



Legislation Details (With Text)

File #:	Int 0892-2001	Version:	*	Name:	Certifying journeyman plumbers and master plumbers.
Type:	Introduction	Status:		Filed	
		In control:		Committee on Housing and Buildings	
On agenda:	2/27/2001				
Enactment date:		Enactment #:			
Title:	A Local Law to amend the administrative code of the city of New York, in relation to certifying journeyman plumbers and master plumbers.				
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Indexes:					
Attachments:					

Date	Ver.	Action By	Action	Result
2/27/2001	*	City Council	Introduced by Council	
2/27/2001	*	City Council	Referred to Comm by Council	
2/27/2001	*	Legislative Documents Unit	Printed Item Laid on Desk	
4/20/2001	*	Committee on Housing and Buildings	Hearing Held by Committee	
4/20/2001	*	Committee on Housing and Buildings	Deferred	
12/31/2001	*	City Council	Filed (End of Session)	

Int. No. 892

By Council Members Spigner, Malave-Dilan and Marshall; also Council Members Carrion, Dear, DiBrienza, Freed, Koslowitz, Lopez, Miller, Nelson, O'Donovan, Provenzano, Quinn, Rodriguez and Golden

A Local Law to amend the administrative code of the city of New York, in relation to certifying journeyman plumbers and master plumbers.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 26-141 of the administrative code of the city of New York is amended to read as follows:

b. "Certificate" means the certificate of competence as a master plumber or master fire suppression piping contractor or journeyman plumber issued by the commissioner to an individual who satisfies the

requirements of this subchapter for certification as a master plumber or a master fire suppression piping contractor or a journeyman plumber.

§2. Subdivision d of section 26-141 of the administrative code of the city of New York is amended to read as follows:

d. “Direct employ” means that an individual performing the actual work of installing, maintaining, repairing, modifying, extending or altering plumbing or gas piping is an employee of the licensed master plumber, partnership, corporation or other business association as authorized by the code, having responsibility for such work, or an individual performing the actual work of installing, maintaining, repairing, modifying, extending or altering any fire suppression piping system or any part thereof as permitted by the class of license held by the licensee is an employee of the licensed master fire suppression piping contractor, partnership, corporation or other business association as authorized by this code having responsibility for such work. The employer shall not be restricted to use those employees in the employer’s work force with proper and necessary training to perform the required work, except that for all such work performed by two or more employees of a licensed master plumber such licensed master plumber shall be required to maintain a one-to-one ratio of certified journeyman plumbers to non-certified individuals on a job site. Such employment shall be evidenced by payroll records such as social security payments, income tax withholding or the disbursement of other funds as required by law for the benefit of such employee.

§3. Section 26-141 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

k. “journeyman plumber” means an individual certified under the provisions of this subchapter and who performs plumbing work under the direct employ of a licensed master plumber.

§4. Clause a of paragraph 1 of subdivision a of section 26-142 of the administrative code of the city of New York is amended to read as follows:

1. (a) to install, maintain, repair, modify, extend or alter a plumbing, standpipe where a sprinkler is not

or is not now being connected, domestic water, connections to the domestic water, combination domestic water and standpipe supply tank, up to and including the roof tank check valve, gas piping or any piping system referred to in subchapter sixteen of chapter one of title twenty-seven of the code and in reference standard RS-16 and up to twenty sprinkler heads off the domestic water in any one building, in the city of New York unless such person is a licensed master plumber, partnership, corporation or other business association as permitted by this code and unless such work is performed by either journeyman plumbers or other practitioners under the direct and continuing supervision of a licensed master plumber;

§5. Clause a of paragraph 2 of subdivision a of section 26-142 of the administrative code of the city of New York is amended to read as follows:

2. (a.) to use the title licensed master plumber, master plumber, journeyman plumber, or any other title in such manner as to convey the impression that such person is a licensed master plumber unless such person is licensed as a master plumber in accordance with the provisions of this subchapter;

§6. Subdivision b of section 26-142 of the administrative code of the city of New York is amended to read as follows:

b. A certificate of competence as a master plumber or master fire suppression piping contractor or a journeyman plumber shall be issued only to an individual.

§7. The opening paragraph of subdivision a of section 26-144 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner shall appoint annually each member of a license board, to investigate and report, at the request of the commissioner, on all proposed suspensions or revocations of license, make recommendations regarding the surveillance of the practices of licensed master plumbers, [and] licensed master fire suppression piping contractors and journeyman plumbers, and the policing of the activities of unlicensed practitioners and uncertified practitioners, and engage in such other functions as herein provided. The commissioner may, for cause shown, remove any member of the license board and shall fill any vacancy

therein. Such board shall consist of:

§8. Paragraph one of subdivision a of section 26-146 of the administrative code of the city of New York is amended to read as follows:

1. has had at least seven years' prior experience in the design and installation of plumbing systems in the United States which experience shall include at least five years as a certified journeyman plumber; or

§9. Section 26-146 of the administrative code of the city of New York is amended by relettering subdivision c as new subdivision f and by adding new subdivisions c, d, e and f to read, respectively, as follows:

c. all applicants for a journeyman plumber certificate shall submit satisfactory proof establishing that the applicant has had at least five years' prior experience in the design and installation of plumbing systems in the United States.

d. Notwithstanding the provisions of this section, an applicant for a master plumber certificate who shall have had at least seven years of experience in the design and installation of plumbing systems in the United States without experience as a journeyman plumber shall qualify for the experience requirements of a master plumber certificate provided that such applicant makes application by August thirty-first two thousand three.

e. Notwithstanding the provisions of this section, an applicant for a journeyman plumber certificate who shall have had at least five years of experience in the design and installation of plumbing systems in the United States in the employ of a master plumber, or in a registered federal or state apprenticeship program, or in the direct employ of the city of New York shall qualify for the experience requirements of a journeyman plumber certificate and shall be exempt from examination provided that such applicant makes application by August thirty-first two thousand three.

f. For the purposes of this section, fifteen hundred hours of prior experience in one year shall be the equivalent of one years' worth of experience.

§10. Subdivision b of section 26-148 of the administrative code of the city of New York is amended to read as follows:

b. The issuance of a certificate shall constitute evidence that the person named therein is qualified to obtain a plate and seal while the certificate is valid except that, notwithstanding the provisions of this section, the issuance of a journeyman plumber certificate shall not qualify such person named therein to obtain a plate and seal. [The] A certificate, that is other than a journeyman plumber certificate, shall entitle the applicant to obtain a plate and seal from the commissioner upon approval of an application showing compliance with the requirements of this subchapter and upon the payment of the specified fees. The holder of a certificate shall not be entitled to perform work or hold him or herself out to perform work as a licensed master plumber or licensed master fire suppression piping contractor until such plate and seal have been obtained.

§11. Section 26-152 of the administrative code of the city of New York is amended to read as follows:

[a.] Any person not authorized to perform the work and services of a licensed master plumber or licensed master fire suppression piping contractor in accordance with the provisions of this subchapter or any person filing or attempting to file a licensed master plumber or licensed master fire suppression piping contractor's statement or other document on behalf of another, or representing himself or herself as another, or giving false or forged evidence of any kind to the commissioner or any other city official, or not certified to perform the work and services of a journeyman plumber in accordance with the provisions of this subchapter, or otherwise violating any of the provisions of this subchapter, shall be subject to a penalty of not less than five hundred dollars nor more than five thousand dollars for the first offense, and not less than one thousand dollars for the first five thousand dollars for each and every subsequent offense, upon findings after administrative hearings by the board.

§12. Subdivision a of section 26-153 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner shall publish a complete roster of master plumber licensees, [and] of master fire

suppression piping contracting licensees and of journeyman plumber certifications in the City Record. Each roster shall be published biennially, with a supplement published in each alternate year.

§13. This local law shall take effect one hundred and twenty days after its enactment.

TNN/tnn
LS# 3950
02/06/01, 5:00 p.m.