

#14673 (eff 10-19-26)

Readopt with amendment, Mec 601, effective 9-20-17, (Document #12385), to read as follows:

PART Mec 601 PURPOSE

Mec 601.01 Purpose. The purpose of this part is to promote professional standards for fuel gas fitting and plumbing licensees, plumbing apprentices and fuel gas fitting trainees, certified oil heating technicians, seminar providers and professional licensing instructors, board members, and mechanical business entities, to be evaluated under RSA 153:27 through RSA 153:31 and RSA 153:34 through RSA 153:36.

Readopt Mec 602, effective 9-20-17, (Document #12385), as follows:

PART Mec 602 DEFINITIONS

Mec 602.01 “Imminent threat to life safety” means any condition, operating feature, or combination thereof that when energized presents a hazard that could cause property damage through fire or explosion, or health or life safety hazards to the occupants, residents, or property owners.

PART Mec 603 PROFESSIONAL OBLIGATIONS

Readopt Mec 603.01, effective 9-20-17, (Document #12385), as follows:

Mec 603.01 Obligations of Mechanical Business Entities and Individual Fuel Gas Fitting Licensees, Plumbing Licensees, Plumbing Apprentices, and Fuel Gas Fitting Trainees. Licensees, certificate holders, and mechanical business entities shall:

- (a) Maintain proficiency in the New Hampshire mechanical licensing laws, the adopted codes, and standards as they apply to each license discipline, and the administrative rules of the board;
- (b) Cooperate with local code enforcement personnel as required by local written ordinances;
- (c) Give accurate and complete information when asked to do so as part of an investigation or hearing by any governmental entity;
- (d) Not represent themselves as a master or journeyman plumber when registered as a plumbing apprentice; and
- (e) Not represent themselves as a licensed fuel gas fitter when registered as a fuel gas trainee.

Readopt with amendment Mec 603.02, effective 9-20-17, (Document #12385), to read as follows:

Mec 603.02 Additional Obligations of Mechanical Business Entities and Individual Fuel Gas Fitting Licensees, Plumbing Licensees. Licensees, certified oil heating technicians, and mechanical business entities shall:

- (a) Obtain permits and inspections as required by the authority with jurisdiction;
- (b) Accurately inform their customers or potential customers in writing about any reasonably foreseeable hazards and potential code violations that might pose a risk of personal safety to them, to property owners, or to occupants;

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(c) Act in good faith to recognize, repair, or remove from service any appliance or system that presents an imminent threat to the health or life safety of a property owner, resident, tenant, or visitor to the property, facility, or building which the licensee discovers in the performance of their duties; and

(d) Honor any warranty of products or services whether implied or in writing as part of a sale of services, goods, or both, to consumers in a timely and proficient manner.

Readopt with amendment, Mec 604.02 through Mec 604.04, effective 9-20-17, (Document #12385), to read as follows:

Mec 604.02 Sanctions. Pursuant to RSA 310:12, disciplinary measures available to sanction misconduct shall be:

- (a) A reprimand;
- (b) Probation for a period of time to be determined by the board in which the licensee, business entity, or certificate holder shall file monthly reports to the board for regulated work performed in New Hampshire;
- (c) Suspension;
- (d) Revocation of license or certification;
- (e) Requiring the licensed plumber or licensed fuel gas fitter, plumbing apprentice, fuel gas trainee, or certified oil heating technician, to participate in a program of continuing education in the area or areas in which the licensee has been found deficient; and
- (f) Assessing administrative fines which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

Mec 604.03 Procedure for the Imposition of Sanctions. Other than the immediate suspension of licensure authorized by RSA 541-A:30, III and RSA 310:12, IV, the board shall impose disciplinary sanctions only:

- (a) After prior notice to the licensee or certificate holder and the opportunity to be heard; or
- (b) By agreement in a settlement between the board and the licensee or certificate holder made pursuant to Plc 200.

Mec 604.04 Determinations of Sanctions.

- (a) In determining which sanction or combination of sanctions to impose, the board shall:
 - (1) First determine the nature of the act or omission constituting the misconduct done by the licensee or certificate holder;
 - (2) Next determine whether the misconduct has one or more of the characteristics listed in (b) below; and
 - (3) Finally, apply the standards in (c) below.
- (b) The characteristics shall be whether:
 - (1) The misconduct actually caused physical or mental harm to an individual;

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- (2) The misconduct had the potential to cause physical or mental harm to an individual;
 - (3) The misconduct repeated earlier misconduct done by the licensee or certificate holder, as determined by:
 - a. An earlier hearing;
 - b. An earlier settlement agreement predicated on the same misconduct; or
 - c. An admission by the licensee or certificate holder; or
 - (4) The misconduct was committed knowingly rather than negligently or inadvertently.
- (c) The board shall select appropriate sanction(s):
- (1) From the list in RSA 310:12; and
 - (2) By choosing, in light of the characteristics determined pursuant to (b) above, the sanction most likely to:
 - a. Protect public health and safety;
 - b. Prevent future misconduct by the licensee or certificate holder;
 - c. Take into account any acknowledgment of fault and any cooperation by the licensee or certificate holder with the OPLC's investigation of misconduct;
 - d. Correct any attitudinal, educational, or other deficiencies which led to the misconduct;
 - e. Encourage the responsible practice of plumbing, fuel gas fitting, or oil heating; and
 - f. Demonstrate to the licensee or to the certificate holder, and also to the public, the board's intention to ensure that the practices of plumbing and fuel gas fitting are in accordance with applicable law and the public welfare.

Readopt with amendment, Mec 605.01, effective 3-12-23, (Document #13519), to read as follows:

Mec 605.01 Administrative Obligations.

(a) Licensees, certificate holders, and business entities shall notify the office of professional licensure and certification (OPLC) within 10 days of the following:

- (1) Any name change;
- (2) Any address change;
- (3) Any disciplinary action, including the imposition of fines or penalties, taken or in the process of being taken against the licensee by any jurisdiction in which the licensee is authorized to practice in any profession; and
- (5) Conviction without annulment in any jurisdiction of any felony that:
 - a. Constitutes a sexual offense as defined in the convicting jurisdiction;
 - b. Constitutes a violation of controlled substance law; or

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c. Is based on:

1. Injury or the potential for injury to a victim;
2. Any form of theft that would be covered in New Hampshire by RSA 637; or
3. Any form of crime involving dishonesty, including but not limited to fraud, blackmail, extortion, graft, hoax, misrepresentation, or forgery.

(b) Licensed mechanical business entities shall complete and submit a “Universal Application for Initial License” required by Plc 304.01(a)(1) that provides the information required by Plc 304.03 and is signed and attested to as specified in Plc 304.05, together with the fee required by Plc 1002.25, within 30 calendar days following the replacement of the responsible managing employee, corporate officer, managing member, or partner who signed the business entity's application for initial licensure.

(c) The sponsor of a trainee or apprentice shall notify the board, through the OPLC, within 5 business days when that trainee or apprentice leaves employment at the employing company.

Adopt Mec 605.02, effective 2-12-25 (Document #14190 INTERIM), and expired 8-11-25, to read as follows:

Mec 605.02 Limitation on Number of Apprentices.

(a) Relative to apprentices participating in an apprenticeship approved by the United States Department of Labor, plumbing licensees shall supervise apprentices pursuant to 29 CFR 29.

(b) Relative to apprentices participating in an apprenticeship pursuant to Mec 305.01(b), plumbing licensees shall employ at any one time no more than 2 apprentices per licensee.

Readopt Mec 605.03, effective 9-20-17, (Document #12385), to read as follows:

Mec 605.03 Limitation on Number of Trainees. Gas fitting licensees shall employ at any one time no more than 2 fuel gas fitting trainees for every one licensed fuel gas fitting technician, provided that the endorsement of the licensee meets or exceeds the level of the work being performed by the trainees.

Readopt with amendment Mec 606 through Mec 610, effective 9-20-17, (Document #12385), to read as follows:

PART Mec 606 ADVERTISING OBLIGATIONS

Mec 606.01 Advertising on Vehicles. Mechanical licensees, certificate holders, or business entities displaying their business name on the exterior of a vehicle, and representing services by using the terms “mechanical”, “plumbing”, “heating”, “fuel gas”, or “propane” shall also display the appropriate mechanical license number, as follows:

- (a) In legible type at least 2 inches in height; and
- (b) On the front left and front right side of the vehicle, or in the area where the name, offer of service, or both are displayed.

Mec 606.02 Non-Vehicle Advertising Obligations.

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(a) Mechanical licensees, certificate holders, or business entities using visual advertising to advertise licensed services shall display their license numbers on televised advertising, billboards, advertising in the press, visual advertising on the internet, visual advertising in movie theatres, and advertising on business cards and stationery.

(b) Mechanical licensees, certificate holders, or business entities advertising licensed services through the use of sound shall attest that they are licensed in NH to perform the services advertised at least once in every instance of radio advertising, auditory television advertising, auditory advertising on the web, and auditory advertising in movie theatres.

PART Mec 607 PROHIBITED ACTIONS

Mec 607.01 Prohibited Actions. Fuel gas fitting and plumbing licensees, plumbing apprentices, fuel gas fitting trainees, certified oil heating technicians, seminar providers and professional licensing instructors, and mechanical business entities shall not:

(a) Deny services to any person by reason of race, creed, gender, sexual orientation, country of origin, religion, or disability;

(b) Allow any other individual or entity to use the licensee's license or the certificate-holder's certificate for the purpose of facilitating the issuance of permits or for any other purpose;

(c) Sub-contract, if they are plumbing or fuel gas fitting licensees, any plumbing or fuel gas fitting work to any unlicensed individual or entity;

(d) Misrepresent to their customers or to the public, in advertising or otherwise, their services for which they are properly licensed and qualified to perform; or

(e) Misrepresent to their customers additional services or materials not reasonably required for the work, services, or both, that the customers have requested to be done without written authorized customer notification and approval.

PART 608 DUTY TO NOTIFY

Mec 608.01 Notification of Hazardous Conditions.

(a) Fuel gas fitter and plumbing licensees and certified oil heating technicians shall immediately notify the homeowner, resident property owner, or occupant(s) of any condition that renders any appliance, fixture, or system to become a hazard, threat, or both, to personal or life safety.

(b) If possible and without causing destruction to the appliance, fixture, or system, the licensee or technician shall be required to remove from service any appliance, fixture, or system that presents an imminent threat to life safety, by closing the fuel supply or appliance service valve(s) and deactivating the power switch.

(c) Any appliance, fixture, or system that has been removed from service in order to protect the occupant(s) shall be labeled with a warning sign, label, or tag clearly stating "DO NOT OPERATE".

(d) The practice of removing an appliance, fixture, or system from service shall not be permitted in the absence of an imminent threat to life safety.

PART 609 CONFLICTS OF INTEREST

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Mec 609.01 Obligations by Mechanical Licensing Board Members. Board members and representatives of the board shall not enter into, or participate in, the following:

- (a) Any action by a board member or representative of the board that could be perceived as an unfair advantage to the business interests of a board member or representative that would not be extended equally to any other licensee, certificate holder, or business entity regulated by the board;
- (b) Any conflict of interest that presents an unfair business, financial, or regulation advantage by a board member or representative, over a licensee, certificate holder, or business of another;
- (c) Any undue influence by a board member to circumvent the requirements of RSA 153:27 through 153:31 and RSA 153:34 through RSA 153:36, or any rules of the board; and
- (d) Any direct contact by a board member to a mechanical safety inspector which is intended to seek the favor of or to influence said inspector with regards to their enforcement or inspection duties.

Mec 609.02 Disclosure of Conflicts. Board members shall disclose any and all possible conflicts of interest regarding the following:

- (a) Any position held as a board member of a trade or education association either doing business with or regulated by the board;
- (b) Any paid teaching position in any formal licensing program or continuing education program regulated by the board;
- (c) Any position of influence held on any trade or lobbying association that might have direct or indirect contact with the board;
- (d) Any position, whether volunteer or paid, that might present itself as having any undue influence over a licensee, certificate holder, or business entity, certified or licensed by the board; and
- (e) Any professional proctor that might have any contact with prospective licensees or certificate holders during any portion of the licensing or certification processes regulated by the board.

PART 610 CONTINUING OBLIGATIONS FOR TRAINING SCHOOLS AND PROGRAMS

Mec 610.01 Requirements of Approved Training Programs. Approved training programs and institutions shall:

- (a) Seek board approval for any changes in the approved curriculum;
- (b) Seek board approval for any changes in instructors, teachers, or laboratory training providers that were approved by the board pursuant to Mec 308.01 and Mec 308.03(a);
- (c) Seek board approval for any changes in the testing or examination questions or procedures that were approved by the board pursuant to Mec 308.02 and Mec 308.03(b);
- (d) Advise the board of changes in venue, relocation of the training institution, or changes in the mailing address;
- (e) Notify the board within 10 business days when a student is discharged from a licensing class for any reason including but not limited to:
 - (1) Attendance;

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- (2) Behavior;
- (3) Academics; or
- (4) Any violation of school rules or regulations; and

(f) Notify the board within 3 business days of any licensee's or certificate holder's successful completion of any licensing program, session, or licensure level.

Mec 610.02 Auditing Procedures for Educational Institutions and Programs. Professional licensing and certification training institutions and programs desiring to maintain approvals obtained under Mec 308.01 or Mec 308.02 shall submit the following information to the OPLC every 2 years, which shall be evaluated under Mec 300 and Mec 400:

- (a) A list of the courses and programs offered by the institution;
- (b) A list of the educators, including their credentials to teach the subject matter;
- (c) The course outlines including subject matter, order of progression, and how the course complies with the adopted rules for licensure or certification;
- (d) Copies of tests, quizzes, and exams including any and all questions used for licensure or certification;
- (e) A list of exam proctors who are independent from the course instructor;
- (f) Copies of intake application forms along with any policies and procedures for students while in attendance of the course or training institution;
- (g) Copies of student handbooks, educational materials, and power point presentations that apply to licensing or certification course(s) offered by the educational provider; and
- (h) Any additional supporting materials requested by the OPLC for evaluation.

Withdraw the proposed readoption with amendment of Mec 703.02.

Readopt with amendment Mec 807, effective 7-19-23 (Document #13632), to read as follows:

PART Mec 807 FEES

Mec 807.01 Initial Certification Fee. The application and licensing fees shall be the fees required in Plc 1002.25.

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APPENDIX I

Rule	Specific State Statute the Rule Implements
Mec 601 - Mec 602	RSA 153:27-a, II(a), (b)
Mec 603	RSA 153:27-a, II(a), (b); RSA 153:29, III
Mec 604	RSA 153:27-a, II(a), (b), (d); RSA 153:29, III; RSA 310:12
Mec 604.01	RSA 153:27-a, II(a); RSA 153:29, III; and RSA 153:27, XV
Mec 605	RSA 153:27-a, II(a), (b); RSA 153:29-a, I; RSA 278
Mec 605.01	RSA 153:27-a, II(a), (b); RSA 153:29-a, I
Mec 605.02	RSA 153:27-a, II(a), (b); and RSA 153:27
Mec 606 - Mec 609	RSA 153:27-a, II(a), (b)
Mec 610	RSA 153:27-a, II(a), (b), (c)
Mec 807	RSA 310:5, I