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

5039

2015-2016 Regular Sessions

I N S E N A T E

April 29, 2015

Introduced by Sen. PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher 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:

Section 1. This act shall be known and may be cited as the "consumer construction protection act".

S 2. Legislative intent. It is the intent of this legislation to regulate, license and certify the business of plumbing and related mechanical trades, within the state of New York, in order to protect and promote the health, safety and welfare of the residents of the state of New York. This legislation provides that no person, business, partnership or other entity shall engage in the work or trade of installing, altering, removing, replacing, testing, or repairing of plumbing and related systems, as provided herein, within the state of New York unless duly licensed or permitted as required by this legislation.

S 3. The education law is amended by adding a new article 152 to read as follows:

ARTICLE 152

PLUMBING AND MECHANICAL TRADES

SECTION 7530. INTRODUCTION.
7531. DEFINITIONS.
7532. PRACTICE OF PLUMBING AND MECHANICAL TRADES.
7533. STATE BOARD OF TRADES.
7534. LICENSING REQUIREMENTS AND PROCEDURES.
7535. MECHANICAL TRADES CERTIFICATION.
7536. SPECIAL PROVISIONS.
7537. PROHIBITED ACTS AND ENFORCEMENT.
7538. INSURANCE.

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

LBD09357-01-5

7539. WAIVER.
7540. REPEALER.
7541. SEVERABILITY.

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

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

1. BOARD. THE NEW YORK STATE BOARD OF TRADES AS PROVIDED BY THIS ARTICLE.

2. BUSINESS ENTITY. AS USED IN THIS ARTICLE, THE TERM "BUSINESS ENTITY" SHALL INCLUDE ANY CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP OR JOINT VENTURE FORMED FOR THE PURPOSE OF ENGAGING IN THE BUSINESS AND/OR TRADE OF PLUMBING AND/OR RELATED MECHANICAL TRADES.

3. CERTIFICATE OF COMPETENCY. A CERTIFICATE ISSUED BY THE BOARD TO PERSONS WHO HAVE SUCCESSFULLY COMPLETED AN EXAMINATION FOR MASTER PLUMBER OR OTHER MECHANICAL TRADE AS PROVIDED FOR BY THE PROVISIONS OF THIS ARTICLE.

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

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

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

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

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

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

10. JOURNEYMAN. A PERSON WHO WORKS IN NEW YORK STATE AND IS EMPLOYED BY AND UNDER THE DIRECT SUPERVISION AND CONTROL OF A LICENSED MASTER PLUMBER OR A LICENSED OR CERTIFIED MECHANICAL TRADESPERSON, WITH A MINIMUM OF TEN THOUSAND HOURS OF EXPERIENCE AS AN APPRENTICE IN THE PLUMBING OR HEATING TRADE, OR WITH A MINIMUM OF TWO THOUSAND HOURS OF EXPERIENCE AS AN APPRENTICE IN THE L.P. GAS, SPRINKLER, PUMP INSTALLATION, WATER TREATMENT, OR WELL DRILLING TRADE, OR A MINIMUM OF SIX THOUSAND HOURS EXPERIENCE IN HVAC. A JOURNEYMAN WILL BE REQUIRED TO SUCCESSFULLY COMPLETE AN EXAMINATION FOR REGISTRATION AS A JOURNEYMAN PLUMBER CARDHOLDER OR CERTIFICATION AS A JOURNEYMAN MECHANICAL TRADESPERSON CARD-

HOLDER. PRIOR TO THE THIRTIETH DAY OF JUNE NEXT SUCCEEDING THE EFFECTIVE DATE OF THIS ARTICLE, THE BOARD WILL ISSUE JOURNEYMAN PLUMBER CARDS AND JOURNEYMAN MECHANICAL TRADESPERSON CARDS UPON SUCCESSFUL APPLICATION TO THE BOARD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. NO PERSON SHALL ENGAGE IN THE BUSINESS OR TRADE OF PLUMBING OR OTHER SIMILAR MECHANICAL TRADE, AS DEFINED HEREIN, OR HIRE HIMSELF OR

HERSELF OUT TO PERFORM THE SERVICES OF MASTER PLUMBER, LICENSED OR CERTIFIED MECHANICAL TRADESPERSON, JOURNEYMAN PLUMBER OR JOURNEYMAN MECHANICAL TRADESPERSON, OR APPRENTICE UNLESS HE OR SHE HAS BEEN DULY AUTHORIZED TO DO SO BY THE ISSUANCE OF A MASTER PLUMBER LICENSE, MECHANICAL TRADES CERTIFICATION, JOURNEYMAN PLUMBER CARD OR JOURNEYMAN MECHANICAL TRADESPERSON CARD, OR APPRENTICE REGISTRATION.

3. NO PERSON WHO HAS BEEN LICENSED OR CERTIFIED UNDER THE PROVISIONS OF THIS ARTICLE SHALL COMMENCE ANY NEW INSTALLATION, REPAIR OR ALTERATION TO ANY PLUMBING OR GAS SYSTEM WITHIN THE STATE OF NEW YORK WITHOUT FIRST HAVING OBTAINED THE APPROPRIATE PERMIT OR PERMITS FROM THE LOCAL BUILDING DEPARTMENT HAVING JURISDICTION, WHICH SHALL FORWARD A COPY OF THE SAME TO THE BOARD.

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

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

S 7534. LICENSING REQUIREMENTS AND PROCEDURES. 1. WRITTEN APPLICATIONS FOR LICENSURE AND/OR CERTIFICATION SHALL BE SUBMITTED TO THE SECRETARY OF THE BOARD ON THE FORM PRESCRIBED BY THE BOARD. AT A MINIMUM, EACH APPLICATION SHALL SET FORTH THE NAME, RESIDENCE ADDRESS, BUSINESS ADDRESS, TELEPHONE NUMBERS AND TRADE NAMES OF THE APPLICANT, PLUS SUCH ADDITIONAL INFORMATION CONCERNING HIS OR HER QUALIFICATIONS AS THE BOARD MAY REQUIRE. ALL APPLICATIONS SHALL BE SIGNED BY THE APPLICANT, WHOSE SIGNATURE SHALL BE DULY ACKNOWLEDGED. APPLICATIONS MUST BE MADE IN THE NAME OF THE INDIVIDUAL SEEKING LICENSURE AND/OR CERTIFICATION. IF THE APPLICANT IS AN OFFICER, OWNER OR EMPLOYEE OF A PLUMBING AND/OR MECHANICAL TRADE BUSINESS, PARTNERSHIP OR CORPORATION, THEN THE APPLICATION SHALL SET FORTH THE NAMES OF ALL OFFICERS, OWNERS AND EMPLOYEES THEREOF AS OF THE DATE OF APPLICATION.

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

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

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

(C) APPLICANTS FOR A LICENSE IN THE L.P. GAS, SPRINKLER, PUMP INSTALLATION, WATER TREATMENT OR WELL DRILLING TRADES MUST INCLUDE WITH THEIR APPLICATION SATISFACTORY EVIDENCE THAT THEY HAVE COMPLETED TWO THOUSAND HOURS OF EXPERIENCE AS AN APPRENTICE AND TWO THOUSAND HOURS OF EXPERIENCE AS A JOURNEYMAN IN THE L.P. GAS, SPRINKLER, PUMP INSTALLATION, WATER TREATMENT OR WELL DRILLING TRADES UNDER THE EMPLOY OF A LICENSED MASTER TRADESMAN.

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

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

4. WHERE APPLICABLE, APPLICATIONS MUST BE ACCOMPANIED BY THE APPROPRIATE TESTING FEE. TESTING FEES COLLECTED UNDER THIS ARTICLE SHALL NOT BE REFUNDABLE IN THE EVENT OF FAILURE TO TAKE OR PASS THE WRITTEN EXAMINATION. THESE FEES SHALL BE SPLIT BETWEEN THE STATE OF NEW YORK AND THE COUNTY GOVERNMENT IN WHICH THE APPLICANT RESIDES.

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

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

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

(A) SECOND WRITTEN EXAMINATION: AT THE NEXT AVAILABLE TEST DATE, MEASURED FROM THE DATE OF THE APPLICANT'S FIRST WRITTEN EXAMINATION.

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

(C) NEW APPLICATION REQUIRED. AN APPLICANT WHO FAILS THE WRITTEN EXAMINATION THREE TIMES MUST SUBMIT A NEW APPLICATION, ACCOMPANIED BY PAYMENT OF THE APPROPRIATE FEE.

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

9. THE BOARD, WITH LEGISLATIVE APPROVAL, MAY WAIVE THE EXAMINATION REQUIREMENTS AND ISSUE A MASTER PLUMBING LICENSE OR A MECHANICAL TRADE CERTIFICATION TO ANY PERSON HOLDING AN EQUIVALENT CURRENT AND VALID LICENSE OR CERTIFICATION ISSUED BY OTHER POLITICAL SUBDIVISIONS OF THE STATE OF NEW YORK, PROVIDED THAT, IN THE JUDGMENT OF THE BOARD THE QUALIFICATIONS FOR SUCH LICENSE OR CERTIFICATION BY SUCH OTHER POLITICAL SUBDIVISIONS ARE SUBSTANTIALLY SIMILAR TO THOSE REQUIRED BY OR PERMITTED PURSUANT TO THIS ARTICLE. FURTHERMORE, SUCH POLITICAL SUBDIVISION SHALL

SIMILARLY ISSUE A LICENSE OR CERTIFICATION WITHOUT EXAMINATION TO AN INDIVIDUAL WITH SUCH QUALIFICATIONS LICENSED OR CERTIFIED IN NEW YORK STATE, AS EVIDENCED BY LOCAL LAW AND/OR RESOLUTION BY SUCH POLITICAL SUBDIVISION. BOTH THE STATE OF NEW YORK AND THE POLITICAL SUBDIVISION SHALL FILE WITH THEIR RESPECTIVE COUNTY OR TOWN CLERK THESE RECIPROCITY AGREEMENTS. ALL OTHER REQUIREMENTS FOR LICENSURE AND/OR CERTIFICATION PROVIDED FOR BY THIS ARTICLE REMAIN APPLICABLE TO SUCH PERSONS. SUCH PERSONS ARE SUBJECT TO ALL PROVISIONS OF THIS ARTICLE.

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

11. (A) EACH MASTER PLUMBING LICENSE AND/OR MECHANICAL TRADES CERTIFICATION ISSUED HEREUNDER SHALL EXPIRE ON THE THIRTY-FIRST DAY OF DECEMBER.

(B) BEGINNING ON THE THIRTIETH DAY OF JUNE NEXT SUCCEEDING THE EFFECTIVE DATE OF THIS ARTICLE, EACH JOURNEYMAN PLUMBER'S CARD AND EACH JOURNEYMAN MECHANICAL TRADESPERSON CARD SHALL BE ISSUED FOR A TWO-YEAR PERIOD EXPIRING ON THE SUCCEEDING THIRTIETH DAY OF JUNE AND SHALL BE ISSUED UPON THE PAYMENT OF A TWO-YEAR FEE. THEREAFTER, SUCH JOURNEYMAN PLUMBER'S CARD AND JOURNEYMAN MECHANICAL TRADES CARD SHALL EXPIRE ON THE THIRTIETH DAY OF JUNE OF EACH EVEN NUMBERED YEAR.

(C) ALL APPRENTICE REGISTRATION CARDS ISSUED PURSUANT TO THE DEFINITION OF "APPRENTICE" IN SECTION SEVENTY-FIVE HUNDRED THIRTY-ONE OF THIS ARTICLE SHALL EXPIRE ON JUNE THIRTIETH, NEXT SUCCEEDING THE EFFECTIVE DATE OF THIS ARTICLE AND SHALL BE ISSUED UPON PAYMENT OF A TWO YEAR FEE. THEREAFTER EACH APPRENTICE REGISTRATION CARD SHALL EXPIRE ON THE THIRTIETH DAY OF JUNE OF EACH ODD-NUMBERED YEAR.

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

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

14. WHENEVER A LICENSED MASTER PLUMBER OR LICENSED OR CERTIFIED MECHANICAL TRADESPERSON REPRESENTING A PLUMBING OR MECHANICAL TRADES BUSINESS, WHICH OPERATES UNDER A TRADE, PARTNERSHIP OR CORPORATE NAME, SEVERS HIS OR HER RELATIONSHIP WITH SUCH BUSINESS, IT SHALL BE THE DUTY OF THE LICENSE AND/OR CERTIFICATE HOLDER AND THE BUSINESS TO NOTIFY THE BOARD OF SUCH ACTION WITHIN THIRTY DAYS FROM THE DATE THEREOF. FAILURE

TO DO SO SHALL BE DEEMED SUFFICIENT CAUSE FOR DENYING A NEW LICENSE, CERTIFICATION AND/OR RENEWAL THEREOF TO SUCH PERSON AND PROHIBITING THE BUSINESS TO CONTINUE IN THE BUSINESS OF PLUMBING AND/OR MECHANICAL TRADES.

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

(A) LICENSED AND CERTIFIED CONTRACTORS SHALL REQUIRE ALL WORKERS WORKING FOR THE LICENSED OR CERTIFIED CONTRACTOR ON A JOB SITE TO CARRY IDENTIFICATION AT ALL TIMES ON THE JOB SITE. A VIOLATION OF THIS SECTION SHALL SUBJECT THE LICENSED OR CERTIFIED CONTRACTOR TO A CIVIL PENALTY AS PROVIDED FOR IN THIS ARTICLE.

(B) SHOULD A LICENSED OR CERTIFIED CONTRACTOR BE CHARGED WITH A VIOLATION FOR A WORKER NOT CARRYING IDENTIFICATION, THE LICENSED OR CERTIFIED CONTRACTOR SHALL HAVE TWO BUSINESS DAYS TO PRODUCE THE WORKER'S IDENTIFICATION TO THE DEPARTMENT OF CONSUMER AFFAIRS FOR A REDUCTION IN THE CIVIL PENALTY. IN ORDER TO RECEIVE A REDUCTION IN THE CIVIL PENALTY, AT THE TIME THE IDENTIFICATION IS PRODUCED TO THE DEPARTMENT OF CONSUMER AFFAIRS THE LICENSED OR CERTIFIED CONTRACTOR SHALL PRESENT THE PAYROLL RECORDS OF THE EMPLOYEE OR EVIDENCE OF THE LICENSED OR CERTIFIED CONTRACTOR'S PAYMENT TO THE COMPANY THAT EMPLOYS THE WORKER FOUND ON THE JOB SITE WITHOUT IDENTIFICATION.

16. MILITARY SERVICE EXCEPTION. IN THE EVENT A LICENSE AND/OR CERTIFICATE HOLDER IS CALLED TO ACTIVE DUTY IN THE UNITED STATES MILITARY, HIS OR HER LICENSE AND/OR CERTIFICATE SHALL BE DEEMED FROZEN DURING THE PERIOD OF SUCH ACTIVE DUTY. UPON RETURN FROM ACTIVE DUTY, AND PRESENTATION TO THE BOARD OF PROOF OF THE DATES OF ACTIVE DUTY, SUCH LICENSE AND/OR CERTIFICATE SHALL BE REACTIVATED EFFECTIVE THE DAY AFTER THE LAST DATE OF ACTIVE DUTY AND CREDITED FOR EACH DAY OF ACTIVE DUTY. THIS EXCEPTION SHALL RETROACTIVELY APPLY TO ANY DEPLOYMENTS OCCURRING AFTER SEPTEMBER ELEVENTH, TWO THOUSAND ONE.

17. NO HOLDER OF A LICENSE OR MECHANICAL TRADE CERTIFICATION DULY ISSUED UNDER THE PROVISIONS OF THIS ARTICLE SHALL, DIRECTLY OR INDIRECTLY, AUTHORIZE, CONSENT TO OR PERMIT THE USE OF HIS OR HER LICENSE OR CERTIFICATION BY OR ON BEHALF OF ANY OTHER PERSON OR BUSINESS ENTITY. A VIOLATION OF THIS SUBDIVISION SHALL BE GROUNDS FOR IMMEDIATE REVOCATION OR SUSPENSION OF LICENSE OR CERTIFICATION IN ACCORDANCE WITH THIS ARTICLE, AND SHALL SUBJECT SUCH LICENSE AND/OR CERTIFICATE HOLDER TO CIVIL AND CRIMINAL PENALTIES AS PROVIDED FOR IN THIS ARTICLE.

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

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

20. A VIOLATION OF THIS SECTION SHALL SUBJECT SUCH PERSON TO CIVIL AND/OR CRIMINAL PENALTIES AS PROVIDED FOR IN THIS ARTICLE, EXCEPT THAT A

MASTER PLUMBER SHALL BE RESPONSIBLE FOR ANY AND ALL UNREGISTERED EMPLOYEES.

21. THIS SECTION SHALL NOT BE CONSTRUED TO IMPOSE PENALTIES UPON AN EMPLOYEE OF AN UNLICENSED PLUMBER OR AN UNLICENSED OR UNCERTIFIED MECHANICAL TRADESPERSON. SHOULD AN UNLICENSED PLUMBER OR UNLICENSED OR UNCERTIFIED MECHANICAL TRADESPERSON HIRE A JOURNEYMAN PLUMBER, JOURNEYMAN MECHANICAL TRADESPERSON OR APPRENTICE, THE UNLICENSED PLUMBER OR UNCERTIFIED MECHANICAL TRADESPERSON SHALL BE PENALIZED.

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

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

24. THE BOARD SHALL HAVE THE POWER TO SUSPEND OR REVOKE ANY LICENSE, CERTIFICATION OR RENEWAL THEREOF DULY ISSUED UNDER THE PROVISIONS OF THIS ARTICLE UPON A SHOWING, MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD AND SUPPORTED BY SUBSTANTIAL EVIDENCE, THAT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) ANY LICENSE OR CERTIFICATE HOLDER OF A SHELVED LICENSE FOUND WORKING IN THE STATE OF NEW YORK SHALL BE DEEMED UNLICENSED/UNCERTIFIED. THE LICENSE OR CERTIFICATE HOLDER SHALL BE SUBJECT TO FINES AND PENALTIES AS PROVIDED FOR IN THIS ARTICLE, AND SHALL PERMANENTLY LOSE HIS/HER ELIGIBILITY TO APPLY FOR A SHELVED LICENSE IN THE FUTURE.

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

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

(I) NEW YORK STATE GOVERNMENT;

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

(III) A SCHOOL DISTRICT IN NEW YORK STATE.

(B) THE REQUEST FOR SHELVED STATUS HEREUNDER SHALL BE MADE ANNUALLY TO THE BOARD IN WRITING. ONCE THE BOARD HAS GRANTED AUTHORIZATION TO SHELVE, THE LICENSE/CERTIFICATE HOLDER SHALL SURRENDER HIS/HER PLATE, LICENSE/CERTIFICATE AND REMOVE DECALS FROM HIS/HER VEHICLES, PRIOR TO ACTIVATION OF SUCH SHELVING STATUS. NO SHELVED LICENSE/CERTIFICATE HOLDER SHALL RECEIVE A COPY OR ANY OTHER REPRODUCTION OF SUCH SHELVED LICENSE/CERTIFICATION. IN NO WAY SHALL APPROVAL OF SHELVED STATUS HEREUNDER BE DEEMED A SUSPENSION.

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

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

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

31. (A) LICENSES MAY NOT BE ISSUED IN THE NAME OF A CORPORATE OR BUSINESS ENTITY. IN THE CASE OF A CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP OR JOINT VENTURE, THE INDIVIDUALS WHO ARE RESPONSIBLE FOR THE PERFORMANCE OF THE WORK COVERED BY THIS ARTICLE ON BEHALF OF SUCH CORPO-

RATION, PARTNERSHIP, LIMITED PARTNERSHIP OR JOINT VENTURE, WHETHER THEY BE EMPLOYEES, OFFICERS, OWNERS, OR SHAREHOLDERS OF THE SAME, MUST BE INDIVIDUALLY LICENSED OR CERTIFIED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

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

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

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

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

2. SPECIAL REGULATIONS AND REQUIREMENTS.

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

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

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

(B) L.P. GAS CERTIFICATION.

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

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

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

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

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

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

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

(C) A VIOLATION OF THIS SUBDIVISION SHALL SUBJECT SUCH PERSON TO CIVIL PENALTIES AS PROVIDED IN THIS ARTICLE.

(C) HVAC CERTIFICATION.

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

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

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

(D) WATER WELL AND PUMP CERTIFICATION.

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

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

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

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

(B) POSSESS A MINIMUM OF FOUR THOUSAND HOURS' EXPERIENCE IN THE DRILLING INDUSTRY;

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

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

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

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

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

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

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

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

(E) WATER TREATMENT CERTIFICATION.

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

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

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

(IV) APPLICANTS FOR WATER TREATMENT CERTIFICATION MUST:
(A) BE AT LEAST TWENTY-ONE YEARS OF AGE;
(B) POSSESS A MINIMUM OF FOUR THOUSAND HOURS OF EXPERIENCE IN THE WATER TREATMENT INDUSTRY; AND
(C) PASS TWO EXAMS GIVEN BY THE WATER QUALITY ASSOCIATION WITH A PASSING GRADE OF SEVENTY PERCENT OR BETTER.
(F) SHEET METAL CERTIFICATION.
(I) CERTIFICATION IS REQUIRED FOR ALL PERSONS AND BUSINESS ENTITIES ENGAGED IN THE INSTALLATION OF SHEET METAL AND DUCT WORK USED IN HVAC SYSTEMS.
(II) CERTIFICATION WILL BE ISSUED ONLY UPON SUBMISSION TO THE BOARD OF SUCH PROOF AS MAY BE REQUIRED TO DEMONSTRATE THE APPLICANT'S EXPERIENCE, QUALIFICATIONS AND SKILL TO PERFORM SUCH WORK INCLUDING SATISFACTORY PROOF OF A MINIMUM OF FOURTEEN THOUSAND HOURS OF EXPERIENCE WORKING IN THE SHEET METAL INDUSTRY.
(III) APPLICANTS FOR CERTIFICATION FOR SHEET METAL CERTIFICATION MUST:
(A) BE AT LEAST TWENTY-ONE YEARS OF AGE;
(B) POSSESS A MINIMUM OF SEVEN YEARS' EXPERIENCE WORKING WITH SHEET METAL; AND
(C) PASS THE SHEET METAL EXAMINATION WITH A GRADE OF SEVENTY PERCENT OR BETTER.
S 7536. SPECIAL PROVISIONS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A MASTER PLUMBER LICENSE SHALL NOT BE REQUIRED TO MAKE INCIDENTAL POTABLE WATER CONNECTIONS TO EXISTING POTABLE WATER PIPING SYSTEMS, PROVIDED SUCH CONNECTION IS MADE BY A PERSON WHO HAS BEEN DULY CERTIFIED UNDER THE PROVISIONS OF THIS ARTICLE IN THE RELATED AND APPLICABLE MECHANICAL TRADE.
2. EXCEPTION. IN A NEW CONSTRUCTION, DEFINED HEREIN TO MEAN A STRUCTURE THAT DOES NOT HAVE A PRESENT EXISTING POTABLE WATER SYSTEM, ALL FINAL POTABLE WATER SUPPLY CONNECTIONS TO AND FROM AND APPLIANCES LOCATED WITHIN THE STRUCTURE MUST BE MADE BY A LICENSED MASTER PLUMBER. FURTHER, ALL L.P. GAS PIPING AND NATURAL GAS PIPING CONNECTIONS WITHIN SUCH STRUCTURES MUST BE INSTALLED BY A LICENSED MASTER PLUMBER OR DULY CERTIFIED MECHANICAL TRADESPERSON.
3. (A) EACH PERSON ISSUED A LICENSE OR CERTIFICATION UNDER THIS ARTICLE WILL BE ISSUED A WRITTEN CERTIFICATE OF LICENSE OR CERTIFICATION, A PERSONAL IDENTIFICATION CARD AND A VEHICLE BUMPER DECAL, EACH OF WHICH WILL CONTAIN THE HOLDER'S NAME, NEW YORK STATE LICENSE OR CERTIFICATION NUMBER, AND THE EXPIRATION DATE THEREOF. ALL ITEMS SO ISSUED SHALL BE AND REMAIN THE PROPERTY OF NEW YORK STATE.
(B) THE CERTIFICATE OF LICENSE OR CERTIFICATION MUST BE CONSPICUOUSLY DISPLAYED AT THE HOLDER'S PLACE OF BUSINESS AT ALL TIMES.
(C) THE PERSONAL IDENTIFICATION CARD MUST BE IN THE HOLDER'S POSSESSION AT ALL TIMES WHILE ON A JOB SITE, AND AVAILABLE FOR INSPECTION.
(D) THE VEHICLE'S BUMPER DECAL MUST BE AFFIXED TO THE LEFT REAR BUMPER OF ALL VEHICLES OWNED, LEASED OR USED BY THE LICENSE OR CERTIFICATION HOLDER IN THE PERFORMANCE OF HIS OR HER TRADE OR BUSINESS.
(E) ALL VEHICLES WHICH ARE OWNED, LEASED OR USED IN THE NAME OF A BUSINESS ENTITY, THE OWNERS, PRINCIPALS AND/OR EMPLOYEES OF WHICH ARE SUBJECT TO THE PROVISIONS OF THIS ARTICLE, MUST PROMINENTLY DISPLAY THE BUSINESS NAME AND NEW YORK STATE LICENSE OR CERTIFICATION.
(F) ALL VEHICLES WHICH ARE OWNED, LEASED OR USED IN THE NAME OF A BUSINESS ENTITY, THE OWNERS, PRINCIPALS AND/OR EMPLOYEES OF WHICH ARE SUBJECT TO THE PROVISIONS OF THIS ARTICLE, MUST BE DULY REGISTERED WITH THE BOARD BY PROVIDING PROOF OF VEHICLE REGISTRATION.

(G) FAILURE TO COMPLY IN ANY MANNER WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE A VIOLATION OF THIS ARTICLE AND SHALL SUBJECT THE LICENSE/CERTIFICATION HOLDER TO THE SANCTIONS PROVIDED FOR IN THIS ARTICLE.

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

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

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

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

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

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

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

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

(H) DIRECTLY OR INDIRECTLY PUBLISHING ANY ADVERTISEMENT RELATING TO PLUMBING OR MECHANICAL TRADES WORK WHICH CONTAINS AN ASSERTION, REPRESENTATION OR STATEMENT OF FACT WHICH IS FALSE, DECEPTIVE OR MISLEADING, PROVIDED THAT ANY ADVERTISEMENT WHICH IS SUBJECT TO AND COMPLIES WITH THEN EXISTING RULES, REGULATIONS OR GUIDELINES OF THE FEDERAL TRADE COMMISSION SHALL NOT BE DEEMED FALSE, DECEPTIVE OR MISLEADING; OR BY ANY MEANS OR ADVERTISING OR PURPORTING TO OFFER THE GENERAL PUBLIC ANY PLUMBING OR MECHANICAL TRADE WORK WITH THE INTENT NOT TO ACCEPT CONTRACTS FOR THE PARTICULAR WORK OR AT THE PRICE WHICH IS ADVERTISED OR OFFERED TO THE PUBLIC.

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

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

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

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

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

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

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

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

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

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

2. SUSPENSION, REVOCATION AND CIVIL FINES. FOLLOWING A HEARING AS PROVIDED FOR HEREIN, THE BOARD SHALL HAVE THE POWER TO REVOKE OR SUSPEND FOR SUCH PERIOD AS THE BOARD MAY DEEM APPROPRIATE ANY LICENSE OR CERTIFICATION ISSUED UNDER THE PROVISIONS OF THIS ARTICLE, AND/OR ASSESS AND IMPOSE CIVIL FINES AS PROVIDED FOR HEREIN, PROVIDED A MAJORITY OF THE BOARD IS SATISFIED BY SUBSTANTIAL EVIDENCE THAT A PERSON OR THE HOLDER OF SUCH LICENSE OR CERTIFICATION HAS VIOLATED A PROVISION OF THIS ARTICLE, THE RULES AND REGULATIONS OF THE BOARD, OR ANY OTHER LAW, REGULATION OR ORDINANCE APPLICABLE TO PLUMBING OR RELATED MECHANICAL TRADES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(IV) RULES OF EVIDENCE. COMPLIANCE WITH THE TECHNICAL RULES OF EVIDENCE SHALL NOT BE REQUIRED, BUT ALL EVIDENCE PRESENTED MUST BE MATERIAL AND RELEVANT AS DETERMINED BY THE HEARING OFFICER (OR PRESIDING BOARD MEMBER).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) TO THE EXTENT A CONSUMER HAS BEEN MATERIALLY DAMAGED AS A DIRECT RESULT OF A VIOLATION OF THIS ARTICLE, THE BOARD MAY ISSUE AN ORDER OF RESTITUTION, THE AMOUNT OF WHICH SHALL BE BASED UPON SUFFICIENT AND SATISFACTORY EVIDENCE OF SUCH DAMAGE AS PRESENTED TO THE BOARD BY THE AGGRIEVED CONSUMER.

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

6. TO INVESTIGATE ALLEGED VIOLATIONS OF THIS SECTION, THE DIRECTOR, OR HIS OR HER DULY AUTHORIZED DESIGNEE, SHALL BE ENTITLED TO REQUEST AND REVIEW RECORDS MAINTAINED BY THE HOLDER OF A LICENSE AND/OR CERTIFICATION WHICH DEMONSTRATES THEIR COMPLIANCE WITH SAID SECTION. UPON COMPLETION OF AN INVESTIGATION, THE DIRECTOR SHALL HAVE THE POWER TO FORWARD HIS OR HER FINDINGS TO THE BOARD FOR THE INSTITUTION OF PROCEEDINGS PURSUANT TO THIS SECTION. THE DETERMINATION OF THE BOARD

SHALL BE SUBJECT TO JUDICIAL REVIEW IN ANY COURT OF COMPETENT JURISDICTION.

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

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

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

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

(B) WORKERS' COMPENSATION INSURANCE FOR ALL EMPLOYEES.

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

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

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

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

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

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

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