

**TITLE 42
LEGISLATIVE RULE
DIVISION OF LABOR**

**SERIES 32
SUPERVISION OF PLUMBING WORK**

§42-32-1. General.

1.1. Scope. -- This rule governs licensing, fees, examinations, and penalties for violations in accordance with W. Va. Code §21-14-1 *et seq.* and §21-17-1 *et seq.*

1.2. Authority. -- W. Va. Code §21-14-4 and §21-17-12.

1.3. Filing Date. -- March 31, 2023.

1.4. Effective Date. -- May 1, 2023.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2028.

§42-32-2. Application and Enforcement.

2.1. Application. This legislative rule applies to all persons and matters governed by or otherwise within the jurisdiction of the Supervision of Plumbing Work Act, W. Va. Code §21-14-1 *et seq.*

2.2. Enforcement. The enforcement of this legislative rule is vested in the West Virginia Division of Labor.

§42-32-3. Definitions.

3.1. "Act" means the Supervision of Plumbing Work Act, W. Va. Code §21-14-1 *et seq.*

3.2. "Cease and desist order" means an order issued by the Division of Labor pursuant to the Act and this rule to an unlicensed person who performs work for which a license is required.

3.3. "Classification" means the scope of work of a master plumber, journeyman plumber, or plumber-in-training as defined in the Act and this rule.

3.4. "Commissioner" means the Commissioner of the West Virginia Division of Labor and his or her authorized representatives.

3.5. "Direct supervision" or "supervision" means the competency of a licensed master plumber or licensed journeyman plumber to provide instruction to and direction of the plumbing work of a licensed plumber-in-training and to exercise oversight and control of such plumbing work at each separate job site or location in accordance with section 8 of this rule.

3.6. "Division" means the West Virginia Division of Labor and its authorized representatives.

3.7. "Immediate family," as used in W. Va. Code §21-14-3(c)(1), means a person's parents, spouse, sibling, or child.

3.8. "ICC" refers to the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C. 20001.

3.9. "Other authorization to practice," as used in section 14 of this rule, means a nontransferable acknowledgment, other than a license, by another state government that is provided to an individual asserting that the individual has met the educational and examination requirements to engage in the performance of plumbing work.

§42-32-4. Adoption of Standards.

The International Plumbing Code, published by the ICC and as adopted by the West Virginia State Fire Commission in 87 CSR 4, is incorporated herein in its entirety by reference.

§42-32-5. Licensure Required.

5.1. Except as otherwise provided in the Act, no person may perform or offer to perform plumbing work in this state without a license.

5.2. Any person licensed pursuant to the provisions of the Act and this rule shall carry proof of a valid license at all times when performing plumbing work in this state.

5.3. A license issued pursuant to the Act and this rule is not transferable.

§42-32-6. Licensure of Master Plumbers and Journeyman Plumbers.

6.1. Any person desiring to be licensed with a master plumber or journeyman plumber classification shall submit a completed application/affidavit requesting licensure to the Commissioner on forms supplied by the Division and pay the applicable license fee as prescribed in section 9 of this rule.

6.2. All applicants for a master plumber license or journeyman plumber license shall pass a required written examination for the desired classification, as set forth in the Act and section 10 of this rule, except in the case of an applicant seeking licensure in accordance with section 14 of this rule.

6.3. A master plumber's license and journeyman plumber's license is valid for up to one year unless sooner suspended or revoked by the Commissioner.

6.4. A licensed master plumber or licensed journeyman plumber may renew the license on or before its expiration date by submitting a renewal application on forms supplied by the Division and paying the applicable renewal fee as prescribed in section 9 of this rule. The Commissioner shall provide each licensee with a renewal notice at least 45 days in advance of the license's expiration date. If the renewal application is received or postmarked more than 15 days after the license's expiration date, the licensee shall pay a late fee of \$25 in addition to the annual renewal fee: *Provided:* That a license that has been expired for 90 days or more cannot be renewed.

6.5. A duplicate license may be issued upon receipt of a written request to the Commissioner from the licensee. The Commissioner may charge \$10 fee for a duplicate license.

§42-32-7. Licensure of Plumbers-In-Training.

7.1. Any person desiring to be licensed as a plumber-in-training shall submit a completed application/affidavit requesting licensure to the Commissioner on forms supplied by the Division and pay the applicable license fee as prescribed in section 9 of this rule.

7.2. A plumber-in-training's license is valid for up to one year unless sooner suspended or revoked by the Commissioner.

7.3. A licensed plumber-in-training may renew the license on or before its expiration date by submitting a renewal application on forms supplied by the Division and paying the applicable renewal fee as prescribed in section 9 of this rule. The Commissioner shall provide each licensee with a renewal notice at least 45 days in advance of the license's expiration date. If the renewal application is received or postmarked more than 15 days after the license's expiration date, the licensee shall pay a late fee of \$25 in addition to the annual renewal fee: *Provided:* That a license that has been expired for 90 days or more cannot be renewed.

7.4. A duplicate license may be issued upon receipt of a written request to the Commissioner from the licensee. The Commissioner may charge \$10 fee for a duplicate license.

§42-32-8. Supervision Ratio.

A licensed master plumber or licensed journeyman plumber may directly supervise no more than three licensed plumbers-in-training.

§42-32-9. Licensure Fees.

9.1. An initial or renewal applicant for a master plumber license or a journeyman plumber license shall pay a \$75 annual license fee.

9.2. An initial or renewal applicant for a plumber-in-training license shall pay a \$25 annual license fee.

9.3. Any renewal application that is received or postmarked more than 15 days after the license's expiration date shall pay a \$25 late fee in addition to the annual license fee.

9.4. The Commissioner may charge a \$10 fee for a duplicate license upon receipt of a written request from the licensee.

§42-32-10. Examination Required for Master Plumbers and Journeyman Plumbers.

10.1. Any person desiring to be licensed as a master plumber or journeyman plumber under the provisions of the Act and this rule shall take the examination required for the desired classification and obtain a minimum score of at least 70%.

10.2. The Commissioner shall provide for written examinations for master plumber and journeyman plumber license applicants that test the applicant's knowledge of the International Plumbing Code. The Commissioner shall establish an examination fee schedule for the administration of examinations. The Commissioner may:

10.2.1. Contract with a private testing agent to conduct examinations, in which case applicants shall pay the examination fee directly to the testing agent; or

10.2.2. Develop examinations and examination procedures and conduct examinations, in which case applicants shall pay the examination fee directly to the Division in advance of the examination.

10.3. An applicant who does not receive a minimum score of 70% on an examination is eligible to retake an examination upon payment of the applicable examination fee.

10.4. An applicant who achieves a passing score on a journeyman plumber examination is not eligible to take the master plumber examination until the expiration of 12 months from the date of passage of the journeyman plumber examination.

§42-32-11. Denial, Suspension, Revocation, and Reinstatement of Licenses; Investigations; Grounds for Disciplinary Action.

11.1. The Commissioner may deny, suspend, revoke, or reinstate a license in accordance with the provisions of the Act and this rule. A violation of the Act or this rule is grounds for the denial, suspension, revocation, or refusal to reinstate a license and permits the imposition of disciplinary action.

11.2. Upon receipt of a complaint or upon his or her own inquiry, the Commissioner shall conduct an investigation to determine whether there are grounds for disciplinary action against a licensee. All complaints shall be in writing and include the name, address, and phone number of the complainant. The Commissioner shall provide a copy of the complaint to the licensee.

11.3. Any disciplinary action against a licensee may not be imposed without notice to the licensee and opportunity for a hearing in accordance with the provisions of W. Va. Code §29A-5-1 *et seq.*

11.3.1. The Commissioner may conduct the hearing or appoint a hearing examiner.

11.3.2. A licensee has a right to attend the hearing in person, to be represented by an attorney at law licensed to practice in West Virginia, or to submit a written response to the Commissioner, and may offer testimony and submit relevant factual information: *Provided*, That if the licensee receives proper notice of the hearing, the licensee's failure to attend the hearing does not preclude the imposition of disciplinary action.

11.3.3. If the Commissioner appoints a hearing examiner to conduct the hearing, the hearing examiner shall submit a recommended decision to the Commissioner within 10 days of conclusion of the hearing. The hearing examiner may recommend the imposition of any appropriate disciplinary action permitted by the Act or this rule. The Commissioner shall accept, reject, or modify the hearing examiner's recommended decision and issue a final order within 10 days of receipt of the recommended decision.

11.3.4. If the Commissioner conducts the hearing and concludes that a violation of the Act or this rule occurred, the Commissioner shall issue a final order within 10 days of the hearing's conclusion and may impose any disciplinary action permitted by the Act or this rule.

§42-32-12. Cease and Desist Orders; Penalties.

12.1. Upon a determination that a person is engaged in plumbing work in this state without a valid license, the Division shall issue a cease and desist order requiring that person to immediately cease all operations in this state. The person can immediately engage in plumbing work upon issuance of a license.

12.2. Any person continuing to engage in plumbing work after the issuance of a cease and desist order is subject to a penalty of not less than \$200 nor more than \$1,000 as set forth in W. Va. Code §21-14-7.

§42-32-13. Appeals.

Any person adversely affected by an action of the Commissioner may appeal in accordance with the provisions of W. Va. Code §29A-5-1 *et seq.*

§42-32-14. Reciprocity; Work Experience.

14.1. To the extent that other states license or issue other authorization to practice for master plumbers, journeyman plumbers, or plumbers-in-training, and have requirements equivalent to the Act and this rule, the Commissioner, in his or her discretion, may grant licenses of the same classification without examination to plumbers licensed or authorized by other states, as follows:

14.1.1. The applicant has provided satisfactory proof of his or her qualifications, including the applicant's compliance with all requirements of W. Va. Code §21-17-3(a); and

14.1.2. The applicant has paid the applicable license fee as prescribed in section 9 of this rule.

14.2. To the extent that an applicant is seeking licensure based on work experience, the Commissioner, in his or her discretion, may grant a license with the applicable classification without examination as follows:

14.2.1. The applicant's work experience is in a state that does not license or issue other authorization to practice for the performance of plumbing work;

14.2.2. The applicant has provided satisfactory proof of his or her qualifications, including the applicant's compliance with all requirements of W. Va. Code §21-17-4; and

14.2.3. The applicant has paid the applicable license fee as prescribed in section 9 of this rule.