFFICER ACTING UNDER HIS OR HER SPECIAL DUTIES.

12 S 7538. INSURANCE. 1. PRIOR TO THE ISSUANCE OF A MASTER PLUMBER  
13 LICENSE OR MECHANICAL TRADES CERTIFICATION, OR RENEWAL THEREOF, THE  
14 APPLICANT MUST PROVIDE THE BOARD WITH THE FOLLOWING PROOFS OF INSURANCE  
15 AND/OR BONDING:

16 (A) A LICENSE/PERMIT BOND IN THE AMOUNT OF TWENTY-FIVE THOUSAND  
17 DOLLARS.

18 (B) WORKERS' COMPENSATION INSURANCE FOR ALL EMPLOYEES.

19 (C) GENERAL LIABILITY OF AT LEAST FIVE HUNDRED THOUSAND DOLLARS PER  
20 OCCURRENCE.

21 2. ALL BONDS AND INSURANCE POLICIES SHALL CONTAIN A PROVISION OF  
22 CONTINUED LIABILITY AND NAME NEW YORK STATE AS AN ADDITIONAL INSURED.

23 3. ANY LICENSED OR CERTIFIED CONTRACTOR WHO HAS COMPLETED THE APPRO-  
24 PRIATE "NO EMPLOYEE" AFFIDAVIT AND IS FOUND IN VIOLATION OF THE WORKERS'  
25 COMPENSATION WAIVER SHALL BE SUBJECTED TO A CIVIL PENALTY AS PROVIDED  
26 FOR IN THIS ARTICLE.

27 S 7539. WAIVER. THE PROVISIONS OF THIS ARTICLE ARE INTENDED FOR THE  
28 PROTECTION OF AN OWNER AND SHALL NOT BE SUBJECT TO WAIVER BY AN OWNER IN  
29 A CONTRACT FOR PLUMBING OR MECHANICAL TRADES WORK OR OTHERWISE.

30 S 7540. REPEALER. ALL ORDINANCES, LOCAL LAWS AND PARTS THEREOF INCON-  
31 SISTENT WITH THIS ARTICLE ARE HEREBY REPEALED; PROVIDED, HOWEVER, THAT  
32 SUCH REPEAL SHALL NOT AFFECT OR IMPAIR ANY ACT DONE OR RIGHT ACCRUING,  
33 ACCRUED OR ACQUIRED, OR PENALTY, CHARGE, LIABILITY, FORFEITURE OR  
34 PUNISHMENT INCURRED OR OWING PRIOR TO THE TIME SUCH REPEAL TAKES EFFECT,  
35 BUT THE SAME MAY BE ENJOYED, ASSERTED, COLLECTED, ENFORCED, PROSECUTED  
36 OR INFLICTED AS FULLY AND TO THE SAME EXTENT AS IF SUCH REPEAL HAD NOT  
37 BEEN EFFECTED. ALL ACTIONS AND PROCEEDINGS, CIVIL OR CRIMINAL, COMMENCED  
38 UNDER OR BY VIRTUE OF ANY PROVISION OF STATE LAW, ORDINANCE OR RESOL-  
39 UTION SO REPEALED, AND PENDING IMMEDIATELY PRIOR TO THE TAKING EFFECT  
40 OF SUCH REPEAL, MAY BE PROSECUTED AND DEFENDED TO FINAL EFFECT IN THE  
41 SAME MANNER AS THEY MIGHT IF SUCH PROVISIONS WERE NOT SO REPEALED.

42 S 7541. SEVERABILITY. IF ANY PART OR PROVISION OF THIS ARTICLE OR THE  
43 APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE BE ADJUDGED INVALID BY  
44 ANY COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT SHALL BE CONFINED IN  
45 ITS OPERATION TO THE PART OR PROVISION OR APPLICATION DIRECTLY INVOLVED  
46 IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED AND  
47 SHALL NOT AFFECT OR IMPAIR THE VALIDITY OF THE REMAINDER OF THIS ARTICLE  
48 OR THE APPLICATION THEREOF TO OTHER PERSONS OR CIRCUMSTANCES. THE STATE  
49 OF NEW YORK HEREBY DECLARES THAT IT WOULD HAVE PASSED THIS ARTICLE OR  
50 THE REMAINDER THEREOF HAD SUCH INVALID APPLICATION OR INVALID PROVISION  
51 BEEN APPARENT.

52 S 4. This act shall take effect the ninetieth day after it shall have  
53 become a law.