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**Readopt with amendment Mec 403, effective 12-10-23 (Document #13771), to read as follows:**

PART Mec 403 RENEWALS OF INDIVIDUAL MECHANICAL LICENSES

Mec 403.01 Renewal Application Process for Individuals Seeking Plumbing and Fuel Gas Fitting Licenses and Trainee or Apprentice Licenses.

(a) Each individual seeking a renewal license to practice as a domestic appliance technician, a fuel gas fitter, a master, or journeyman plumber, or seeking to renew as a fuel gas trainee or plumbing apprentice, shall do so by submitting the following:

- (1) The information described in Mec 403.02(d);
- (2) If a plumbing apprentice or fuel gas fitting trainee, proof of continued enrollment in the educational program ***or apprenticeship as described in Mec 305.01(b)***;
- (3) If a holder of any other type of mechanical license issued pursuant to RSA 153:27-~~3836~~, proof of continuing education supporting materials required for each licensing endorsement applied for; and
- (4) The license fee required by Plc 1002.25 which is applicable to the type of license sought.

(b) The application for renewal shall be processed in accordance with Plc 308.09 through Plc 308.12.

(c) The ~~board~~ ***Office of Professional Licensure and Certification (OPLC)*** shall deny a renewal application based on the following criteria:

- (1) The practice of fraud or deceit in procuring or attempting to procure a license to practice under ***RSA 310:8 and*** RSA 153:27-~~3836~~ and these rules;
- (2) Subject to paragraph (d) below, conviction of any criminal offense involving injury to a victim or the risk of such injury or any criminal offense involving dishonesty;
- (3) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession, or such conduct that poses risk to public health, safety, or welfare to individuals affected by the practices or actions of the licensee;
- (4) Unfitness or incompetence by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee;
- (5) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under RSA 153:27-~~3836~~ and these rules;
- (6) Mental or physical incompetence to practice under RSA 153:27-~~3836~~ and these rules;
- (7) Willful or repeated violation of the provisions of RSA 153:27-~~3836~~ and these rules; or

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(8) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.

(d) For any convictions as described in paragraph (c)(2) above, the board shall consider the following:

- (1) The nature of the criminal act committed;
- (2) Whether or not there was a direct relationship between the criminal act and the profession for which the applicant is seeking licensure;
- (3) The length of time between the conviction or release and application dates;
- (4) Any rehabilitation, training, or educational courses taken as a condition of release, probation, or parole;
- (5) Any conditions, certificates, or letters of completion regarding sentencing, release, probation, or parole; and
- (6) Direct testimony from the applicant, the applicant's sponsor, or employer.

Mec 403.02 Application Renewal Form to be used by Applicants for Individual Licenses.

(a) The application for renewal ~~form~~ shall be ***the application specified in Plc 308.05*** ~~provided by the board.~~

(b) The applicant for renewal shall submit the information described in Plc 308.06 on the "Universal Application for License Renewal", ***and the additional information and supporting documentation specified in Plc 308.07.***

(c) In addition to the information required by (b) above the applicant shall provide on the "Addendum to the Renewal Application for An Individual Described in Plc 308.06" the following:

- (1) The name, full business address, and telephone number of:
  - a. The applicant's own business, if any; or
  - b. The applicant's employer, if any; and
- (2) The continuing education courses taken within the licensing period, by providing for each course the course name, the date attended, the location, and instructor.

(d) The applicant for renewal shall sign and date the renewal application under the statement described in and in accordance with Plc 308.08.

Mec 403.03 Required Supporting Materials. Individual applicants for renewal licensure shall provide, or arrange for the ***OPLC board*** ~~board~~ to receive, the following documents supporting their applications:

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(a) Proof of continuing education supporting materials for each continuing education course taken within the licensing period as described in Mec 404;

(b) If the applicant answered yes to any of the questions listed in Plc 304.03(e) a criminal background check from the state in which the conviction occurred;

~~(c) For fuel gas trainee or plumbing apprentice, an updated endorsement letter;~~

~~(d)~~ (c) For fuel gas trainees', proof of enrollment in an approved board sanctioned training program for fuel gas fitting licensure described in Mec 308; and

(e) (d) For plumbing apprentice, proof of enrollment in a United States Department of Labor approved apprenticeship program for plumbing ***or apprenticeship as described in Mec 305.01(b).***

Mec 403.04 Eligibility for Renewal of Individual Mechanical Licenses. Individuals shall be eligible for renewal of their mechanical licenses if they:

(a) Are of good character, as evidenced by:

(1) Their answers to questions on the licensure application renewal form; and

(2) Any additional information provided ***by the applicant*** ~~at the request of the board;~~

(b) Have met the requirement for continuing education set forth in Mec 404;

(c) Have complied with the application procedures set forth in Mec 403; and

(d) Have paid the renewal fee for the type of license being renewed as set forth in Plc 1002.25.

Mec 403.05 Eligibility for Renewal of Individual Plumbing Apprentice and Fuel Gas Fitting Trainee Licenses. Individuals shall be eligible for renewal of their fuel gas fitting trainee or plumbing apprentice licenses if they:

(a) Are of good character, as evidenced by:

(1) Their answers to questions on the application renewal form; and

(2) Any additional information provided ***by the applicant*** ~~at the request of the board;~~

(b) Demonstrate proof that they are enrolled in an approved fuel gas trainee or plumbing apprentice formal education program;

(c) Have complied with the application procedures set forth in Mec 403; and

(d) Have paid the renewal fee for the type of license being renewed as set forth in Plc 1002.25.

**Readopt with amendment Mec 405, effective 12-10-23 (Document #13771), to read as follows:**

PART Mec 405 REINSTATEMENTS OF INDIVIDUAL MECHANICAL LICENSES

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Mec 405.01 Types of Reinstatement of Individual Mechanical Licenses. The ~~board~~ ***OPLC*** shall reinstate individual mechanical licenses, as follows:

(a) In accordance with the terms of the board's order if the licenses were suspended for disciplinary reasons; or

(b) If the license lapsed as a result of non-renewal pursuant to Mec 403.

Mec 405.02 Eligibility for Reinstatement of Lapsed Individual Mechanical Licenses.

(a) An individual shall be eligible for reinstatement of their lapsed domestic appliance technician, fuel gas fitting, plumbing license, gas trainee license, or plumbing apprentice license if they apply and complete the ~~reinstatement~~ ***licensing*** process less than 365 days from the date the license lapsed and the applicant ~~for reinstatement~~:

(1) Is of good character and professional competence, as evidenced by:

- a. The answers to the questions on the reinstatement application form;
- b. Any written explanations submitted; and
- c. Any additional information provided ~~on the request of the board;~~

(2) Complies with the reinstatement application procedures set forth in Mec 403; and

(3) Pays the reinstatement fee required by Plc 1002.25.

(b) An individual shall be eligible for reinstatement of their lapsed domestic appliance technician, fuel gas fitting, plumbing license, gas trainee license, or plumbing apprentice license if they apply for reinstatement 365 days or more after the date the license lapsed and the applicant for reinstatement:

(1) Retakes and passes the examination that is applicable for the above licensed disciplines;

(2) Is of good character and professional competence, as evidenced by:

- a. The answers to the questions on the reinstatement application form;
- b. Any written explanations submitted; and
- c. Any additional information provided ~~on the request of the board;~~

(3) Complies with the ~~reinstatement~~ application procedures ***for initial licensure*** set forth in ***Plc 304, and Mec 304403***; and

(4) Pays the reinstatement fee set forth in Plc 1002.25.

Mec 405.03 Eligibility for Reinstatement of Lapsed Gas Trainee and Plumbing Apprentice License. An individual shall be eligible for reinstatement of their lapsed gas trainee and plumbing apprentice license if the individual ***applies for reinstatement not more than one year after the date their license expired, and*** :

Commented [EE1]: should this also state "by the applicant" to match what is above?

Commented [EE2]: same as previous comment.

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- (a) Is of good character and professional competence, as evidenced by:
  - (1) The answers to the questions on the reinstatement application form;
  - (2) Any written explanations submitted; and
  - (3) Any additional information provided ***by the applicant*** ~~on the request of the board~~;
- (b) Complies with the ~~reinstatement~~ ***renewal*** application procedures ***for renewing a license set forth in Plc 308 and Mec 403***; and
- (c) Pays the ~~reinstatement~~ fee set forth in Plc 1002.25.
- (d) Who is a fuel gas trainee ~~provides~~ ***providing*** proof of enrollment in an approved board sanctioned training program for fuel gas fitting licensure; and
- (e) Who is a plumbing apprentice providing proof of enrollment in a United States Department of Labor approved apprenticeship program for plumbing ***or proof of an apprenticeship as described in Mec 305.01(b)***.
- (f) ***An applicant whose license has been expired for more than one year who wishes to obtain a license shall:***

***(1) Apply for licensure as provided in Plc 304; and***

***(2) Pay the licensing fee specified in Plc 1002.25.***

Mec 405.04 Application Process for Reinstatement of Individual Mechanical Licenses and the Processing of Applications.

- (a) Each individual applying for reinstatement of licensure shall submit:
  - (1) The completed, signed, and dated application form described in Mec 403.02 and Mec 403.03;
  - (2) The supporting materials described in Mec 403.04; and
  - (3) Payment of the fee set forth in Plc 1002.25.
- (b) If the ~~board~~ ***OPLC***, after receiving and reviewing the application materials described in (a) above requires additional information or documents to determine the applicant's eligibility for reinstatement of licensure, the board shall:
  - (1) So notify the reinstatement applicant in writing within 30 days; and
  - (2) Specify the information or documents it requires.
- (c) The ~~board~~ ***OPLC*** shall deny the application for reinstatement of licensure if the applicant does not submit the requested additional information or documents within 60 days of the request.
- (d) The ~~board~~ ***OPLC*** shall approve or deny the application for reinstatement of licensure in accordance with ***Plc 308.11 Mec 403.01, Mec 403.05, and Mec 403.06*** ~~within 60 days of the date that the board's office has received the completed, signed, and dated application form, the supporting materials, the payment for fees and any information or documents requested under (b) above.~~

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(e) If the ~~board~~ ***OPLC*** denies the application for reinstatement of licensure, the ~~board~~ ***OPLC*** shall provide the applicant with written reasons for the denial.

(f) An applicant for reinstatement of licensure wishing to challenge the ~~board's~~ denial of the application shall make a written request for a hearing ***in accordance with Plc 206.31.*** ~~of the challenge and submit it:~~

(1) ~~Within 60 days of the notice of the denial; or~~

(2) ~~If the applicant is on active military duty outside the United States, within 365 days of the applicant's return to the United States or release from duty, whichever occurs later.~~

#### APPENDIX I

Rule	Statute Implemented
Mec 403.01(a) – (b)	RSA 153:27, XV
Mec 403.01(c)	RSA 541-A:29, I
Mec 403.01(d)	RSA
Mec 403.05	RSA, and 2024,284:1
Mec 405.03	RSA, and 2024, 284:1