

# Bill as Introduced

HB 1301 - AS INTRODUCED

2010 SESSION

10-2180

10/04

HOUSE BILL            **1301**

AN ACT                relative to the regulation of fuel gas fitters.

SPONSORS:            Rep. Patten, Carr 4

COMMITTEE:          Executive Departments and Administration

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ANALYSIS

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

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Explanation:        Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struckthrough~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT relative to the regulation of fuel gas fitters.

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

1 1 New Paragraph; Fuel Gas Fitters; Definitions; Trainee. Amend RSA 153:27 by inserting after  
2 paragraph XI the following new paragraph:

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

8 2 Duties of Commissioner; Rulemaking. Amend RSA 153:28, I to read as follows:

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

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

- 14 (1) Hearth system installation and service technician.
- 15 (2) Liquefied propane installation technician.
- 16 (3) Liquefied propane service technician.
- 17 (4) Natural gas installation technician.
- 18 (5) Natural gas service technician.
- 19 (6) Piping installer.
- 20 (7) *Trainee.*

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

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

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

1           ~~[(d) After the first year,]~~ Fees shall be sufficient to produce estimated revenues equal to  
2 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be  
3 deposited in the general fund.

4           3 New Subparagraph; Fuel Gas Fitters; Special License; Trainee Added. Amend RSA 153:29, II  
5 by inserting after subparagraph (f) the following new subparagraph:

6           (g) Trainee.

7           4 Expiration of License; Late Fee. Amend RSA 153:30, I(b) to read as follows:

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

12           5 New Paragraph; Reinstatement; Fee. Amend RSA 153:30 by inserting after paragraph II the  
13 following new paragraph:

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

17           6 Disciplinary Action; Misconduct. Amend RSA 153:32, II(c) to read as follows:

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

21           7 Disciplinary Action; Immediate Suspension. Amend RSA 153:32, III to read as follows:

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

23           (a) By reprimand;

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

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

29           (d) By requiring the person to participate in a program of continuing education in the  
30 area or areas in which he or she has been found deficient[-]; **or**

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

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

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

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

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

8 10 Effective Date. This act shall take effect July 1, 2010.

# Amendments

Amendment to HB 1301

1 Amend RSA 153:28, I(b) and (c) as inserted by section 2 of the bill by replacing them with the  
2 following:

3

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

9 (c) *The implementation of reciprocity agreements entered into pursuant to*  
10 *paragraph IV.*

11

12 Amend the bill by inserting after section 2 the following and renumbering the original sections 3 - 10  
13 to read as 4 - 11, respectively:

14

15 3 New Paragraph; Powers of the Commissioner. Amend RSA 153:28 by inserting after  
16 paragraph III the following new paragraph:

17 IV. The commissioner may enter into reciprocity agreements which shall permit the  
18 licensing of fuel gas fitters from states which have a mutual fuel gas fitting reciprocity agreement  
19 with this state, provided the commissioner determines that the requirements for licensure in that  
20 state are equivalent to, or greater than, those established by this subdivision.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1301

**BILL TITLE:** relative to the regulation of fuel gas fitters.

**DATE:** February 4, 2010

**LOB ROOM:** 306      **Time Public Hearing Called to Order:** 10:45 am

**Time Adjourned:** 11:10 am

(please circle if present)

**Committee Members:** Reps. Irwin, Harding, Pilotte, P. McMahon, Judy Schmidt, Beck, D. Sullivan, D. Petterson, Houde-Quimby, Flurey, Hawkins, R. Day, Reagan, K. Gould, S. Seamman, McGuire, C. Pratt, D. Ryder, and Vita

**Bill Sponsors:** Rep. Patten, Carr 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

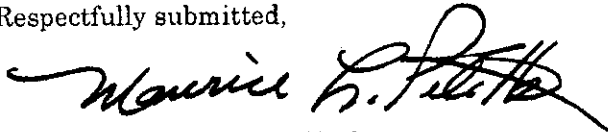
Rep. Patten, sponsor, introduced bill which resulted from a JLCAR review.

- Definition of a trainer
- Request for reciprocity
- Identifies a specific re-instatement fee
- Identifies a specific late fee

\*Fire Marshall Degnan, supports bill. See written testimony.

- Addressed questions in re: limitation of rulemaking authority for CEU
- Addressed question in re: reciprocity requiring as "strict or stricter than in NH"

Respectfully submitted,



Rep. Maurice L. Pilotte, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1301

BILL TITLE: relative to the regulation of fuel gas fitters.

DATE: Jan. *February 4, 2010*

LOB ROOM: 306 Time Public Hearing Called to Order: *10:45*

Time Adjourned: *11:10*

(please circle if present)

Committee Members: Reps. Irwin, Harding, Pilette, P. McMahon, Jeudy, Schmidt, Beck, D. Sullivan, D. Petterson, Houde-Quimby, Flurey, Hawkins, R. Day, Reagan, K. Gould, S. Seaman, McGuire, C. Pratt, D. Ryder and Vita.

Bill Sponsors: Rep. Patten, Carr 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

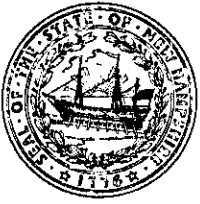
*Rep Patten - Introduced the bill.*

- Introduced as result of JLCAIR review*
- Definition of a trainee*
- Request for reciprocity*
- Identifies a specific reinstatement fee.*
- Identifies a specific late fee.*

\* *Tie Marshall Degan -*

- Addressed questions in re limitation of rulemaking authority for CEU.*
- Addressed question in re reciprocity requiring as "strict or stricter than in N.H."*

# Testimony



**STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY**

John J. Barthelmes, Commissioner

***Division of Fire Safety***  
**Office of the State Fire Marshal**  
J. William Degnan, State Fire Marshal



Office: 110 Smokey Bear Blvd., Concord, NH  
Mailing Address: 33 Hazen Drive, Concord, NH 03305  
PHONE 603-223-4289, FAX 603-223-4294 or 603-223-4295  
TDD Access: Relay NH 1-800-735-2964 ARSON HOTLINE 1-800-400-3526

**TESTIMONY IN SUPPORT OF HOUSE BILL 1301**  
**House Executive Departments and Administration**  
February 4, 2010

Good afternoon, Madam Chairman and Honorable members of the committee. My name is Bill Degnan, New Hampshire State Fire Marshal, and I am here to speak in support of House Bill 1301.

House Bill 1301 which is relative to the licensing of gas fitters also know as "Amilia's Law" serves to improve the statute as recommended by the Joint Legislative Committee on Administrative Rules (JLCAR) during the previous rule making process.

JLCAR Committee Attorney sent a letter to Department of Safety Commissioner Barthelmes requesting the department seek legislation to address four items that were in need of clarification in the statute.

The first item was authority of licenses for trainees IE: apprentices. This is addressed with the addition of the new definition found in section XII of RSA 153:27 of the bill for "Definitions", adding section (7) to RSA 153:28 listing Trainee as a specialty license for rulemaking and adding section (g) to RSA 153:29,II for Trainee under "Examinations; Licenses".

The second item was authority licensure by reciprocity. This is addresses by the additional language found in section (c) of RSA 153:28 of the bill where enabling language to allow the department to enter into reciprocity agreements to benefit our gas fitters.

The third item was authority for a reinstatement fee in addition to a late fee for license renewal. This addressed by the additional language found in section I-a of RSA 153:28 of the bill, changing section I(b)of RSA 153:30 from reinstatement fee to late fee, adding language for a reinstatement fee to new section III of RSA 153:30 following a suspension or revocation, adding language to new section IV in RSA 153:32 relative to a suspension requiring a reinstatement fee. This new language will serve to clarify where a reinstatement fee was intended.

The bill also addresses the clarification of the unprofessional conduct section (c) of RSA 153:32 II by the additional language about risk as it relates to the trade. This language

specifically states misconduct for risk of public health, safety or welfare of individuals affected by the practices or actions of the licensee.

The bill adds new section (e) to RSA 153:32III for authority of the commissioner to immediately suspend a licensee. This would be only in an extreme case and pursuant to RSA 541-A:30.

The last section of the bill is to bring this section in line with other trades that allow a property owner to work within his/her owner occupied single family dwelling.

Lastly the former definition from RSA 153:27 which was amended in 2008 that read in section "X. "Person" means a natural person, corporation, partnership, association, trust, or other entity capable of holding title to real property, or any combination thereof."

The revised definition is listed below:

**153:27 Definitions.**

X. "Person" means an individual, natural person.

This should make it clear that Business entities licensing does not include an individual operating as a sole proprietor.

This addresses the concerns raised by JLCAR.

# Voting Sheets



HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1301

**BILL TITLE:** relative to the regulation of fuel gas fitters.

**DATE:** February 9, 2010

**LOB ROOM:** 306

**Amendments:**

Sponsor: Rep. Pilotte OLS Document #: 2010 0515h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Pilotte

Seconded by Rep. Petterson

Vote: 13-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Pilotte

Seconded by Rep. Petterson

Vote: 14-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 14-0**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Maurice L. Pilotte, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1301

BILL TITLE: relative to the regulation of fuel gas fitters.

DATE: February 9, 2010

LOB ROOM: 306

Amendments:

Sponsor: Rep. *Pilotte*

OLS Document #: 2010-0515 h.

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

*Amend*

Moved by Rep. *Pilotte*

Seconded by Rep. *Peterson*

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Pilotte*

Seconded by Rep. *Peterson*

Vote: 14-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Maurice L. Pilotte, Clerk

*Maurice L. Pilotte*

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 1301 Title: re. regulation of fuel gas fitters.

PH Date: 2/4/10 Exec Session Date: 2/9/10

Motion: Amendment OTP. Amendment #: 2010-0515h.

MEMBER	YEAS	NAYS
Irwin, Anne-Marie, Chairman	Absent	
Harding, Laurie, V Chairman	✓	
Pilotte, Maurice L, Clerk	✓	
McMahon, Patricia M	Absent	
Jeudy, Jean L	✓	
Schmidt, Peter B	Absent	
Beck, Catriona D	Absent	
Sullivan, Daniel J	Absent	
Petterson, Don	✓	
Houde-Quimby, Charlotte	✓	
Flurey, Joan S	Absent	
Hawkins, Ken	Absent	
Day, Russell C	✓	
Reagan, John M	✓	
Gould, Kenneth H	✓	
Scamman, Stella	✓	
McGuire, Carol M	✓	
Pratt, Calvin D	✓	
Ryder, Donald F	✓	
Vita, Carol M	✓	

TOTAL VOTE: 13-0

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 1301 Title: re regulation of fuel gas fitters

PH Date: 2 / 4 / 10 Exec Session Date: 2 / 9 / 10

Motion: OTPA Amendment #: 2010-0575-4

MEMBER	YEAS	NAYS
Irwin, Anne-Marie, Chairman	Absent	
Harding, Laurie, V Chairman	✓	
Pilotte, Maurice L, Clerk	✓	
McMahon, Patricia M	Absent	
Judy, Jean L	✓	
Schmidt, Peter B	Absent	
Beck, Catriona D	✓	
Sullivan, Daniel J	Absent	
Petterson, Don	✓	
Houde-Quimby, Charlotte	✓	
Flurey, Joan S	Absent	
Hawkins, Ken	Absent	
Day, Russell C	✓	
Reagan, John M	✓	
Gould, Kenneth H	✓	
Scamman, Stella	✓	
McGuire, Carol M	✓	
Pratt, Calvin D	✓	
Ryder, Donald F	✓	
Vita, Carol M	✓	
TOTAL VOTE:	14-0	

# Committee Report

**CONSENT CALENDAR**

**February 9, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on EXECUTIVE DEPARTMENTS AND  
ADMINISTRATION to which was referred HB1301,**

**AN ACT relative to the regulation of fuel gas fitters.**

**Having considered the same, report the same with the  
following amendment, and the recommendation that  
the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Maurice L Pilotte**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>EXECUTIVE DEPARTMENTS AND ADMINISTRATION</b>
Bill Number:	<b>HB1301</b>
Title:	<b>relative to the regulation of fuel gas fitters.</b>
Date:	<b>February 9, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

This bill was introduced to address issues "flagged" by the Joint Legislative Committee of Administrative Rules (JLCAR). (1) Standards of education or experience for Trainees. (2) Request for reciprocity of licensing from other states provided their requirements are equivalent to or greater than those of our state. (3) Giving the commissioner specific authority to establish a license reinstatement fee for any individual or business entity license after completion of a suspension or revocation period resulting from disciplinary action. (4) Giving the commissioner specific authority to establish a late license renewal fee for failing to renew a license after more than 90 days have passed since expiration. (5) Adding to the options for disciplinary action the possibility of immediate suspension when warranted.

Vote 14-0.

Rep. Maurice L Pilotte  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB1301**, relative to the regulation of fuel gas fitters. **OUGHT TO PASS WITH AMENDMENT.** Rep. Maurice L Pilotte for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. This bill was introduced to address issues "flagged" by the Joint Legislative Committee of Administrative Rules (JLCAR). (1) Standards of education or experience for Trainees. (2) Request for reciprocity of licensing from other states provided their requirements are equivalent to or greater than those of our state. (3) Giving the commissioner specific authority to establish a license reinstatement fee for any individual or business entity license after completion of a suspension or revocation period resulting from disciplinary action. (4) Giving the commissioner specific authority to establish a late license renewal fee for failing to renew a license after more than 90 days have passed since expiration. (5) Adding to the options for disciplinary action the possibility of immediate suspension when warranted.

**Vote 14-0.**

Original: House Clerk  
Cc: Committee Bill File




ED&A  
HB 1301

 **DRAFT**

This bill was introduced to address issues "flagged" by the Joint Legislative Committee of Administrative Rules (JLCAR). (1) Standards of education or experience for Trainees. (2) Request for reciprocity of licensing from other states provided their requirements are equivalent to or greater than those of our state. (3) Giving the commissioner specific authority to establish a license reinstatement fee for any individual or business entity license after completion of a suspension or revocation period resulting from disciplinary action. (4) Giving the commissioner specific authority to establish a late license renewal fee for failing to renew a license after more than 90 days have passed since expiration. (5) Adding to the options for disciplinary action the possibility of immediate suspension when warranted.

Rep. Pilotte

  
\_\_\_\_\_  
Rep. AM Irwin, Chair

 DRAFT

ED&A  
HB 1301

This bill was introduced to address issues "flagged" by the Joint Legislative Committee of Administrative Rules (JLCAR). (1) Standards of education or experience for Trainees. (2) Request for reciprocity of licensing from other states provided their requirements are ~~as stringent or more stringent~~ *equivalent to or greater than* than those of our state. (3) Giving the commissioner specific authority to establish a license reinstatement fee for any individual or business entity license after completion of a suspension or revocation period resulting from disciplinary action. (4) Giving the commissioner specific authority to establish a late license renewal fee for failing to renew a license after more than 90 days have passed since expiration. (5) Adding to the options for disciplinary action the possibility of immediate suspension when warranted.

Rep. Pilotte

\_\_\_\_\_  
Rep. AM Irwin, Chair

**Welch, Gail**

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**From:** Pilotte, Maurice

**Sent:** Monday, February 08, 2010 10:28 AM

**To:** Welch, Gail

**Subject:** Blurb for HB1301

This bill was introduced to address issues "flagged" by the Joint Legislative Committee of Administrative Rules (JLCAR). (1) Standards of education or experience for Trainees. (2) Request for reciprocity of licensing from other states provided their requirements are as stringent or more stringent than those of our state. (3) Giving the commissioner specific authority to establish a license reinstatement fee for any individual or business entity license after completion of a suspension or revocation period resulting from disciplinary action. (4) Giving the commissioner specific authority to establish a late license renewal fee for failing to renew a license after more than 90 days have passed since expiration. (5) Adding to the options for disciplinary action the possibility of immediate suspension when warranted.