

**Readopt with amendment, Mec 604.01, effective 9-20-17 (Document #12385), to read as follows:**

Mec 604.01 Misconduct. Misconduct shall be:

- (a) The participation in, or practice of, fraud or deceit in procuring or attempting to procure a license or certificate for one's self or for the benefit of another;
- (b) While licensed or certified, any conviction of:
  - (1) A felony;
  - (2) Any criminal offense involving injury to a victim or the risk of such injury; or
  - (3) Any criminal offense involving dishonesty;
- (c) Unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of fuel gas fitting, plumbing, oil heating, or water treatment, including:
  - (1) Any violation of the ~~adopted~~ rules of the board;
  - (2) Any violation of RSA 153:27 through ***RSA*** 153:38;
  - (3) Any violation of the current adopted state building code ~~and~~/or the state fire safety code;
  - (4) Any violation of a local code ordinance more stringent than the state fire safety or building code;
  - (5) The allowance by a mechanical licensee or a mechanical business entity of the performance of plumbing or fuel gas fitting work by an individual who is not a licensed fuel gas fitter, plumber, or an apprentice or trainee holding a currently valid registration license; or
  - (6) The allowance by a mechanical licensee of the performance of plumbing work by an apprentice in violation of the apprenticeship agreement required by the United States Department of Labor or apprenticeship as described in Mec 305.01(b), or fuel gas fitting work by a trainee in violation of RSA 153:27 through RSA 153:38, Mec 300, or Mec 400;
- (d) Negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee or certificate holder;
- (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice plumbing or fuel gas fitting;
- (f) Mental or physical incompetence to practice plumbing or fuel gas fitting;
- (g) Willful or repeated violations of RSA 153:27 through RSA 153:38;
- (h) Suspension or revocation without reinstatement of a license or certification similar to one issued under RSA 153:27 through 153:38 in another jurisdiction; or

Text added to proposed interim rules shown in ***bold italic***  
Text deleted from proposed interim rules shown ~~struck through~~

(i) The failure of a mechanical licensee, plumbing apprentice, fuel gas trainee, certified oil heating technician, or certified water treatment technician 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.

**Readopt with amendment, Mec 605.02, effective 9-10-23 (Document #13682), to read as follows:**

Mec 605.02 Limitation on Number of Apprentices.

(a) Relative to apprentices participating in an apprenticeship approved by the United~~s~~-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 ~~two~~ 2 apprentices per licensee.

**APPENDIX I**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Mec 604.01	RSA 153:27-a, II(a); RSA 153:29, III; and RSA 153:27, XV pursuant to 2024, 284:1 effective 9-24-2024
Mec 605.02	RSA 153:27-a, II(a), (b); and RSA 153:27, XV pursuant to 2024, 284:1 effective 9-24-2024