

Notice
Of
Rulemaking Hearing

Department of Commerce and Insurance
Division of Regulatory Boards
Board for Licensing Contractors

There will be a hearing before the Board for Licensing Contractors to consider the promulgation of rules pursuant to Tenn. Code Ann. §§ 62-6-108. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-204, and will take place in the Tennessee Ballroom at the Radisson Hotel, located at 185 Union Avenue, in Memphis, Tennessee at 10:00 a.m. (Central Time) on the 25th day of May, 2005.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department of Commerce and Insurance to determine how it may reasonably provide such aid or service. Initial contact may be made with Don Coleman, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of this notice of rulemaking hearing, contact Carolyn Lazenby, Executive Director of the Board for Licensing Contractors at 500 James Robertson Parkway, Davy Crockett Tower, 2nd Floor, Nashville, Tennessee 37243, telephone (615) 741-8307.

Substance of Proposed Rules
Chapter 0680-4
Licensing

New Rules

Table of Contents

0680-4-.01	Definitions
0680-4-.02	Application and Examination
0680-4-.03	Fees
0680-4-.04	Change of Address
0680-4-.05	License Renewal
0680-4-.06	Disciplinary Action and Civil Penalties
0680-4-.01	Definitions.

(1) For the purposes of rules 0680-4-.01 through 0680-4-.06, the following definitions are applicable:

- (a) "Limited licensed plumber" means any person who performs any plumbing work that has a total cost of less than twenty-five thousand dollars (\$25,000.00) and who is required to be registered under the provisions of the Limited Licensed Plumbers' Act of 2004.
- (b) "Board" means the state board for licensing contractors pursuant to Tenn. Code Ann. § 62-6-104.

(2) Limited licensed plumbers are not authorized to use the appellation "contractor" or any other designation that gives or is designed to give the impression that a limited licensed plumber is a contractor unless the limited licensed plumber also holds a valid contractor license issued by the Board.

Authority: Tenn. Code Ann. §§ 62-6-108, 62-6-405, 62-6-402, and 62-6-403.

0680-4-.02 Application and Examination.

- (1) Applications for initial licensure as a limited licensed plumber are available upon request from the office of the Board.
- (2) Initial license applications submitted to the Board must be accompanied by a nonrefundable application fee and the initial license fee as set forth in rule 0680-4-.03.
- (3) Costs for examinations, where applicable, shall be paid directly to the entity designated by the Board to administer the exam.

Authority: Tenn. Code Ann. §§ 62-6-108 and 62-6-405.

0680-4-.03 Fees. Fees charged by the Board are as follows:

- (1) Initial license fee. \$75.00
- (2) License renewal fee. \$50.00
- (3) Late renewal fee. For each month or portion thereof that renewal is late, the applicant for renewal shall pay an additional fee of 10% of the renewal fee, with the total fee not to exceed \$100.00. Renewals that are filed subsequent to the twelfth month after expiration will be treated as new applications.

- (4) Replacement license. \$ 25.00
- (5) Non-refundable application fee. \$50.00

Authority: Tenn. Code Ann. §§ 62-6-108, 62-6-405, 62-6-406, 62-6-408, and 62-6-411.

0680-4-.04 Change of Address. A licensee shall notify the office of the Board in writing within thirty (30) days of any change of address.

Authority: Tenn. Code Ann. §§ 62-6-108 and 62-6-405.

0680-4-.05 License Renewal.

- (1) Each license issued under this chapter will expire biennially on the last day of the month of its issuance.
- (2) Applications for the renewal of licenses will be made on a form provided by the Board and shall be filed with the renewal fee no later than thirty (30) days prior to license expiration. Applications will not be considered filed until the applicable fee(s) prescribed in these rules is received.
- (3) License renewals that are received fewer than thirty (30) days before the license expiration will be subject to late renewal penalties of 10% per month (or fraction thereof), with the total fee not to exceed twice the normal renewal fee, and renewal applications received subsequent to the twelfth month after expiration will be treated as new applications for licensure.

Authority: Tenn. Code Ann. §§ 62-6-108, 62-6-405, and 62-6-411.

0680-4-.06 Disciplinary Action and Civil Penalties.

- (1) The Board for Licensing Contractors may, in a lawful proceeding with respect to any individual or entity licensed or required to be licensed by the board under Title 62, Chapter 6, Part 4, in addition to or in lieu of any other lawful disciplinary action, assess civil penalties of up to \$1,000.00 for each separate violation of statutes, rules or orders enforceable by the Board.
- (2) Each day of continued violation may constitute a separate violation.
- (3) In assessing civil penalties, the following factors may be considered:
 - (a) Whether the amount imposed will be a substantial economic deterrent to the violator;

- (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of non-compliance; and
 - (e) The interest of the public.
- (4) The grounds for disciplinary action against licensees are set out in Tenn. Code Ann. § 62-6-409, and the Board may initiate proceedings against a limited licensed plumber for faulty plumbing work and for the following grounds in the best interest of the public:
- (a) Fraud or deceit in obtaining a license, including the submission to the Board of any knowingly false or forged evidence in, or in support of, an application for a license; or
 - (b) Dishonesty, fraud or gross negligence, including knowingly or through gross negligence making misleading, deceptive or untrue representations in the performance of services.

Authority: Tenn. Code Ann. §§ 62-6-108, 62-6-404, 62-6-405, and 62-6-409.

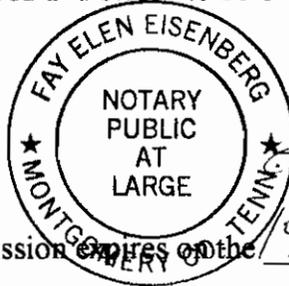
I certify that this is an accurate and complete representation of the intent and scope of the rulemaking proposed by the Board for Licensing Contractors.

Scott M. Ledford

Scott M. Ledford
Staff Attorney

Department of Commerce and Insurance

Subscribed and sworn to before me this 31 st day of March, 2005



Fay Elen Eisenberg
Notary Public

My Commission expires on the 5 th day of March, 2008

*filed
3/31/05*

Riley C. Darnell

Riley C. Darnell
Secretary of State of Tennessee

By: *M. M. [Signature]*

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