

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4155

BY DELEGATES JENNINGS, FOSTER, KESSINGER, HARDY,

BIBBY, COWLES, SYPOLT AND STEELE

[Originating in the Committee on Government

Organization; February 10, 2020.]

1 A BILL to amend and reenact §21-14-2 and §21-14-3 of the Code of West Virginia, 1931, as
2 amended, all relating generally to the regulation of plumbers; exempting individuals who
3 perform plumbing work under \$5,000 from being a licensed plumber; requiring the
4 Commissioner of Labor to credit military related experience towards hours requirements;
5 exempting employees of a small business; defining terms; requiring drug testing of
6 licensees; and reducing the number of hours of plumbing work experience.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. SUPERVISION OF PLUMBING WORK.

§21-14-2. Definitions.

1 As used in this article:

2 (a) "License" means a valid and current license issued by the Commissioner of Labor in
3 accordance with the provisions of this article.

4 ~~(b) "Journeyman plumber" means a person qualified by at least eight thousand hours of~~
5 ~~plumbing or related experience and who is competent to instruct and supervise the work of a~~
6 ~~plumber in training.~~

7 (b) "Residential plumber" means a person who can show proof they passed a drug and
8 alcohol test within the previous 12 months that meets the requirements set out in §21-1D-2 (a),
9 (d), and (h), and with at least 2,000 hours of plumbing work experience who performs plumbing
10 work at single and dual family residential structures, or works under the supervision of a Master-
11 Journeyperson plumber: *Provided*, That the commissioner credit relevant verified military service,
12 training, or education toward the licensing requirements.

13 ~~(c) "Master plumber" means a person with at least twelve thousand hours of plumbing~~
14 ~~work experience and who is competent to design plumbing systems, and to instruct and supervise~~
15 ~~the plumbing work of journeyman plumbers, and plumbers in training.~~

16 (c) "Master-Journeyperson plumber" means a person who can show they passed a drug
17 and alcohol test within the previous 12 months that meets the requirements set out in §21-1D-2

18 (a), (d), and (h), and with at least 5,000 hours of plumbing work experience and who is competent
19 to design plumbing systems, and to instruct and supervise the plumbing work of residential
20 plumbers, and plumbers in training: *Provided*, That the commissioner credit relevant verified
21 military service, training, or education toward the licensing requirements.

22 (d) "Plumber in training" means a person who can show they passed a drug and alcohol
23 test within the previous 12 months that meets the requirements set out in §21-1D-2 (a), (d), and
24 (h), and a person with interest in and an aptitude for performing plumbing work but who alone is
25 not capable of performing plumbing work, and who has fewer than ~~eight thousand hours of~~
26 plumbing experience 2,000 hours of plumbing experience on single and dual family residential
27 structures and 5,000 hours of plumbing experience in all settings: *Provided*, That the
28 commissioner credit relevant verified military service, training, or education toward the licensing
29 requirements.

30 (e) "Plumbing" means the practice, materials, and fixtures utilized within a building in the
31 installation, extension, and alteration of all piping, fixtures, water treatment devices, plumbing
32 appliances, and appurtenances, in connection with sanitary drainage or storm drainage facilities;
33 the plumbing venting systems; medical gas systems; fuel oil and gas piping for residential,
34 commercial, and institutional facilities; backflow preventers; and public or private water supply
35 systems, as defined by the state building code.

36 (f) "Single family dwelling" means a building which is occupied as, or designed or intended
37 for occupancy as, a single residence for one or more persons.

§21-14-3. License required; exemptions.

1 (a) On and after January 1, 2009, a person performing or offering to perform plumbing
2 work in this state shall have a license issued by the Commissioner of Labor, in accordance with
3 the provisions of this article.

4 (b) The Commissioner of Labor shall determine if each applicant for new licenses and
5 license renewal qualifies for employment under the E-Verify program administered by the United

6 States Department of Homeland Security and the United States Social Security Administration:
7 Provided, That nothing in this subsection may make the Commissioner liable for the employment
8 of undocumented workers.

9 ~~(b)~~ (c) A person licensed under this article must carry a copy of the license on any job in
10 which plumbing work is being performed.

11 ~~(c)~~ (d) This article does not apply to:

12 (1) A person who personally performs plumbing work on a single-family dwelling owned
13 or leased by that person or by a member of that ~~persons~~ person's immediate family;

14 (2) A person who performs plumbing at any manufacturing plant or other industrial
15 establishment as an employee of the person, firm, or corporation operating the plant or
16 establishment;

17 (3) A person who performs plumbing work while employed by an employer who engages
18 in the business of selling appliances at retail, so long as such plumbing work is performed
19 incidental to the installation or repair of appliances sold by the employer;

20 (4) A person who, while employed by a public utility or its affiliate, performs plumbing in
21 connection with the furnishing of public utility service;

22 (5) A person who performs plumbing work while engaging in the business of installing,
23 altering, or repairing water distribution or drainage lines outside the foundation walls of a building,
24 public or private sewage treatment, or water treatment systems including all associated structures
25 or buildings, sewers, or underground utility services;

26 (6) A person who performs plumbing work while engaged in the installation, extension,
27 dismantling, adjustment, repair, servicing, or alteration of a heating ventilation and air conditioning
28 (HVAC) system, air-veyor system, air exhaust system, or air handling system;

29 (7) A person who performs plumbing work at a coal mine that is being actively mined or
30 where coal is being processed; ~~or~~

31 (8) A person who performs plumbing work at manufacturing, industrial, and natural gas
32 facilities; or

33 (9) A person who performs plumbing work at a small business, as defined by the United
34 States Small Business Administration, as an employee of the person, firm, or corporation
35 operating the small business.

Strike-throughs indicate language that would be stricken from a heading or the present law,
and underscoring indicates new language that would be added.