

CHAPTER 43-18 PLUMBERS

43-18-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the state board of plumbing.
2. "Journeyman plumber" means any person, other than a master plumber, who, as the person's principal occupation, is engaged in the practical installation, alteration, and repair of plumbing.
3. "Master plumber" means a person skilled in the planning, supervision, and the practical installation, alteration, and repair of plumbing, and familiar with the laws, rules, and regulations governing the same.
4. "Plumber's apprentice" means any person other than a journeyman or a master plumber, who, as the person's principal occupation, is engaged in learning and assisting in the installation, alteration, and repair of plumbing and drainage, under the immediate and personal supervision of either a master or a journeyman plumber.
5. "Plumbing" means the installation, maintenance, extension, alteration, and removal of all piping, plumbing fixtures, plumbing appliances, and other appurtenances in connection with bringing water into, and using the same in buildings, and for removing liquids and water-carried wastes therefrom.

43-18-02. State board of plumbing - Members - Appointment - Qualifications.

The state board of plumbing shall consist of the chief sanitary engineer, or the head of any division of the state department of health who may be named by the chief sanitary engineer to act in the chief sanitary engineer's stead, and four persons appointed by the governor. All of the appointed members must have been residents of this state for at least five years immediately preceding their appointment, and one of them must be a master plumber with at least five years of experience in North Dakota, one must be a journeyman plumber with at least five years of experience in North Dakota, one must be a registered professional engineer practicing mechanical engineering in North Dakota, and one must be a representative of the consuming public.

(Contingent effective date - See note) State board of plumbing - Members - Appointment - Qualifications. The state board of plumbing shall consist of the chief sanitary engineer, or the director of the department of environmental quality, and four persons appointed by the governor. All of the appointed members must have been residents of this state for at least five years immediately preceding their appointment, and one of them must be a master plumber with at least five years of experience in North Dakota, one must be a journeyman plumber with at least five years of experience in North Dakota, one must be a registered professional engineer practicing mechanical engineering in North Dakota, and one must be a representative of the consuming public.

43-18-03. State board of plumbing - Members - Terms of office - Vacancies - How filled.

Each appointed member of the board shall qualify by taking the oath of office required of civil officers and shall hold office for a term of four years and until a successor is appointed and qualified. The terms of office of the appointed members must be so arranged that one term only expires on the thirtieth day of June of each year. The four members appointed by the governor to the first board must be appointed within thirty days after July 1, 1975, to serve for the following terms: one master plumber for one year, one journeyman plumber for two years, one mechanical engineer for three years, and a representative of the consuming public for four years. A vacancy on the board caused by the death, resignation, or expiration of the term of any appointed member must be filled for the unexpired term by appointment by the governor from the class of members to which the deceased or retiring member belonged.

43-18-04. Office and officers of board.

The members of the board shall elect from their number a president, a vice president, and a treasurer, and they shall select a secretary, but the office of secretary and treasurer may be held by the same person. The secretary or secretary-treasurer need not be a member of the board but must be a licensed plumber. The board shall have its headquarters at the state capital.

43-18-05. Members of board and employees - Compensation.

Each appointed member of the board is entitled to receive compensation in an amount determined by the board, not to exceed one hundred dollars per day, for actual services rendered in the performance of the member's duties under this chapter, and each member and employee of the board is entitled to receive traveling expenses incurred in the performance of official duties. Allowances for traveling expenses must be as provided by law for state officials and employees. The compensation and expense must be paid out of the state plumbing board fund. The compensation provided for in this section may not be paid to any member of the board who receives salary or other compensation as a regular employee of the state or any of its political subdivisions or any institution or industry operated by the state.

43-18-06. Board may hire and fix compensation of employees - Incur necessary expenses.

The board may employ inspectors, who must be registered plumbers, and such stenographers and assistants, as may be necessary, and shall fix the compensation of such employees, and may incur such other expenses as may be required. All such salaries and expenses must be paid only out of such moneys as may be in the state plumbing board fund.

43-18-07. Fees - Where deposited - Use.

Repealed by S.L. 1971, ch. 510, § 15.

43-18-08. Duties of board.

The board shall:

1. Enforce the provisions of this chapter.
2. Prescribe rules and regulations not inconsistent with the provisions of this chapter for the examination, regulation, and licensing of plumbers, either as master plumbers, journeyman plumbers, plumber's apprentices, or any of such classifications.

43-18-09. Board to adopt plumbing code - Provisions have force of law.

The board shall formulate, prepare, and circulate among all plumbers within this state a state plumbing code, which must contain the minimum basic standards for plumbing, drainage, and ventilation of plumbing in buildings of all classes. Such code must be approved by the state department of health. The provisions of said code have the force and effect of law and any violation thereof constitutes a violation of this chapter.

(Contingent effective date - See note) Board to adopt plumbing code - Provisions have force of law. The board shall formulate, prepare, and circulate among all plumbers within this state a state plumbing code, which must contain the minimum basic standards for plumbing, drainage, and ventilation of plumbing in buildings of all classes. Such code must be approved by the department of environmental quality. The provisions of said code have the force and effect of law and any violation thereof constitutes a violation of this chapter.

43-18-10. Firm engaged in installing plumbing to employ master plumber - Exceptions.

No person, firm, corporation, or limited liability company shall engage in the business of installing plumbing and shall not install plumbing in connection with the dealing in and selling of plumbing materials and supplies in any location of this state having a public system of waterworks or sewerage, unless at all times a registered and licensed master plumber, who is responsible for the proper installation thereof, is in charge of such work. In cities of less than

one thousand population and in all rural areas, a licensed journeyman plumber may engage in the business of installing plumbing.

43-18-11. License required - Exception for homeowner and full-time employee.

No person, firm, corporation, or limited liability company shall engage in the business of a master plumber, journeyman plumber, or plumber's apprentice in any location of this state having a public system of waterworks or sewerage unless registered and licensed to do so by the board. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standards prescribed by the board on premises or that part of premises owned and actually occupied by the person as a residence, or may do plumbing repair on premises where the person is employed in full-time maintenance work, unless otherwise forbidden to do so by a local ordinance. Public water system employees may install and maintain service lines and water meters on premises served by the water system.

43-18-11.1. When license not required.

Employees of dealers in household appliances need not be licensed pursuant to this chapter when installing household appliances, if any necessary plumbing work is incidental to the installation of the appliance and the work could be performed by a plumber's apprentice.

43-18-11.2. Conviction not bar to licensure - Exceptions.

Conviction of an offense does not disqualify a person from licensure under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as a plumber, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

43-18-11.3. Advertising prohibited - Exceptions - Penalty.

1. Except as provided in this section, if a plumbing license is required under section 43-18-11 or by local ordinance, no person offering plumbing contracting services may advertise as a plumbing contractor, master plumber, or journeyman plumber unless the person employs a licensed journeyman plumber, or the person is a licensed master plumber. Any advertisement must contain the appropriate license number. This section does not apply to advertising purchased or contracted for prior to July 1, 1989.
2.
 - a. A person violating this section is guilty of a class B misdemeanor for a first conviction, but no fine in excess of one hundred dollars and no term of imprisonment may be imposed.
 - b. A person violating this section is guilty of a class A misdemeanor for a second or subsequent conviction, but the penalties are as follows:
 - (1) For a second conviction, no fine in excess of one thousand dollars and no term of imprisonment may be imposed.
 - (2) For a third or subsequent conviction, a fine not to exceed one thousand dollars or imprisonment not to exceed thirty days, or both, may be imposed.

43-18-11.4. Plumbing inspectors - License required - Exception.

A person employed by the state board of plumbing or a political subdivision to inspect plumbing installations must be licensed as a journeyman or master plumber. This section does not apply to an inspector employed by the board of plumbing or a political subdivision as of July 2, 1989.

43-18-12. Examination - When held - Notice.

Examinations must be held at the time and place prescribed by the board. Notice of such examinations must be given by mail to all persons who have made application to take the examination. The board may call a special examination at any time.

43-18-13. License - How obtained - Fee.

Any person qualified under the rules of the board who desires to take the examination to become a registered and licensed plumber shall make application to the board therefor and pay to the treasurer of the board the examination fee. Such fee may not exceed two hundred dollars for a master plumber's certificate and license and one hundred dollars for a journeyman plumber's certificate and license. The board, when the condition of its fund permits and when in its judgment it is deemed advisable, may reduce the amount of the examination fees, but it may not increase the same above the amount specified in this section. Any such change must be adopted by the board to take effect on the first day of January following its action and must apply to all examination fees in the classes specified in the ruling. The applicant shall appear at the next regular meeting of the board for examination of applicants. If upon examination the applicant is found by the board to be qualified as a master plumber or journeyman plumber, or both, it shall issue to the applicant a certificate of registration and license which entitles the applicant to do the work and be a plumber as specified in the license. A master plumber's and journeyman plumber's license may be issued to one and the same person, and the holder of a master plumber's license may be granted a journeyman plumber's license without the payment of the journeyman's fee. All certificates and licenses must be numbered consecutively and may not be transferable, and no person may work under the license issued to another person. Should a person fail upon examination to qualify as a master or journeyman plumber, such person has the right to review the examination to determine the reasons for failure and has the right to appeal to the board.

43-18-13.1. Reciprocity with other states.

The board may register, without examination, upon payment of the required fee, nonresident applicants registered under the laws of other states having requirements for regulating plumbers which the board determines are substantially equivalent to the requirements of this state in those instances when such other state grants similar privileges to North Dakota residents licensed under this chapter.

43-18-14. Board to keep register of licenses issued.

The board shall keep a register in which must be entered the names and addresses of all persons to whom certificates of registration and license are issued under the provisions of this chapter as master plumbers, and also a register in which must be entered the names and addresses of all persons to whom certificates of registration and license are issued under the provisions of this chapter as journeyman plumbers. Such register must be open to the public for inspection.

43-18-15. Temporary license - When issued.

The board, upon the payment of the regular examination fee, may issue a temporary permit to engage in the business of master plumber or journeyman plumber, or both, to any person who furnishes satisfactory evidence of the person's qualifications. Such permits are revocable permits and are effective to December thirty-first of the year in which they are issued. No person may be issued such temporary permits for longer than four years.

43-18-16. Plumber licensed by board may practice at any place in state - Exception.

A plumber registered and licensed by the board to engage in the business of master plumber, journeyman plumber, or plumber's apprentice may engage in or work at the business of plumbing at any place in this state, except in cities that have adopted ordinances requiring a municipal license or registration in addition to the state license before permitting any plumber to work in such municipality.

43-18-17. Renewal of license - Fee.

A certificate and license issued under the provisions of this chapter is valid for only one year and expires on the thirty-first day of December of the year in which it was issued. The certificate must be renewed by the board upon application made within thirty days after the expiration

thereof and on the payment of a sum not to exceed two hundred dollars for a master plumber's certificate and license, and the sum of one hundred dollars for a journeyman plumber's certificate and license. The board, when the condition of its fund permits and when in its judgment it is deemed advisable, may reduce the amount of the renewal fees, but it may not increase the same above the amount specified in this section. Any such change must be adopted by the board to take effect on the first day of January following its action and applies to all renewals in the classes specified in the ruling.

43-18-17.1. Continuing education.

After January 1, 1991, each applicant for renewal of a master or journeyman plumber's license under section 43-18-17 must have successfully completed prior thereto at least two credit hours, and thereafter a minimum of two credit hours and not to exceed four credit hours within a two-year period, of continuing education relating to the plumbing trade.

Credit hours for educational sessions must be determined by the board on a continuing basis to evaluate new sessions as they become available for fulfilling the educational requirements of this section. The board may charge a fee sufficient to offset expenses incurred for any educational sessions for which it is directly responsible.

43-18-17.2. Report of work - Exception.

A person shall report doing plumbing work subject to inspection under section 43-18-17.3 to the board upon forms furnished by the board. This section does not apply to plumbing installations in buildings that are not connected to a public system of waterworks or sewerage or in political subdivisions where inspection is required by local ordinance.

43-18-17.3. Inspection of installation - Exception.

The board has jurisdiction over and shall make provision for inspection of plumbing installations or alterations to public buildings and installations in newly constructed dwelling units, except as provided in this section. Political subdivisions may provide for inspection of plumbing work done within their jurisdictional limits. The board may charge the person responsible for the installation a reasonable fee not to exceed the cost of inspection. No inspection is required for any repair work or plumbing fixture replacement which requires only minor alteration, or to buildings that are not connected to a public system of waterworks or sewerage, and does not apply to maintenance work conducted by regularly employed maintenance personnel on the business premises of their employer.

43-18-18. Grounds for revocation of license.

The board may revoke any certificate issued under the provisions of this chapter if the holder is guilty of:

1. Commission of an offense determined by the board to have a direct bearing upon the holder's ability to serve the public as a plumber, or the board determines, following conviction of any offense, that the holder is not sufficiently rehabilitated under section 12.1-33-02.1;
2. Error or fraud in obtaining the holder's certificate;
3. Permitting the use of the holder's certificate and license in violation of this chapter;
4. Incompetency;
5. Failure to furnish certification of completion of continuing education as required under section 43-18-17.1; or
6. Failure to report work as required under section 43-18-17.2.

43-18-19. Revocation - Hearing.

A certificate of registration and license issued under the provisions of this chapter may be revoked only after a hearing of the charges by the board. The holder of the certificate must be notified in writing by the board of the charges against the holder and of the time and place fixed for the hearing. Such notice must be served by registered or certified mail, addressed to the post-office address of the certificate holder as shown in the holder's certificate of registration

and license. The time set for the hearing must be not less than ten days after the service of the notice. The hearing must be public and full opportunity must be given the accused to produce witnesses and evidence in the accused's own behalf and to examine the witnesses against the accused. After hearing all the evidence, the board shall render its decision in writing and the accused must be furnished, by mail, a copy thereof. If the accused is found guilty of any offense for which revocation of the license is provided, the certificate of registration and license is revoked automatically.

43-18-20. Revocation of license - When reinstated.

A person whose certificate of registration and license issued under the provisions of this chapter has been revoked by the board may not be permitted to apply for a license for a period of one year from the date of the revocation. After the expiration of such time, the board may consider an application for reinstatement of such person and upon a showing that the disability has been removed or that there is no further likelihood that the offense will be repeated, the board may reinstate the license.

43-18-21. Apprenticeship.

Every apprentice plumber shall, within thirty days after beginning apprenticeship, register with the state plumbing board on a registration application form which will be supplied by the board, showing date of beginning apprenticeship, age, schooling, previous experience, employer, and such other information as the board may require, except that a person who is working in a school-work program need not register. A registration certificate issued under the provisions of this section shall be valid for only one year and shall expire on the thirty-first day of December of the year in which it was issued. The certificate shall be renewed by the board upon application made within thirty days after the expiration thereof and on payment of the sum set by the board, but not to exceed twenty dollars for the first year, thirty dollars for the second year, forty dollars for the third year, and fifty dollars for the fourth year of apprenticeship. The fee after a four-year term of apprenticeship is the same as the fee for a journeyman plumber. This certificate of registration shall be the license required to be employed as a plumber's apprentice in this state.

43-18-22. Local authorities report violations to board.

Such local authority as may be designated by an ordinance of the municipality to issue plumbing permits and licenses, and to approve plumbing plans, shall report to the board willful violations of the state plumbing code and of any municipal ordinances regulating the same, and any incompetence on the part of any registered and licensed plumber that comes to the attention of the local authority.

43-18-23. Working as plumber without license.

It is unlawful for any person to work, for compensation, as a master plumber, journeyman plumber, or plumber's apprentice without being registered and licensed as a plumber in such classification.

43-18-24. Violation of chapter - Penalty.

Any person that violates the state plumbing code adopted under section 43-18-09; violates section 43-18-10, 43-18-11, 43-18-11.4, 43-18-17.2, or 43-18-23; or works under the license of another person in a manner that is in violation of section 43-18-13 is guilty of a class B misdemeanor.

43-18-25. Injunction.

In addition to the criminal penalty provided in section 43-18-24, the civil remedy of injunction is available to plumbing inspectors to restrain and enjoin violations of any provisions of this chapter. Any person claiming to be injured in person or property because of violations of this chapter may bring a civil action for damages.