

Text added to existing rule shown in ***bold italic***
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Initial Proposal - 1- draft

Readopt with amendment Mec 101, effective 3-18-15 (Document #10798), to read as follows:

PART Mec 101 PURPOSE AND SCOPE OF ADMINISTRATIVE RULES OF THE BOARD

Saf-Mec 101.01 Purpose. The board's administrative rules set forth the organization of the mechanical licensing board, describe the board's practices and procedures, establish the licensing qualifications of fuel gas fitters and gas fitting trainees, master plumbers, journeyman plumbers, apprentice plumbers and the voluntary certification of water treatment technicians and oil heating technicians, establish requirements for the issuance of fuel gas fitting and plumbers' licenses and certifications for oil heating technicians and water treatment technicians, set forth continuing education requirements for the renewal of licenses and certifications, establish ethical standards for the professions governed by the board and otherwise implement the provisions of RSA 153:27 through 153:~~38~~**36**.

Mec 101.02 Scope. These rules shall establish standards for the minimum requirements for education, field experience and testing for applicants seeking licensure or renewal of said licensure to become a plumber and/or a fuel gas fitter, or certification as oil heating technician or water treatment technician in the following categories:

(a) Individuals engaged in the installation, servicing and repair of residential and non-residential gas appliances and any other gas utilization equipment using liquefied propane gas or natural gas including but not limit to:

(1) Individuals engaged in the installation, servicing, or removal of gas piping for residential and non-residential gas appliances and any other gas utilization equipment using liquefied propane gas or natural gas; and

(2) Individuals engaged in the installation, servicing or repair of hearth systems and domestic appliances using liquefied propane gas or natural gas;

(b) Individuals engaged in the installation, modification, servicing or repair of residential and non-residential plumbing systems including but not limited to fixtures, appliances, potable and non-potable water supply systems, potable and non-potable tempered or hot water supply systems, rain or grey water recovery systems, drainage waste and venting systems, including commercial kitchen and medical gas systems;

(c) Individuals engaged in the installation, servicing and repair of residential and non-residential oil heating appliances and any other fuel oil utilization equipment using heating oil kerosene or bio fuel derivatives and are seeking voluntary certification as an oil heating technician from the mechanical licensing board and this chapter; and

(d) Individuals engaged in the installation, servicing and repair of any apparatus for treating or processing water to modify, enhance, or improve its quality or to meet a specific water quality need, desire, or standard, and the pipes, fittings, and other components servicing such apparatus, that are seeking voluntary certification as a water treatment technician from the mechanical licensing board and this chapter.

Mec 101.03 Business Entities Scope. These rules shall establish standards for the minimum requirements for business entities seeking licensure to become a plumbing and/or a fuel gas fitting corporation, or voluntary oil heating or water treatment corporation in the following categories:

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(a) Business entities that offer the professional services of, or are engaged in the installation, servicing and repair of residential and non-residential gas appliances and any other gas utilization equipment using liquefied propane gas or natural gas including but not limited to:

(1) Business entities engaged in the installation, servicing, or removal of gas piping for residential and non-residential gas appliances and any other gas utilization equipment using liquefied propane gas or natural gas; and

(2) Business entities engaged in the installation, servicing or repair of hearth systems or domestic appliances using liquefied propane gas or natural gas;

(b) Business entities engaged in the installation, modification, servicing or repair of residential and non-residential plumbing systems including but not limited to fixtures, appliances, potable and non-potable water supply systems, potable and non-potable tempered or hot water supply systems, rain or grey water recovery systems, drainage waste and venting systems, including commercial kitchen and medical gas systems;

(c) Business entities engaged in the installation, servicing and repair of residential and non-residential oil heating appliances and any other fuel oil utilization equipment using heating oil, kerosene or bio fuel derivatives, and are seeking voluntary certification as an “oil heating business entity” from the mechanical licensing board and this chapter;

(d) Business entities engaged in the installation, servicing and repair of any apparatus for treating or processing water to modify, enhance, or improve its quality or to meet a specific water quality need, desire, or standard, and the pipes, fittings, and other components servicing such apparatus, that are seeking voluntary certification as a water treatment business entity from the Mechanical Licensing Board and this chapter.

Readopt with amendment Mec 102.01, effective 1-9-23 (Document #13483), to read as follows:

Mec 102.01 “Apprentice” means “plumbing apprentice” as defined in RSA 153:27, XV, namely, “any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program that meets the requirements of the ***rules of the board, except that the maximum number of apprentices that a plumbing licensee is permitted to employ shall be no more than 2 per licensee. The master plumber shall not be required to register the apprentice in an approved apprenticeship program pursuant to RSA 278. If the apprentice is so registered, the program shall comply with all requirements of the United States Department of Labor.*** ~~state apprenticeship~~ advisory council established in RSA 278 or the rules of the board.”

Mec 102.02 “Apprenticeship agreement” means a written agreement between the apprentice and the sponsor setting forth the responsibilities and obligations of all parties to the apprenticeship agreement with respect to the apprentice’s employment and training under the standards of apprenticeship in 29 CFR, Part 29 and 30, revised July 29, 2016, available as specified in Appendix B, and registered with the registration agency.

Mec 102.03 “Board” means “board” as defined in RSA 153:27-a, namely, “the mechanical licensing board established in RSA 153:27, I.”

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Mec 102.04 “Certification” means the issuance of a credential to an oil heating technician or water treatment technician when the individual voluntarily requests it and after meeting all requirements outlined in these rules.

Mec 102.05 “Certificate of completion of apprenticeship” means the credential issued by the registration agency to those registered apprentices certified by the New Hampshire Department of Labor and documented as having successfully completed the apprentice training requirements outlined in CFR 29, Part 29 and 30 standards of apprenticeship.

Mec 102.06 “Direct supervision” means a supervisor is physically present and immediately available for direction and supervision and has direct contact with the supervisee while the individual is in the process of learning and applying their skills. The term does not include supervision by telecommunication.

Mec 102.07 “Domestic appliance technician” means “domestic appliance technician” as defined in RSA 153:27, II, namely, “any person engaged in the installation, servicing, and repair of liquefied propane or natural gas domestic appliances designed specifically for residential use, limited to residential clothes dryers and their venting systems, domestic stove tops, cook stoves and ranges and their venting systems, or outdoor cooking equipment and pool heaters.”

Mec 102.08 “Field representative” means the person designated by the U.S. Department of Labor, Office of Apprenticeship to service the apprenticeship program.

Mec 102.09 “Fuel gas fitter” means “fuel gas fitter” as defined in RSA 153:27, III, namely, “a hearth system installation and service technician, a domestic appliance technician, a fuel gas installation technician, a fuel gas service technician, or a fuel gas piping installer regulated by RSA 153:27 through RSA 153:38~~36~~.”

Mec 102.10 “Fuel gas fitting” means “fuel gas fitting” as defined in RSA 153:27, IV, namely, “the installation, repair, alteration, service, demolition or removal of pipes, fixtures, fittings, appliances, equipment, or apparatus necessary for supplying natural gas or propane for residential or non-residential use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation.”

Mec 102.11 “Fuel gas installation technician” means “fuel gas installation technician” as defined in RSA 153:27, V, namely, “any person engaged in the installation of inside and outside piping from the outlet of the gas meter or first stage regulator or residential and non-residential fuel gas appliances and equipment, including but not limited to heating equipment systems or water heating systems using liquefied propane gas or natural gas.”

Mec 102.12 “Fuel gas piping installer” means “fuel gas piping installer” as defined in RSA 153:27, VI, namely, “any person engaged in the installation of liquefied propane gas or natural gas piping or who is a New Hampshire licensed plumber, approved by the board through affidavit, experience, education or training in the use of NFPA 54, national fuel gas code as adopted pursuant to RSA 153:5 in the state fire code.”

Mec 102.13 “Fuel gas service technician” means “fuel gas service technician” as defined in RSA 153:27, VII, namely, “any person engaged in the servicing and repair of inside and outside piping from the outlet of the gas meter or first stage regulator or residential and non-residential fuel gas appliances and

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equipment, including but not limited to heating equipment systems or water heating systems using liquefied propane gas or natural gas.”

Mec 102.14 “Fuel gas trainee” means “fuel gas trainee” as defined in RSA 153:27, VIII, namely, “any person engaged in the process of meeting the licensing requirements of RSA 153:27 through RSA 153:~~38~~**36**, who shall work under the direct supervision of a licensed fuel gas fitter in the repair or installation of inside and outside piping from a gas meter or first stage regulator, and the repair or installation of residential and nonresidential fuel gas appliances and equipment, including but not limited to heating equipment systems, hot water heating systems, domestic appliances, or hearth equipment systems utilizing liquefied propane gas or natural gas.”

Mec 102.15 “Hearth system installation and service technician” means “hearth system installation and service technician” as defined in RSA 153:27, IX, namely “any person engaged in the installation, servicing, and repair of liquefied propane or natural gas hearth appliances and venting systems.”

Mec 102.16 “Journeyman plumber” means “journeyman plumber” as defined in RSA 153:27, X, namely, “any person who customarily performs the work of installing, maintaining, and repairing plumbing and drainage under the direction of a master plumber.”

Mec 102.17 “License” means “license” as defined in RSA 153:27, XI, namely “any license issued pursuant to NH RSA 153:27 through RSA 153:~~38~~**36**” and these rules.

Mec 102.18 “Master plumber” means “master plumber” as defined in RSA 153:27, XII, namely “any person, firm, corporation, or limited liability company that, as a business, hires or employs a person or persons to do plumbing work, or, without hiring any person, does that work as a principal business or as auxiliary to a principal business for its own account.”

Mec 102.19 “Person” means “person” as defined in RSA 153:27, XIII, namely, “an individual, natural person.”

Mec 102.20 “Plumbing” means “plumbing” as defined in RSA 153:27, XIV, namely, “the practice, materials, and fixtures used in the installing, maintenance, extension, and alteration of all piping, fixtures, plumbing appliances, and plumbing appurtenances within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water systems.” For the purposes of these rules, “the term “plumbing” shall not apply beyond the first fitting beyond the foundation wall of the building or 5 feet of pipe from the building.”

Mec 102.21 “Point of delivery” means the outlet of the natural gas meter or first stage liquefied propane regulator.

Mec 102.22 “Registration agency” means the U.S. Department of Labor’s Office of Apprenticeship or a recognized state apprenticeship agency that has responsibility for reviews for compliance with 29 CFR, Part 29 and 30, and conducting quality assurance assessments.

Mec 102.23 “Related instruction” means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to the apprentice’s occupation.

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Mec 102.24 “Sponsor” means any person, association, committee, or organization that operates an apprenticeship program and in whose name the program is registered and assumes full responsibility for administration and operation of the apprenticeship program meeting the requirements in RSA 278, and CFR 29, Part 29 and 30.

Mec 102.25 “ Supervision” means regular, on-site supervision, remote electronic video, or audio supervision by a person licensed by the board who has professional knowledge of the trade being performed and the supervisor is able to respond immediately to the needs of the supervisee or employee.

Readopt with amendment Mec 103.01, effective 3-18-15 (Document #10798), to read as follows:

Mec 103.01 Composition of the Board.

(a) The board shall consist of ~~8~~ members, as described in RSA 153:27-a, III, and shall be appointed by the governor and council as follows:

Commented [EE1]: 5

(1) Two licensed journeymen or master plumbers, who are actively working in the trade as plumbers;

(2) ~~Two~~ **One** licensed fuel gas fitters, ~~both of whom are~~ actively working in the trade as **a** fuel gas fitters, ~~and one of whom shall represent the propane fuel industry;~~

(3) One certified heating equipment installer or heating equipment service person under RSA 153:16-b; **and**

~~(4) One licensed master plumber who is also a licensed fuel gas fitter and a certified heating equipment installer or servicer, actively working in the trade;~~

Commented [CW2]: Repealed

~~(5)~~ (4) One public member who is not, and never was, a member of the plumbing trade or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of plumbing services or an activity directly related to plumbing, including the representation of the board or trade for a fee at any time during the 5 years preceding appointment.; **and**

~~(6) One certified water treatment technician, who shall be a nonvoting member of the board.~~

Commented [CW3]: Repealed

(b) Pursuant to RSA 153:27-a, members of the board are appointed by the governor, with the approval of the council, to a term of 3 years and until a successor is appointed. The initial appointed members of the board shall serve staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms. No member of the board shall be appointed to more than 2 consecutive terms.

~~(c) A member of the board shall serve as the board secretary.~~

Commented [CW4]: Repealed 2023, 79:302, eff. 9-1-23

Readopt with amendment Mec 103.02, effective 1-9-23 (Document #13483), to read as follows:

Mec 103.02 Meetings of the Board.

(a) The board shall elect a chair ~~and vice chair at its annual meeting~~ from among its members.

(b) The chair shall preside over all meetings of the board.

(c) In the absence of the chair at a meeting of the board, the vice chair shall preside.

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~~(d) Pursuant to RSA 153:27-a, the board shall hold at least 8 regular meetings each year and may hold special meetings at such times as the business of the board shall require.~~

Commented [CW5]: Repealed
2023,79:302, eff. 9-1-23

(e) Notice of all meetings shall be given in such a manner as in accordance with New Hampshire RSA 91-A:2.

Commented [EE6]: and 310:5?

(f) Meetings of the board shall be open to the public to the extent required by RSA 91-A and notice of board meetings shall be posted pursuant to RSA 91-A:2.

~~(g) A quorum of the board shall consist of 4 voting members pursuant to RSA 153:27-a, IV.~~

(h) The annual meeting of the board shall be the first regular meeting held in each state fiscal year.

(i) The office of professional licensure and certification shall provide the board on a monthly basis an accounting from the agency of moneys derived under the provisions of RSA 153:27 through RSA 153:3836.

Commented [CW7]:
+Heather.A.Kelley@oplcnh.gov does OPLC provide a monthly accounting to the Board?

Readopt with amendment Mec 103.04 and Mec 103.05, effective 3-18-15 (Document #10798), to read as follows:

Commented [HK8R7]: We do quarterly, I haven't rolled this out yet, we finally got to a point where I can do it.

Mec 103.03 Record of Official Actions.

(a) Minutes shall be kept of all board meetings and of all official actions taken by the board.

(b) Minutes shall record those members who participate in each vote and shall separately record the position of any members who choose to dissent, abstain or concur.

(c) Minutes shall be public records to the extent provided by RSA 91-A and shall be available for inspection in accordance with the terms of RSA 91-A:4.

Mec 103.04 Duties of the Board. The board shall:

(a) Adopt rules as provided for in RSA 153:27 through RSA 153:3836;

~~(b) Implement the licensing program for RSA 153:27 through RSA 153:38 and these rules;~~

~~(eb)~~ Review and approve education programs for licensure, certification and continuing education;

~~(dc)~~ Review and approve continuing education providers and instructors for licensing and certification programs;

~~(e) Conduct hearings for disciplinary actions;~~

~~(fd)~~ Review and recommend adoptions, exceptions, or omissions to technical standards as adopted under RSA 153:28, III; and

~~(ge)~~ Develop and recommend for the legislature future changes to RSA 153:27 through RSA 153:3836 and these rules.

PART Mec 104 PUBLIC REQUESTS FOR INFORMATION

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Mec 104.01 Office Location; Mailing Address; Telephone, and TTY Numbers.

(a) The board's mailing address is:

New Hampshire Mechanical Licensing Board
7 Eagle Square
Concord, New Hampshire 03301

(b) The board's office location is:

New Hampshire Mechanical Licensing Board
Office of Professional Licensure and Certification
7 Eagle Square
Concord NH 03301

(c) The board's telephone number is 603-271-2152.

(d) Access for in-state TTY/TDD users shall be through relay New Hampshire by dialing 711 or by dialing 1-800-735-2964.

(e) Correspondence, filings, and other communications intended for the board shall be addressed to "New Hampshire Mechanical Licensing Board" at the address stated in (a) above.

(f) Information may be obtained from the board by calling the telephone numbers stated in paragraphs (c) or (d) or by written correspondence to the address in (a).

Mec 104.02 Custodian of Records; Inspection and Copies of Records.

(a) The office of professional licensure and certification shall be the custodian of the board's records, and shall make available, upon request, those records which are subject to public inspection under RSA 91-A.

(b) Persons desiring to inspect or obtain copies of board records shall identify as specifically as possible the information being sought.

(c) If records are requested which contain both public information and information exempt from disclosure pursuant to RSA 91-A or other law, the board shall redact the information exempt from disclosure and provide the remaining information, unless otherwise ordered by a court of competent jurisdiction.

Rule	Statute Implemented
Mec 101.01 and Mec 101.02	RSA 153:16-b, I; RSA 153:29, II
Mec 101.03	RSA 153:29-a
Mec 102.01	RSA 153:27, XV
Mec 102.02	RSA 541-A:7
Mec 102.03	RSA 153:27-a; RSA 153:27, I
Mec 102.04	RSA 541-A:7
Mec 102.05	RSA 541-A:7
Mec 102.06	RSA 541-A:7

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Mec 102.07	RSA 153:27, II
Mec 102.08	RSA 541-A:7
Mec 102.09	RSA 153:27, III
Mec 102.10	RSA 153:27, IV
Mec 102.11	RSA 153:27, V
Mec 102.12	RSA 153:27, VI
Mec 102.13	RSA 153:27, VII
Mec 102.14	RSA 153:27, VIII
Mec 102.15	RSA 153:27, IX
Mec 102.16	RSA 153:27, X
Mec 102.17	RSA 153:27, XI
Mec 102.18	RSA 153:27, XII
Mec 102.19	RSA 153:27, XIII
Mec 102.20	RSA 153:27, XIV
Mec 102.21	RSA 541-A:7
Mec 102.22	RSA 541-A:7
Mec 102.23	RSA 541-A:7
Mec 102.24	RSA 541-A:7
Mec 102.25	RSA 541-A:7
Mec 103.01	RSA 153:27-a, III
Mec 103.02(a)-(c)	RSA 153:27-a, IV
Mec 103.02(e)-(f)	RSA 541:16, I(a); RSA 91-A:2; RSA 91-A:3
Mec 103.02(g)	RSA 541:16, I(a); RSA 153:27-a, IV
Mec 103.02(h)	RSA 541:16, I(a)
Mec 104.01 and 104.02	RSA 541-A:16, I(a)

Rule	Title	Obtain at:
Mec 102.02	Standards of Apprenticeship - CFR 29 (Amended March 11, 2020)	National Archives, Code of Federal Regulations Online: eCFR :: 29 CFR Part 29 -- Labor Standards for the Registration of Apprenticeship Programs Cost: None
Mec 102.02	Standards of Apprenticeship - CFR 30 (Amended December 16, 2016)	National Archives, Code of Federal Regulations Online: eCFR :: 29 CFR Part 29 -- Labor Standards for the Registration of Apprenticeship Programs Cost: None