



## SUBCHAPTER 2 LICENSES

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\* "B26" omitted from section numbers in this column.

\*\* "26" omitted from section numbers in this column.

## ARTICLE 1 GENERAL PROVISIONS

~~§[26-1.0] 26-131 General license requirements.~~ It shall be unlawful, on and after December sixth, nineteen hundred sixty eight, for any person to engage in or carry on in the city any business, trade or calling regulated by this subchapter, without having first obtained a license therefor from the commissioner in accordance with and subject to the provisions of this subchapter, except that any certificates of qualification or licenses issued for any such business, trade or calling issued by the department, or by any other city department or agency, prior to December sixth, nineteen hundred sixty eight, shall continue to remain in full force and effect until the expiration or termination thereof in accordance with the terms thereof, unless sooner revoked or suspended for cause as hereinafter provided.

### ~~§[26-1.1] 26-132 Application for license.~~

~~All applications for licenses shall be submitted on forms furnished by the department, and shall be accompanied by the required fee, as hereinafter provided. Each application for a license shall set forth the name, residence address and business address of the applicant, and such information and supporting data concerning his or her qualifications for the license as the commissioner may require.~~

~~\*§[26-1.2] 26-133 Qualifications of applicant.~~ All applicants for licenses shall be at least eighteen years of age, shall be able to read and write the English language, shall be of good moral character, and shall meet the qualifications prescribed for the particular license, as hereinafter provided.

~~\*Local Law 55-1989.~~

~~\*\*§[26-1.3] 26-134 Examination of applicant.~~ Every applicant for a license shall be examined as to his or her fitness and qualifications <sup>†</sup>therefor in accordance with

~~rules and regulations adopted and promulgated by the commissioner under and pursuant to the provisions of chapter forty five of the charter. The commissioner may require the applicant to submit to an oral, written and practical examination or any or all of said examinations; and such examinations and investigations required to determine the fitness and qualifications of said applicant shall, upon the request of the commissioner, be conducted by the department of citywide administrative services, which shall certify the results thereof, pursuant to the provisions of section eight hundred eighteen of the charter.~~

~~\*\*Local Law 59-1996.~~

~~†As enacted but "therefore" probably intended.~~

### ~~§[26-1.4] 26-135 Exemptions from examination.~~

~~Notwithstanding the provisions of section 26-134 of this subchapter, the commissioner shall have the power to exempt from examination any person who, prior to December sixth, nineteen hundred sixty eight, held a license or was otherwise qualified under the provisions of the code theretofore in effect.~~

### ~~§[26-1.5] 26-136 Issuance of license.~~

~~The commissioner shall issue a license to each applicant who shall have submitted satisfactory evidence of his or her qualifications, and shall have satisfactorily passed all required examinations to determine his or her fitness and qualifications, provided that no license shall be issued unless and until the applicant shall have paid the required fee therefor and complied with such other and further requirements for the particular license as may be hereinafter provided. All licenses issued by the commissioner shall have his or her signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature.~~

### ~~\*\*§[26-1.6] 26-137 Term of license and registrations; renewal.~~

~~All licenses and registrations, except for plumbing licenses, fire suppression piping contractor licenses and general contractor registrations, issued by the commissioner under the provisions of this subchapter shall expire one year from the date of issuance thereof, and may be renewed annually, provided that application for renewal of the license or registration is made thirty calendar days prior to the expiration date of the license or registration. A plumbing license, a fire suppression piping contractor license and a general contractor registration shall expire two years from the date of issuance thereof, and may be renewed every two years thereafter, provided that application for renewal of the license or registration is made between thirty and sixty calendar days prior to its expiration date. All applications for renewal of a license or registration shall be accompanied by the required renewal fee. If application for renewal is not made as provided above, the commissioner may, nevertheless, renew the license or registration provided the applicant pays an additional fee in an amount specified by rule of the department, except as otherwise provided in this subchapter, and provided~~

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further that the applicant satisfies the commissioner as to his or her qualifications.

~~Local Law 36-2007; Local Law 51-2001.~~

### ~~\*§[26-1.7] 26-138 Use of license.~~

a. ~~No holder of a license issued under this subchapter shall authorize, consent to or permit the use of his or her license by or on behalf of any other person, and subject to the provisions of section 26-131 of this subchapter, no person who has not qualified and obtained a license under this subchapter shall hold himself or herself out to the public as licensed or as the holder of a license issued under this subchapter, either directly or indirectly, by means of signs, sign cards, metal plates, stationery, or in any other manner whatsoever.~~

b. ~~Except for plumbing licenses, and fire suppression piping contractor licenses, nothing herein contained, however, shall be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that at least one member of the partnership or at least one officer of the corporation is licensed for the same business, trade or calling, and that all work performed~~

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by such partnership or corporation is performed by or under the direct supervision of such license holder or holders.

c. ~~For plumbing licenses, nothing herein contained, however, shall be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that fifty one percent or more of the control or voting capital stock of such partnership, corporation, or other business association is owned by one or more holders of licenses for the same business trade or calling and that all work performed by such partnership, corporation or other business association is performed by or under the direct and continuing supervision of such license holder or holders. For plumbing licenses, however, where previous to the effective date of this code, a company, corporation, partnership or other business association or its predecessor has been doing plumbing work, it may continue to do so in any one or more of said business forms without complying with the foregoing, if application is made to the department previous to six months after the effective date of this subdivision as amended and necessary evidence shall be furnished within one year of such effective date, when such company, corporation, partnership or other business association or its predecessor has employed an average of ten or more journeymen plumbers doing plumbing work for at least five days a week for a period of ten years or more, such period need not be consecutive but must have occurred within a period of twenty years and provided, however, that such plumbing business must continue to have all plumbing work conducted under the management and direction of a licensed master plumber employed by such plumbing business and that said licensed master plumber is not otherwise interested in, associated with or employed by any other plumbing business operating in this city except as a joint venture in which the said master plumber's employer is one of the joint venturers.~~

d. ~~For fire suppression piping contractor licenses, nothing herein contained, however, shall be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that fifty one percent or more of the control or voting capital stock of such partnership, corporation, or other business association is owned by one or more holders of licenses for the same business trade or calling and that all work performed by such partnership, corporation or other business association is performed by or under the direct and continuing supervision of such license holder or holders. For fire suppression piping contractor licenses, however, where previous to the effective date of this subdivision, a company, corporation, partnership or other business association or its predecessor has been doing fire suppression piping contractor work, it may continue to do so in any one or more of said business forms without complying with the foregoing, if application is made to the department previous to six~~

~~months after the effective date of this subdivision and necessary evidence shall be furnished within one year of such effective date when such company, corporation, partnership or other business association [sic] or its predecessor has employed an average of ten or more journeymen doing fire suppression piping contractor for at least five days a week for a period of ten years or more, such period need not be consecutive but must have occurred within a period of twenty years and provided, however, that such fire suppression piping contractor business must continue to have all fire suppression piping contractor work conducted under the management and direction of a licensed master fire suppression piping contractor employed by such fire suppression piping contractor business and that said licensed master fire suppression piping contractor is not otherwise interested in, associated with or employed by any other fire suppression piping contractor business operating in this city except as a joint venture in which the said master fire suppression piping contractor's employer is one of the joint venturers.~~

~~\*Local Law 55-1989.~~

**~~§[B26-1.8] 26-139 Revocation of licenses.~~** The commissioner shall have power to revoke or suspend any license upon proof of fraud, deceit, collusion or misrepresentation on the part of the holder in obtaining the license or any renewal thereof, or upon proof of violation of or failure to comply with the provisions of the building code and other applicable laws, rules or regulations relating to the business, trade or calling of the licensee, provided that the commissioner shall not revoke or suspend any license for any cause, unless and until the holder shall have been given at least five calendar days' prior notice in writing and an opportunity to be heard. However, notwithstanding the foregoing, when the public safety may be imminently jeopardized the commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend any license for a period not exceeding five working days.

**~~§[B26-1.9] 26-140 Violations and penalties.~~** Any person who shall violate any of the provisions of this subchapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars, or by imprisonment for a period not to exceed six months, or both. Such person shall also be subject to the payment of a penalty of not more than two hundred fifty dollars, to be recovered in a civil action brought in the name of the city in any court of record in the city.

## ARTICLE 2

### **\*MASTER PLUMBER LICENSE; MASTER FIRE SUPPRESSION PIPING CONTRACTOR LICENSE**

**\* §[B26-2.0] 26-141 Definitions.** For the purposes of this article:

a. "Board" means the license board established pursuant

to section 26-144 of this article.

b. "Certificate" means the certificate of competence as a master plumber or master fire suppression piping contractor issued by the commissioner to an individual who satisfies the requirements of this subchapter for certification as a master plumber or a master fire suppression piping contractor.

e. "Direct and continuing supervision" means responsible control exercised by a licensed master plumber or a licensed master fire suppression piping contractor, either personally or through one or more levels of competent supervision, over those persons in the direct employ of the licensed individual, partnership, corporation or other business association as authorized by the code performing the actual work of installing, maintaining, repairing, modifying, extending or altering plumbing or gas piping, or the actual work as permitted by the class of license held by the licensee for which such licensee assumes full responsibility. Such control shall be evidenced by such licensee's signature and seal upon any required statements, applications and/or permits.

d. "Direct employ" means that an individual performing the actual work of installing, maintaining, repairing, modifying, extending or altering plumbing or gas piping is an employee of the licensed master plumber, partnership, corporation or other business association as authorized by the code, having responsibility for such work, or an individual performing the actual work of installing, maintaining, repairing, modifying, extending or altering any fire suppression piping system or any part thereof as permitted by the class of license held by the licensee is an employee of the licensed master fire suppression piping contractor, partnership, corporation or other business association as authorized by this code having responsibility for such work. The employer shall not be restricted in the employer's right to use those employees in the employer's work force with proper and necessary training to perform the required work. Such employment shall be evidenced by payroll records such as social security payments, income tax withholding or the disbursement of other funds as required by law for the benefit of such employee.

\*e. "Licensed master plumber" means an individual, partnership, corporation or other business association authorized under the provisions of this subchapter to install, maintain, repair, modify, extend or alter plumbing, standpipe where a sprinkler is not or is not now being connected, domestic water, connections to the domestic water, combination domestic water and reserve standpipe supply tank, up to and including the roof tank check valve, gas piping or any piping system referred to in subchapter sixteen of chapter one of title twenty seven of the code and in reference standard RS-16 and up to thirty sprinkler heads off the domestic water in any one building in the city of New York which has satisfied the provisions of this subchapter for operation pursuant to a plate, certificate issued to an individual and seal.

f. "Licensed master fire suppression piping contractor"

means an individual, partnership, corporation or other business association authorized under the provisions of this subchapter to install, maintain, repair, modify, extend or alter a fire suppression piping system in the city of New York who has satisfied the provisions of this subchapter for operation pursuant to a plate, certificate issued to an individual and seal.

g. "Plate" means a licensed master plumber or licensed master fire suppression piping contractor plate issued by the commissioner to an individual who has satisfied the provisions of this subchapter for certification and license as a master plumber or master fire suppression piping contractor. The plate shall permit the individual to perform the work and services permitted within the provisions of this subchapter.

h. "Fire suppression piping system" means any system including any and all equipment and materials in connection therewith with the exception of any electrical components which must be installed by a licensed electrician pursuant to this code, the purpose of which is to control, to contain, to suppress or to extinguish fire and shall include:

\*1. the systems, materials and equipment described or referred to in articles one through four of subchapter seventeen of chapter one of title twenty seven of the code and in reference standards RS-17-1, RS-17-2, RS-17-2A and RS-17-2B of the code, with the exception of any electrical components which must be installed by a licensed electrician pursuant to this code, which systems, materials or equipment shall include any standpipe system to which a sprinkler system is or is now being connected; provided, however, that such systems, materials or equipment shall not include any systems, materials or equipment specified in subdivision e of this section, with the exception of up to thirty sprinkler heads off the domestic water in any one building; or

2. any dry, liquid or gaseous chemical fire containment, suppression, control or extinguishment system or any other device or means of control, suppression, containment or extinguishment of fire, with the exception of any electrical components which must be installed by a licensed electrician pursuant to this code, but not including portable fire extinguishers.

i. "Combined standpipe system" means a standpipe to which a sprinkler system is connected or is now being connected, as shown by drawings approved by the department.

j. All other words mean the same as the definitions provided in section 27-232 of the code.

\*Local Law 55-1989.

\*Local Law 10-1999.

#### ~~§[B26-2.1] 26-142 Requirement of license.~~

a. It shall be unlawful for any person:

1. (a) to install, maintain, repair, modify, extend or alter a plumbing standpipe where a sprinkler is not or is not now being connected, domestic water, connections to the domestic water, combination domestic water and standpipe supply tank, up to and including the roof tank

check valve, gas piping or any piping system referred to in subchapter sixteen of chapter one of title twenty seven of the code and in reference standard RS 16 and up to twenty sprinkler heads off the domestic water in any one building, in the city of New York unless such person is a licensed master plumber, partnership, corporation or other business association as permitted by this code and unless such work is performed under the direct and continuing supervision of a licensed master plumber;

— (b.) to install, maintain, repair, modify, extend or alter any fire suppression piping system in the city of New York unless such person is a licensed master fire suppression piping contractor, partnership, corporation or other business association as permitted by this code and unless such work is performed under the direct and continuing supervision of a licensed master fire suppression piping contractor; or

2. (a.) to use the title licensed master plumber, master plumber, or any other title in such manner as to convey the impression that such person is a licensed master plumber unless such person is licensed in accordance with provisions of this subchapter;

— (b.) to use the title licensed master fire suppression piping contractor, master fire suppression piping contractor, or any other title in such manner as to convey the impression that such person is a licensed master fire suppression piping contractor unless such person is licensed in accordance with the provisions of this subchapter.

b. A certificate of competence as a master plumber or master fire suppression piping contractor shall be issued only to an individual.

e. There shall be three classes of licenses for master fire suppression piping contractors which are as follows:

1. Class A. The holder of a class A master fire suppression piping contractor license is authorized to perform any work in connection with any and all fire suppression piping systems as defined in paragraphs one and two of subdivision h of section 26-141.

2. Class B. The holder of a class B master fire suppression piping contractor license is authorized to perform any work in connection with any and all fire suppression piping systems as defined in paragraph one of subdivision h of section 26-141.

3. Class C. The holder of a class C master fire suppression piping contractor license is authorized to perform any work in connection with any and all fire suppression piping systems as defined in paragraph two of subdivision h of section 26-141.

d. 1. No individual, corporation, partnership or other business association shall install, maintain, repair, modify, extend or alter a plumbing, standpipe where a sprinkler is not or is not now being connected, domestic water, connections to the domestic water, combination domestic water and reserve standpipe supply tank, up to and including the roof tank check valve, gas piping or any piping system referred to in subchapter sixteen of

chapter one of title twenty seven of the code and in reference standard RS 16 and up to twenty sprinkler heads off the domestic water in any one building in the city of New York or employ a name incorporating the term plumber or plumbing or any modification or derivative of such terms unless such individual has been issued a plate or, a corporation, partnership or other business association is operating pursuant to a plate authorizing the conduct of a plumbing contracting business in the city of New York.

2. No individual, corporation, partnership or other business association shall install, maintain, repair, extend or alter a fire suppression piping system, or any part thereof, in the city of New York or employ a name incorporating the term fire suppression piping or any modification or derivative of such term unless such individual has been issued a plate or, a corporation, partnership or other business association is operating pursuant to a plate authorizing the conduct of a fire suppression piping contracting business in the city of New York except as otherwise provided by this subdivision.

e. 1. No individual, corporation, partnership or other business association shall conduct a plumbing contracting business in the city of New York, unless:

(a) no less than fifty one percent of the control or voting capital stock of such entity is owned by one or more individuals who are licensed master plumbers except as otherwise provided; and

(b) all plumbing or gas piping work performed by such entity is performed by or under the direct and continuing supervision of a licensed master plumber; and

(c) The person in charge of such work is a licensed master plumber; and

(d) the persons actually performing such work are in the direct employ of such licensed master plumber, partnership, corporation or other business association as authorized by the code.

2. No individual, corporation, partnership or other business association shall conduct any fire suppression piping contracting business in the city of New York unless:

(a) no less than fifty one percent of the control or voting capital stock of such entity is owned by one or more individuals who are licensed master fire suppression piping contractors except as otherwise provided; and

(b) all work in connection with a fire suppression piping system performed by such entity is performed by or under the direct and continuing supervision of a licensed master fire suppression [sic] piping contractor; and

(c) the person in charge of such work is a licensed master fire suppression piping contractor; and

(d) the persons actually performing such work are in the direct employ of such licensed master fire suppression piping contractor, partnership, corporation or other business association as authorized by the code.

~~\*Local Law 55-1989.~~

~~\*\* §[B26-2.2] 26-143 Exemption. The provisions of~~

~~section 26-142 of this subchapter shall not apply to minor plumbing alterations or ordinary plumbing repairs, as defined and delimited by sections 27-124, 27-125 and 27-126 of the code, or to the installation or alteration of gas service piping and gas meter piping, including meters, valves, regulators or related equipment, when such work is to be performed, serviced and maintained by utility corporations subject to the jurisdiction of the public service commission nor shall the provisions of section 26-142 apply to minor alterations, ordinary repairs and maintenance of a fire suppression piping system.~~

~~\*\*\*Local Law 55-1989.~~

~~\*\*\*§[B26-2.3] 26-144 License board.~~

~~a. The commissioner shall appoint annually each member of a license board, to investigate and report, at the request of the commissioner, on all proposed suspensions or revocations of license, make recommendations regarding the surveillance of the practices of licensed master plumbers and licensed master fire suppression piping contractors, and the policing of the activities of unlicensed practitioners, and engage in such other functions as herein provided. The commissioner may, for cause shown, remove any member of the license board and shall fill any vacancy therein. Such board shall consist of:~~

- ~~1. Two officers or employees of the department representing the commissioner.~~
- ~~2. Five individuals who are licensed master plumbers at least four of whom shall be selected from nominees of the New York City contracting plumbing association whose members perform the largest dollar value of work within the city and one of whom shall be the holder of a class A or class B master fire suppression piping contractor license.~~
- ~~3. Two individuals who are licensed master fire suppression piping contractors both of whom shall hold a class A license and shall be selected from nominees of the New York city sprinkler/fire suppression piping contractors association whose members perform the largest dollar value of work within the city.~~
- ~~4. A professional engineer having at least five years' experience in the design of plumbing systems.~~
- ~~5. A registered architect.~~
- ~~6. A professional engineer who is a full member of the society of fire protection engineers.~~
- ~~7. A resident of the city.~~

~~8. Two officers or employees of the fire department representing the fire commissioner.~~

~~b. One of the members of the board who is an officer or employee of the department representing the commissioner shall serve as chairperson and all members shall serve without compensation. Eight members including the chairperson, who shall be entitled to vote, shall constitute a quorum of the board for the transaction of business. All actions shall be conducted by majority vote except as otherwise provided.~~

~~c. The commissioner may request the license board to investigate and hear any or all written complaints against anyone allegedly acting in violation of the provisions of~~

~~this subchapter and to report to the commissioner its findings and recommendations. It shall keep minutes of its proceedings and hearings and records of its investigations. Upon the holding of any hearing, the chairperson of the board presiding at such hearing may administer oaths, and the board may issue and cause to be served subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing held by it upon written complaint. Such subpoenas shall by\*\*\* signed by the chairperson and the fees and mileage paid to witnesses upon the service of such subpoenas shall be those prescribed by law. The board shall meet at least once a month except during the months of July and August, and at such other times upon call of the chairperson.~~

~~d. The license board may request the commissioner to appoint duly authorized representatives to conduct investigations and other activities incidental to the functions of the license board. Such appointees shall be non voting members of the committee to which they are appointed, and may include personnel who are not department employees who shall serve without compensation. In addition the commissioner may designate such employees of the department as he or she deems necessary to the service and support of the license board.~~

~~e. The license board shall make recommendations to the commissioner regarding plumbing and fire suppression piping practices and code applications.~~

~~f. The license board shall make recommendations to the commissioner regarding plumbing and fire suppression piping regulations and legislation.~~

~~\*\*\*Local Law 55-1989.~~

~~\*\*\*As enacted but "be" probably intended.~~

~~§[B26-2.4] 26-145 Certificate application.~~ All applications for a certificate shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for a certificate shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.

~~\*\*\*§[B26-2.5] 26-146 Certificate qualifications.~~ In addition to meeting the general qualifications prescribed in section 26-133 of this subchapter:

~~a. all applicants for a master plumber certificate shall submit satisfactory proof establishing that the applicant:~~

~~1. has had at least seven years' prior experience in the design and installation of plumbing systems in the United States; or~~

~~2. has received a bachelors' degree in engineering or appropriate engineering technology from a college or university registered by the state department of education and has had at least three years prior experience in the design and installation of plumbing systems in the United States.~~

~~b. all applicants for a master fire suppression piping contractor certificate shall submit satisfactory proof establishing that the applicant:~~

~~1. has had at least seven years' prior experience in the design and installation of fire suppression piping systems or four years in the design and installation of plumbing systems and three years in the design and installation of fire suppression piping systems in the United States, for the class of license for which application is made; or~~  
~~2. has received a bachelors' degree in engineering or appropriate engineering technology from a college or university registered by the state department of education and has had at least three years' prior experience in the design and installation of fire suppression piping systems in the United States, for the class of license for which application is made.~~

~~e. Applicants who were engaged in plumbing or fire suppression piping work as above provided, prior to entering the armed services of the United States shall be permitted to credit their time in the service as experience in the plumbing or fire suppression piping business, as above provided; but such service credit shall not exceed one third of the time required for experience in this section.~~

~~\*Local Law 55-1989.~~

~~\* §[B26-2.6] 26-147 License fees. a. The fee for obtaining a certificate shall be two hundred dollars; and the biennial renewal fee to maintain the certificate shall be one hundred dollars.~~

~~b. The fee for obtaining a plate shall be seventy-five dollars, and fifty dollars for a seal. If the plate or seal is lost, and an affidavit is submitted establishing such fact, a new plate or seal shall be issued by the commissioner upon application and payment of a fee of one hundred dollars for a plate and seventy-five dollars for a seal. The biennial renewal fee to retain such plate and seal shall be one hundred and fifty dollars. Such plate or seal shall remain the property of the city of New York. If application for renewal is not made between thirty and sixty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of fifty dollars.~~

~~\*Local Law 55-1989; Local Law 51-2001.~~

~~\*§[B26-2.7] 26-148 Certificate of competence; plate; seal.~~

~~a. A certificate of competence shall be issued by the commissioner to an applicant who satisfactorily complies with the experience and examination requirements of this subchapter for a certificate, upon payment of a specified fee. Such certificate shall contain the full name of the individual and a certificate number, and shall be signed by the commissioner.~~

~~b. The issuance of a certificate shall constitute evidence that the person named therein is qualified to obtain a plate and seal while the certificate is valid. The certificate shall entitle the applicant to obtain a plate and seal from the commissioner upon approval of an application showing compliance with the requirements of this subchapter and upon the payment of the specified fees. The holder of a certificate shall not be entitled to perform work or hold him or herself out to perform work as a licensed master~~

~~plumber or licensed master fire suppression piping contractor until such plate and seal have been obtained.~~

~~e. The holder of a certificate shall obtain a plate and seal upon establishing either:~~

~~1. a plumbing contracting business conforming to the requirements of this subchapter and any rules and regulations promulgated by the commissioner. No holder of a certificate shall enter into any contractual agreement to install or alter any plumbing, gas piping, or any piping system referred to in reference standard RS-16, other than an employment agreement with a licensed master plumber, partnership, corporation or other business association as authorized by this code, other than on behalf of an employer holding such plate and seal, unless and until he or she shall have obtained a plate and seal.~~

~~2. a fire suppression piping contracting business conforming to the requirements of this subchapter and any rules and regulations promulgated by the commissioner. No holder of a certificate shall enter into any contractual agreement to install or alter any fire suppression piping system other than employment agreement with a licensed master fire suppression piping contractor, partnership, corporation or other business association as authorized by this code, other than on behalf of an employer holding such plate and seal, unless and until he or she shall have obtained a plate and seal.~~

~~d. The plate and seal shall contain the full name of the holder of the certificate with the words "licensed plumber" or "licensed master fire suppression piping contractor Class A, B or C", and the license number. The plate shall set forth the business organization which is operating pursuant to the plate. The plate shall be prominently and conspicuously displayed at the place of business registered with the department.~~

~~e. Prior to the issuance of any plate or seal, or renewal thereof, the applicant shall file with the department a liability bond and a property damage bond, or in lieu thereof, policies of insurance. The minimum amount of the bonds or insurance policies shall be subject to the approval of the commissioner, conditioned upon the observance of all applicable laws, rules and regulations governing the licensed activities and upon the payment of any judgment awarded for bodily injury, death or damage to or destruction of property occurring in the performance of any regulated work by or under the supervision of such licensee. Each bond or policy of insurance shall contain a provision for continuing liability notwithstanding any recovery thereunder. In addition, prior to the issuance of any plate or seal, or any renewal thereof, the applicant shall file with the department satisfactory evidence of compliance with the workers' compensation law and the disability benefits law.~~

~~f. All business vehicles, advertising and stationery used in connection with work or services requiring:~~

~~1. a master plumber license shall display prominently the full name of the licensee, the words "N.Y.C.licensed plumber", and the licensee's plate number and business~~

address. If the business is conducted under a trade name, or by a partnership or corporation, the trade name, partnership or corporate name shall be placed immediately above the full name or names of the certified master plumber or master plumbers to whom the plate was issued.

2. a master fire suppression piping contractor license shall display prominently the full name of the licensee, the words "N.Y.C. licensed master fire suppression piping contractor class A, B, or C," and the licensee's plate number and business address. If the business is conducted under a trade name, or by a partnership or corporation, the trade name, partnership or corporate name shall be placed immediately above the full name or names of the certified master fire suppression piping contractor or contractors to whom the plate was issued.

g. If a licensed master plumber or licensed master fire suppression piping contractor withdraws from a partnership, corporation, or other business association operating pursuant to such plate, the right of such business to perform the work and service requiring such license shall lapse if the provisions of this subchapter are no longer satisfied.

h. Not more than one plate and seal shall be issued to the holder of a certificate, and upon such individual's death or retirement from performing work and services, or upon the revocation or suspension of his or her certificate, his or her plate and seal shall immediately be surrendered to the commissioner. Nothing contained herein shall be construed to prevent the legal representative of a deceased plate and seal holder, with the consent of the commissioner, from retaining such plate and seal for the purpose of completing all unfinished work of such deceased licensee for which plans have been approved and a permit issued, provided such work is performed by or under the direct and continuing supervision of a licensed master plumber or licensed master fire suppression piping contractor as appropriate and is completed within one year from the date of the death of the original licensee.

i. The licensed master plumber or licensed master fire suppression piping contractor, partnership, corporation or other business association as authorized by the code, shall maintain a place of business within the city of New York at the time of issuance of the plate and during the life thereof which is in conformance with the zoning regulations and the rules and regulations of the commissioner and which complies in other respects with the building code. The licensee shall promptly notify the commissioner of any change of address of his or her place of business within thirty calendar days of such change.

j. 1. An individual who is a licensed master plumber whose interest or ownership in a corporation, partnership or other business association constitutes any portion of the fifty one per cent interest or control required by this subchapter shall be prohibited from possessing an interest or ownership in more than one other plumbing corporation, partnership or other business association at his or her established place of business, where such

interest or ownership would constitute any portion of the fifty one per cent interest or control required by this subchapter. Both corporations, partnerships or other business associations in which the individual who is a licensed master plumber has an interest shall be located at the same place of business. For the purposes of this subdivision, where two or more individuals who are licensed master plumbers possess an interest or ownership in any corporation, partnership or other business association which together represents more than fifty one per cent of the interest or control of such entity, all of such licensees shall be deemed to possess a portion of the fifty one percent interest or control required by this subchapter.

2. An individual who is a licensed master fire suppression piping contractor whose interest or ownership in a corporation, partnership or other business association constitutes any portion of the fifty one per cent interest or control required by this subchapter shall be prohibited from possessing an interest or ownership in more than one other fire suppression piping corporation, partnership or other business association, at his or her established place of business, where such interest or ownership would constitute any portion of the fifty one per cent interest or control required by this subchapter. Both corporations, partnerships or other business associations in which the individual who is a licensed master fire suppression piping contractor has an interest shall be located at the same place of business. For the purposes of this subdivision, where two or more individuals who are licensed master fire suppression piping contractors possess an interest or ownership in any corporation, partnership or other business association which together represents more than fifty one per cent of the interest or control of such entity, all of such licensees shall be deemed to possess a portion of the fifty one per cent interest or control required by this subchapter.

k. Nothing contained in this section shall be construed to prevent an individual, corporation, partnership or other business association authorized under the provisions of this subchapter from entering into a joint venture of limited duration for a particular project with another business entity similarly authorized.

*\*Local Law 55-1989.*

**~~§[B26-2.8] 26-149 Business operation, licensed master plumbers/licensed master fire suppression piping contractors.-~~**

a. The master plumber or fire suppression piping contractor, so licensed, shall conduct his or her business to provide direct and continuing supervision in accordance with the provisions of this subchapter.

b. All documents which are required to be filed with any department or agency of the city of New York shall bear the stamp of the seal as well as the signature of such licensee. The licensed master plumber or licensed master fire suppression piping contractor performing the work and services of the licensee shall personally sign all

applications and other documents required to be filed pursuant to the code.

c. All certificates of competence and all plates shall be recorded by the commissioner as provided in section 26-153 of this subchapter.

~~§ Local Law 55-1989.~~

~~§[B26-2.9] 26-150 Expiration and renewal of license.~~

a. All certificates of competence, plates and seals shall expire on the two year anniversary date of the issuance of the certificate, plate and seal. Application for the biennial renewal of certificates, plates and seals shall be made between thirty and sixty days prior to the expiration/anniversary date. The failure of an individual to renew such certificate, plate and seal prior to the expiration/anniversary date shall have the effect of cancellation of the certificate, plate and seal. If a certificate, plate and seal is canceled, the individual shall apply for a new certificate, plate and seal.

b. Failure to apply for renewal of a certificate prior to its expiration shall not deprive the holder of the right of renewal during the ensuing year, except that the fee for such renewal after thirty days prior to the expiration date shall be one hundred dollars instead of fifty dollars.

c. If a holder of a certificate fails to renew his or her certificate for a period up to five years, reinstatement during that period shall occur upon the payment of a fee of fifty dollars for each year or part thereof after the expiration date.

d. If a holder of a certificate fails to renew his or her certificate for a period in excess of five years, the commissioner may require such person to submit to reexamination or to provide evidence of retained proficiency. In addition, the holder shall pay a fee of fifty dollars for each year or part thereof after the expiration date.

e. If a holder of a certificate has held a certificate of competency for five years without a plate and seal, then said person shall submit an affidavit satisfactory to the commissioner stating that over the five year period the individual has been engaged in the design and installation of:

1. Plumbing systems in the United States; or
2. Fire suppression piping systems in the United States.

~~§ Local Law 55-1989; Local Law 51-2001.~~

~~§26-150.1 Renewals of Master Plumber and Fire Suppression Piping Contractor Licenses.~~ A certificate of competence, plate and seal for a licensed master plumber and for a licensed fire suppression contractor shall be renewed provided that the certificate holder shall have satisfactorily completed a seven hour continuing education course approved by the department within two years prior to the renewal date. The content of the course and the qualifications of providers of the course shall be approved by the department in accordance with the rules of the department.

~~§ Local Law 51-2001.~~

~~§[B26-2.10] 26-151 Suspension; revocation of license.~~

a. The commissioner shall have the power to suspend or revoke a certificate of competence and/or a licensee's plate and seal and/or to impose a fine not to exceed five thousand dollars for each finding and/or to order any licensed master plumber or licensed master fire suppression piping contractor to repair damage resulting from any act or omission enumerated in paragraph two of this subdivision upon the recommendation of the board after a hearing and finding of any one or more of the following:

- (1) fraud or deceit in obtaining a certificate, plate or seal; or
- (2) gross negligence, incompetence or misconduct relating to the business, trade or calling of the person who is licensed or certified; or
- (3) fraudulent dealings; or
- (4) failure to comply with the code or any order, regulation or requirement lawfully made by the commissioner; or
- (5) failure to comply with any order, regulation or requirement lawfully made by the commissioner of environmental protection or commissioner of transportation pertaining to water services, house connections or street openings which relate to requirements of this subchapter or made by the fire commissioner relating to fire suppression piping matters; or
- (6) a practice of failing timely to perform or complete contracts relating to home improvements as defined by section 20-386 of the code or a practice of abandoning contracts on residential buildings containing four dwelling units or less.
- (7) poor moral character that adversely reflects on his or her fitness to conduct a plumbing or fire suppression piping contracting business.

b. The chairperson may request three individuals, at least two of whom shall be members of the board, to act as a hearing panel with the approval of the board. The panel shall conduct such hearing and issue a report and recommendation to the board in lieu of the hearing under subdivision a of this section; provided, however, that after such panel has issued a report and recommendation, the board may conduct such further proceedings with respect to the referenced matter as it deems advisable.

c. Any person claiming to have been injured by the fraud, deceit, negligence, incompetence or other misconduct of any person who is licensed or certified may prefer charges against such licensee before the board.

d. All charges and/or specifications shall be submitted by the commissioner in writing to the board or panel. Such charges, and/or specifications, unless dismissed without hearing by the commissioner as unfounded or trivial, shall be heard and determined by the board, with a recommendation to the commissioner.

e. The chairperson shall determine the time and place of such hearing. A copy of the charges and/or specifications, together with a notice of the time and place of hearing,

shall be served upon the accused personally or by certified or registered mail return receipt requested and by ordinary mail at least ten days before the day fixed for the hearing.

f. At such hearing, the accused shall have the right to appear personally, to be represented by counsel, to cross-examine witnesses, and to produce evidence and witnesses in his or her defense.

g. If a majority of the members of the board or hearing panel, as applicable, vote in favor of finding the accused guilty, the board or hearing panel may recommend the revocation or suspension of the certificate, plate and seal of the accused or such other action as it shall deem appropriate.

h. The fees required for the reinstatement of a certificate, plate and seal after suspension or revocation shall be the same as those required to obtain an original certificate, plate and seal. If reinstatement of the certificate, plate and seal, is not requested within thirty days of the lifting of the suspension or revocation, then appropriate late fees shall be imposed.

i. Nothing in this section shall deprive the commissioner of the power to refer an individual upon whom sanctions have been or may be imposed in accordance with this section to any governmental entity, including but not limited to any court of competent jurisdiction, for appropriate action.

*\*Local Law 55-1989.*

**~~§[B26-2.11] 26-152 — Practice without license and other violations; penalties; actions for penalties.~~**

a. Any person not authorized to perform the work and services of a licensed master plumber or licensed master fire suppression piping contractor in accordance with the provisions of this subchapter or any person filing or attempting to file a licensed master plumber or licensed master fire suppression piping contractor's statement or other document on behalf of another, or representing himself or herself as another, or giving false or forged evidence of any kind to the commissioner or any other city official, or otherwise violating any of the provisions of this subchapter, shall be subject to a penalty of not less than five hundred dollars nor more than five thousand dollars for the first offense, and not less than one thousand dollars nor more than five thousand dollars for each and every subsequent offense, upon findings after administrative hearings by the board.

*\*Local Law 55-1989.*

**~~§[B26-2.12] 26-153 — Publication of a roster of licensees.~~**

a. The commissioner shall publish a complete roster of master plumber licensees and of master fire suppression piping contracting licensees in the City Record. Each roster shall be published biennially, with a supplement published in each alternate year.

b. Each roster shall contain an alphabetical listing of all holders of a certificate of competence. It shall also include the holders' certificate number as well as the

business name and address of his or her employer. An additional list with the same information shall be printed in numerical order by certificate number.

c. Each roster shall also contain an alphabetical listing of corporations, partnerships, business associations and individuals authorized to engage in the plumbing contracting or fire suppression piping business within the city. Next to each business name shall be the name or names of the holders of licensed master plumber or licensed master fire suppression piping contractor plates, plate and seal numbers and business addresses.

d. Each supplement shall contain all the information described in subdivisions b and c of this section.

*\*Local Law 55-1989.*

**~~§ 26-153.1 — Waiver of examinations.~~**

a. Any individual who, on or after the effective date of this section shall meet the following qualifications and who, within six months after the effective date of this section shall make application to the department of buildings for a master fire suppression piping contractor license, and within one year shall furnish all necessary evidence, shall be issued a certificate for the particular class for which he or she is qualified without taking the examination for such certificate required by this article, however all other provisions of this article, including but not limited to those governing the fire suppression piping contractor certificate shall apply to those individuals covered by this section.

1. class A Any individual who, during the seven consecutive years immediately preceding his or her application for a master fire suppression piping contractor certificate class A, has been engaged in the business of designing and installing fire suppression piping systems, as defined in paragraphs one and two of subdivision h of section 26-141, primarily in the city of New York.

2. class B Any individual who, during the seven consecutive years immediately preceding his or her application for a master fire suppression piping contractor certificate class B, has been engaged in the business of designing and installing fire suppression piping systems, as defined in paragraph one of subdivision h of section 26-141, primarily in the city of New York.

3. class C Any individual who, during the seven consecutive years immediately preceding his or her application for a master fire suppression piping contractor certificate class C, has been engaged in the business of designing and installing fire suppression piping systems, as defined in paragraph two of subdivision h of section 26-141, but not including any dry chemical system, primarily in the city of New York; or any individual who qualifies under paragraph two of this subdivision may qualify under this paragraph upon the successful completion of an approved course in the design of carbon dioxide and dry, liquid or gaseous chemical extinguishing systems.

b. The department of buildings shall determine whether



~~an individual has been engaged in the business of designing and installing fire suppression piping systems. The following factors may be considered:~~

- ~~1. department of buildings records (i.e. permits, filings, plans, etc.);~~
- ~~2. self employment or employment by a piping contractor engaged in such business;~~
- ~~3. knowledge of applicable law, rules, regulations, directives and memorandums, and recognized national standards.~~

~~\*Local Law 55-1989.~~

#### ARTICLE 3 WELDER LICENSE

~~§[B26-3.0] 26-154 Requirement of license. It shall be unlawful to perform manual welding work on any structural member of any building in the city on and after December sixth, nineteen hundred sixty eight, unless such work is performed by a person licensed as a welder under the provisions of this article, or a person qualified or licensed as a welder prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter.~~

~~§[B26-3.1] 26-155 License applications. All applications for a welder license shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for a welder license shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.~~

~~§[B26-3.2] 26-156 License qualifications. In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a welder license shall submit satisfactory proof of the applicant's fitness to make structural welds, including his or her ability to pass operator qualification tests.~~

~~§[B26-3.3] 26-157 License fees. The fee for a welder license shall be ten dollars; and the annual renewal fee shall be five dollars.~~

~~§[B26-3.4] 26-158 License conditions. All welder licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter.~~

#### ARTICLE 4

##### HIGH-PRESSURE BOILER OPERATING ENGINEER AND PORTABLE HIGH-PRESSURE BOILER OPERATING ENGINEER LICENSES

~~§[B26-4.0] 26-159 Requirement of license.-~~

~~a. It shall be unlawful, on and after December sixth, nineteen hundred sixty eight to operate any high pressure steam boiler for any purpose whatsoever in the city or in connection with any vessel on the waters in and around the city not subject to the jurisdiction of the United~~

~~States government, unless such boiler is operated by or under the supervision and in the presence of a person having the requisite high pressure boiler operating engineer license under the provisions of this article, or a person licensed as a high pressure boiler operating engineer prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter.~~

~~b. Notwithstanding subdivision a of this section, it shall be unlawful, on and after December third, nineteen hundred seventy to operate a portable high pressure steam boiler for any purpose whatsoever in the city, unless such boiler is operated by or under the supervision and in the presence of a person licensed as a portable high pressure boiler operating engineer.~~

~~§[B26-4.1] 26-160 Definition. For the purposes of this article, a high pressure boiler shall be defined as a boiler that carries a pressure of more than fifteen pounds of steam per square inch and is rated in excess of ten hp. or if such boiler produces hot water at a pressure of one hundred sixty psi or at a temperature over two hundred fifty degrees F.~~

~~§[B26-4.2] 26-161 License applications. All applications for high pressure boiler operating engineer and portable high pressure boiler engineer licenses shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for high pressure boiler operating engineer and portable high pressure boiler operating engineer licenses shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.~~

~~§[B26-4.3] 26-162 License qualifications.-~~

~~a. In addition to the general qualifications prescribed in section 26-133 of this subchapter an applicant for a high pressure boiler operating engineer license shall submit satisfactory proof establishing that he or she:~~

~~\* (1) Has been employed as a fireman, oiler, general assistant, journeyman, boiler maker or a machinist to a licensed high pressure boiler operating engineer in a building or buildings in the city of New York for a period of five years of the seven years immediately preceding the date of his or her application, provided however, that, in lieu of the experience requirement contained in this paragraph, an applicant for a high pressure boiler operating engineer license who is employed in a fossil fuel production plant located in the Rockaway Peninsula area of Queens county may submit satisfactory proof establishing that he or she has obtained at least five years experience within the seven years immediately preceding the date of his or her application which shall include at least two years of experience obtained during employment under the supervision of a licensed high pressure boiler operating engineer in a steam generating plant located outside of the city of New York but within the state of New York that is owned and operated by a licensed public~~

utility, and shall also include a separate period of at least three years of experience obtained during employment as a fireman, oiler, general assistant, journeyman, boiler-maker or any comparable position *[sic]* as approved by the commissioner, in such steam generating plant; or

(2) Has received the degree of mechanical engineer from a school or college recognized by the university of the state of New York and has had one year's experience in the operation and maintenance of high pressure boilers under the supervision of a licensed high pressure boiler operating engineer in the city of New York within the seven years immediately preceding the date of his or her application; or

(3) Has been a holder for a period of at least four years of a certificate as engineer issued by a board of examining engineers duly established and qualified pursuant to the laws of the United States or any state or territory thereof, or a certificate as a marine engineer issued by the United States Coast Guard and has had one year's experience in the city of New York in the operation and maintenance of stationary high pressure boiler plants under the supervision of a licensed high pressure boiler operating engineer within the seven years immediately preceding the date of his or her application; provided that the applicant shall have filed with his or her application his or her own signed statement that he or she is the person named in said certificate together with the supporting signed statements by three licensed high pressure boiler operating engineers employed in the city of New York at the time of making of such signed statements; or

(4) Has had direct supervision, care, operation and maintenance of a steam generating plant of a governmental building, having boilers of 150 or more hp., for a period of five years immediately preceding the date of his or her application and has had in addition one year's experience on high pressure boilers under the direct supervision of a licensed high pressure boiler operating engineer in the city of New York, within the seven years immediately preceding the date of his or her application; or

(5) Has successfully completed as a registered apprentice an approved training program recognized by New York state apprenticeship council of at least two years and has had at least three years, experience in the city of New York in the operation and maintenance of high pressure boilers under the supervision of a licensed high pressure boiler operating engineer within the seven years immediately preceding the date of his or her application.

b. In addition to the general qualifications prescribed in section 26-133 of this subchapter, an applicant for a portable high pressure boiler operating engineer's license shall submit satisfactory proof establishing that he or she:

(1) Has been the holder of a basic license as a hoisting machine operator as provided in article five of this subchapter for a period of three years immediately preceding the date of his or her application; and

(2) Has served as a fireman, oiler or assistant engineer

on portable high pressure boilers under the supervision of a licensed portable high pressure boiler operating engineer in the city for a period of three years of the seven years immediately preceding the date of his or her application. However, two of the three years of the aforesaid required experience may be obtained outside the city of New York as a fireman, oiler, assistant engineer or engineer on portable high pressure boilers.

*\*Local Law 108-1993.*

**§[B26-4.4] 26-163 License fees.** The fee for a high pressure boiler operating engineer license or a portable high pressure boiler operating engineer license shall be twenty five dollars; and the annual renewal fee shall be fifteen dollars. The renewal fee for a portable high pressure boiler operating engineer license shall include the renewal fee for a hoisting machine operator license, as provided in subdivision d of section 26-170 of this subchapter without any additional fee. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of ten dollars.

**§[B26-4.5] 26-164 License conditions.** All high pressure boiler operating engineer licenses and all portable high pressure boiler operating engineer licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter.

**§[B26-4.6] 26-165 Licensing of existing operating engineers.** Any person who has been performing the duties of an operating engineer on a high temperature hot water plant whose experience as such has been for a period of three years immediately preceding the enactment of this code shall be entitled to a high pressure boiler operating engineer license without complying with the herein above provisions upon satisfying the commissioner that such applicant possesses the aforesaid experience.

## ARTICLE 5

### HOISTING MACHINE OPERATOR LICENSE

**§[B26-5.0] 26-166 Requirement of license.** It shall be unlawful for any persons to take charge of or operate any power operated hoisting machine used for hoisting purposes or cableways under the jurisdiction of the department, except power operated scaffolds and window washing machines, unless such person is licensed under the provisions of this article, or a holder of a certificate of qualification as a hoisting machine operator prior to December twenty ninth, nineteen hundred sixty nine, as provided in section 26-131 of this subchapter. The commissioner may, by rule and regulation, exempt operators of mobile cranes of limited size and capacity from the requirements of this section.

**~~§[B26-5.1] 26-167 License applications.-~~**

All applications for a hoisting machine operator license shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for a hoisting machine operator license shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.

**~~§[B26-5.2] 26-168 Classification of licenses.~~** Such licenses shall be classified as follows:

- (a) Basic license to operate cranes, derricks and cableways, excluding power-operated cranes with booms, including jibs and other extensions, which exceed two hundred feet in length and truck-mounted tower cranes which exceed two hundred feet in height.
- (b) Endorsement on basic license to include the operation of hoisting machinery without limitation or restriction.
- (c) Special hoisting machine operator license to operate a specified class of hoisting machine of limited size and capacity. The equipment under this subdivision shall also include the operation of truck cranes with telescopic, hydraulic or folding booms, including jibs and any other extensions to the boom, not exceeding one hundred thirty-five feet in length with a manufacturer's rated capacity of three tons or less used exclusively for the erection, maintenance or removal of signs. Special hoisting machine operators shall be exempt from the provisions of subdivisions (a) and (b) of this section.

**~~§[B26-5.3] 26-169 License qualifications.-~~**

- (a) The general qualifications prescribed in section 26-133 of this subchapter shall be applicable for a hoisting machine operator license and a special hoisting machine operator license. In addition, all applicants for a hoisting machine operator license shall have had at least two years' prior appropriate experience and all applicants for a special hoisting machine operator license shall have the qualifications as prescribed in subdivision (c) of this section.
- (b) (1) The commissioner shall issue a basic license to a hoisting machine operator who is the holder of a valid certificate of qualification on December twenty-ninth, nineteen hundred sixty-nine, provided application for such license is made prior to the expiration of said certificate of qualification.
- (2) The commissioner shall endorse such license to include the operation of hoisting machinery without limitation or restriction to a holder of a valid certificate of qualification on December twenty-ninth, nineteen hundred sixty-nine, provided application for such endorsement is made prior to the expiration of said certificate and he or she submits proof of satisfactory experience in the operation of cranes with booms, including jibs and other extensions, exceeding two hundred feet in length or truck-mounted tower cranes exceeding two hundred feet in height.
- (3) The commissioner shall endorse such license to

include the operation of hoisting machinery without limitation or restriction to a holder of a valid certificate of qualification on December twenty-ninth, nineteen hundred sixty-nine, provided that the applicant shall satisfactorily demonstrate by operation that he or she is competent to operate a crane with a boom, including jibs and other extensions, exceeding two hundred feet in length or truck-mounted tower crane exceeding two hundred feet in height.

(c) Notwithstanding the provisions of section 26-134 of this subchapter, the commissioner shall issue a special hoisting machine operator license to an applicant who shall have had at least two years' full-time paid experience and who makes application by December twenty-ninth, nineteen hundred seventy, or has satisfactorily passed a practical examination in the operation of equipment for which such license is to be issued.

**~~§[B26-5.4] 26-170 License fees.~~** The fee for a license shall be as follows:

- (a) Ten dollars for a license, as described in paragraphs one and two of subdivision (b) of section 26-169 of this subchapter.
- (b) Twenty-five dollars for a license as provided in subdivision c of section 26-168 of this subchapter.
- (c) Fifty dollars for a license as provided in subdivisions (a) and (b) of section 26-168 and paragraphs one and three of subdivision (b) of section 26-169 of this subchapter.
- (d) Ten dollars for the annual renewal of any license.

**~~§[B26-5.5] 26-171 License conditions.~~** All licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter.

**ARTICLE 6  
RIGGER LICENSE**

**~~§[B26-6.0] 26-172 Requirement of license.~~** It shall be unlawful to hoist or lower any article on the outside of any building in the city of New York on and after December sixth, nineteen hundred sixty-eight, unless such work is performed by or under the supervision of a person licensed as a rigger under the provisions of this article, or a person qualified or licensed as a rigger prior to such date as provided in section 26-131 of this subchapter. The provisions of this article shall apply to the erection or dismantling of a tower crane or a climber crane on a building and to the use of a derrick in their removal, except that such erection or dismantling may be performed by or under the direct supervision of a person licensed by the city for such purpose in accordance with rules and regulations promulgated by the department.

**~~§[B26-6.1] 26-173 Exemptions.~~** The provisions of this article shall not apply to the hoisting or lowering of signs

~~if the person so doing possesses a license as a sign hanger, as provided in article seven of this subchapter, or to the hoisting or lowering of any building materials or equipment, other than boilers and tanks, in the course of the construction or alteration of any building or structure.~~

~~§[B26-6.2] 26-174 Classification of rigger licenses.-~~  
Such licenses shall be classified as follows:

~~(a) Master rigger license.~~ Licenses the holder thereof to hoist or lower any article, irrespective of weight, on the outside of any building.

~~(b) Special rigger license.~~ Licenses the holder thereof to hoist or lower any article, not exceeding one thousand two hundred pounds in weight, on the outside of any building.

~~§[B26-6.3] 26-175 License applications.-~~ All applications for rigger licenses shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for such licenses shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.

~~§[B26-6.4] 26-176 Master rigger qualifications.-~~ In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a master rigger license shall submit satisfactory proof establishing that the applicant has had at least 5 years' practical experience in the hoisting and rigging business; and the applicant shall also have knowledge of and be able to explain the risks incident to such business and precautions to be taken in connection therewith, safe loads *[sic]* and computation thereof, types of rigging, size and strength of ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with such business.

~~§[B26-6.5] 26-177 Special rigger qualifications.-~~ In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a special rigger license shall submit satisfactory proof establishing that the applicant has had at least one year's practical experience in the hoisting and rigging business; and the applicant shall also have knowledge of and be able to explain the risks incident to such business and precautions to be taken in connection therewith.

~~§[B26-6.6] 26-178 Bond requirements.-~~

~~a.~~ Prior to the issuance of any master rigger license, the applicant shall file with the department a liability bond in the form of a personal bond with at least two sureties, approved by the commissioner, or a corporate surety bond, or policy of insurance, in a solvent and responsible company authorized to do business in this state, approved by the commissioner, in the sum of fifty thousand dollars conditioned for the payment of any judgment recovered against such rigger for the death of or for injury to any person caused in the operation, maintenance or use of any

~~rigging equipment or while engaged in any rigging operation. Such bond or policy may limit the liability of the surety or insurer on any one judgment to the sum of fifty thousand dollars for bodily injury or death, and on all judgments recovered upon claims arising out of the same transaction or transactions connected with the same subject of action, to the sum of one hundred thousand dollars, to be apportioned ratably among the judgment creditors, according to the amount of their respective judgments; and such bond or policy of insurance shall contain a provision for continuing liability thereunder, notwithstanding any recovery thereon.~~

~~b.~~ Prior to the issuance of any master rigger license the applicant shall also file with the department a property damage bond in the form of a personal bond with at least two sureties, approved by the commissioner, or a corporate surety bond, or a policy of insurance, in a solvent and responsible company authorized to do business in this state, approved by the commissioner, in the sum of ten thousand dollars, conditioned for the payment of any judgment recovered against such rigger for damage to, or destruction of, property caused in the operation, maintenance or use of any rigging equipment or while engaged in any rigging operation. Such bond or policy of insurance shall contain a provision for a continuing liability thereunder, notwithstanding any recovery thereon.

~~c.~~ Prior to the issuance of any special rigger license, the applicant shall file with the department a liability bond similar to that required of a master rigger, except that the limits thereof shall be ten thousand dollars and twenty thousand dollars, respectively, and shall also file with the department a property damage bond similar to that required of a master rigger, except that the limit thereof shall be one thousand dollars.

~~§[B26-6.7] 26-179 Workers' compensation.-~~ Prior to the issuance of any rigger license, and any renewal thereof, the applicant shall file with the department satisfactory evidence of compliance with the provisions of the state workers' compensation law.

~~§[B26-6.8] 26-180 License fees.-~~ The fee for a master rigger license shall be one hundred fifty dollars; and the annual renewal fee shall be one hundred dollars. The fee for a special rigger license shall be thirty dollars; and the annual renewal fee shall be twenty five dollars. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of twenty dollars.

~~§[B26-6.9] 26-181 License conditions.-~~

~~a.~~ All rigger licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter. In addition, every licensed rigger shall, while rigging operations are in progress, have placed conspicuously on the job two metal plates or wooden signs not less than eighteen inches by twenty-four

inches in size, displaying the word "danger" in letters not less than six inches high, and marked with the rigger's name, address, type of rigger license and license number.

b. Every licensed master rigger shall display prominently to the public on the place where his or her business is conducted, a metal plate or sign marked with the words "master rigger" and his or her license number immediately thereunder.

c. The holder of a rigger license shall at the time of issuance of the license and during the life thereof, have an established place of business within the city of New York. The licensee shall notify the commissioner of any change of address of his or her place of business.

**\*§26-181.1 Violations and penalties.-**

a. Notwithstanding any inconsistent provision of this subchapter, any licensed rigger or person performing the functions and duties of a licensed rigger who violates the provisions of sections 26-172, 26-178 or 26-179 of this subchapter or fails to ensure that workers have certificates of fitness which shall be required pursuant to the department's rules or any person who violates the provisions of section 27-1045 of the code shall be liable for penalties in accordance with the schedule below, to be recovered in a proceeding before the environmental control board:

	First Offense	Default	Second or subsequent offense	Default
No Certificate of Fitness	\$1,500	\$2,500	\$2,500	\$15,000
No Rigger License	\$1,250	\$2,500	\$2,500	\$15,000
No Required Insurance or Bond	\$1,250	\$2,500	\$2,500	\$15,000
No Record of Inspection at Job Site	\$1,250	\$2,500	\$2,500	\$15,000

b. Any licensed rigger who has been found guilty after proceedings before the environmental control board (1) of one or more of the violations in this section, or (2) of section 27-1050.1 of the administrative code three times within any six month period, shall be subject to immediate suspension of his or her license pending a hearing and determination in accordance with the provisions of section 26-140 of this subchapter.

~~§Local Law 18-2007.~~

**ARTICLE 7  
SIGN HANGER LICENSES**

~~§[B26-7.0] 26-182 Requirement of license.~~ It shall be unlawful to hoist or lower or to hang or attach any sign upon or on the outside of any building in the city after December sixth, nineteen hundred sixty eight, unless such work is performed by or under the supervision of a person licensed as a sign hanger under the provisions of this article, or a person qualified or licensed as a sign hanger prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter.

~~§[B26-7.1] 26-183 Classification of sign hanger licenses.~~ Such licenses shall be classified as follows:

~~(a) Master sign hanger license.~~ Licenses the holder thereof to hoist or lower or to hang or attach any sign, irrespective of weight, upon or on the outside of any building.

~~(b) Special sign hanger license.~~ Licenses the holder thereof to hoist or lower or to hang or attach any sign, not exceeding one hundred fifty square feet in area, measured on one side only, nor exceeding one thousand two hundred pounds in weight, upon or on the outside of any building.

~~§[B26-7.2] 26-184 Exemptions.~~ The provisions of this subchapter shall not apply (a) to signs not exceeding seventy five square feet in area, measured on one side only, nor exceeding twenty five pounds in weight; or (b) to signs supported directly on the ground; or (c) to directional signs; or (d) to temporary signs erected during the construction or alteration of a building and related to such work; or (e) to the erection or placing of any signs by employees of the city, any city department or other governmental agency.

~~§[B26-7.3] 26-185 License applications.~~ All applications for sign hanger licenses shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for such licenses shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.

~~§[B26-7.4] 26-186 Master sign hanger qualifications.~~ In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a master sign hanger license shall submit satisfactory proof establishing that the applicant has had at least five years practical experience in sign hanging during the period of seven years immediately preceding the date of his or her license application; and the applicant shall also have a knowledge of and ability to read plans and specifications relating to sign construction and erection, including supporting framework and other supports, and a knowledge of the problems and practices of sign construction and hanging and be familiar with the equipment and tools used in sign hanging.

~~§[B26-7.5] 26-187 Special sign hanger qualifications.~~ In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a special sign hanger license shall submit satisfactory proof establishing that the applicant has had at least three years' practical experience in sign hanging during the period of five years immediately preceding the date of the license application; and the applicant shall also have a knowledge and ability to read plans and specifications relating to sign construction and erection, including supporting framework and other supports, and a knowledge of the problems and practices of sign construction and hanging and be familiar with the equipment and tools used in sign hanging.

~~§[B26-7.6] 26-188 Bond requirements.~~

a. Prior to the issuance of any sign hanger license, the applicant shall file with the department a liability bond in the form of a personal bond with at least two sureties, approved by the commissioner, or a corporate surety bond, or policy of insurance, in a solvent and responsible company authorized to do business in this state, approved by the commissioner, in the sum of fifty thousand dollars conditioned for the payment of any judgment recovered against such sign hanger for the death of or for injury to any person caused in the operation, maintenance or use of any sign hanging equipment or while engaged in any sign hanging operation. Such bond or policy may limit the liability of the surety or insurer on any one judgment to the sum of fifty thousand dollars for bodily injury or death, and on all judgments recovered upon claims arising out of the same transaction or transactions connected with the same subject of action, to the sum of one hundred thousand dollars, to be apportioned ratably among the judgment creditors, according to the amount of their respective judgments; and such bond or policy of insurance shall contain a provision for continuing liability thereunder, notwithstanding any recovery thereon.

b. Prior to the issuance of any sign hanger license, the applicant shall also file with the department a property damage bond in the form of a personal bond with at least two sureties, approved by the commissioner, or a corporate surety bond, or a policy of insurance, in a solvent and responsible company authorized to do business in this state, approved by the commissioner, in the sum of ten thousand dollars, conditioned for the payment of any judgment recovered against sign hanger for damage to, or destruction of, property caused in the operation, maintenance or use of any sign hanging equipment or while engaged in any sign hanging operation. Such bond or policy of insurance shall contain a provision for a continuing liability thereunder, notwithstanding any recovery thereon.

~~§[B26-7.7] 26-189 Workers' compensation.~~ Prior to the issuance of any sign hanger license, and any renewal thereof, the applicant shall file with the department satisfactory evidence of compliance with the provisions of the state workers' compensation law.

~~§[B26-7.8] 26-190 License fees.~~ The fee for a master sign hanger license shall be one hundred dollars and the annual renewal fee for such license shall be fifty five dollars; the fee for a special sign hanger license shall be seventy five dollars, and the annual renewal fee shall be forty dollars. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of thirty dollars.

~~§[B26-7.9] 26-191 License conditions.~~

a. All sign hanger licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter. In addition, every licensed sign hanger shall, while sign hanging operations are in progress, have placed conspicuously on the job two metal plates or wooden signs not less than eighteen inches by twenty four inches in size, displaying the word "danger" in letters not less than six inches high, and marked with the sign hanger's name, address, type of "sign hanger" license and license number.

b. Every licensed sign hanger shall display prominently to the public on the place where his or her business is conducted, a metal plate or sign marked with the words "sign hanger" and his or her license number immediately thereunder.

c. The holder of a sign hanger license shall at the time of issuance of the license and during the life thereof, have an established place of business within the city of New York. The licensee shall notify the commissioner of any change of address of his or her place of business.

## ARTICLE 8 OIL-BURNING EQUIPMENT INSTALLER LICENSE

~~§[B26-8.0] 26-192 Requirement of license.~~ It shall be unlawful to install oil burning equipment in the city on and after December sixth, nineteen hundred sixty eight, unless such work is performed by or under the supervision of a person licensed as an oil burning equipment installer under the provisions of this article, or a person qualified or licensed as an oil burning equipment installer prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter.

~~§[B26-8.1] 26-193 Classification of oil burning equipment installer licenses.~~

Such licenses shall be classified as follows:

(a) Class A oil burning equipment installer license. Licenses

~~the holder thereof to install any type of oil burning equipment, as an independent contractor with full responsibility for the manner in which the work is done, and for the material and equipment used, and for the control and supervision of the persons employed on the work.~~

~~(b) Class B oil burning equipment installer license. Licenses the holder thereof to install oil burning equipment for the use of domestic fuel oils from number one fuel oil and including number four fuel oil (as classified in the current commercial standards published by the United States department of commerce), as an independent contractor with full responsibility for the manner in which the work is done, for the materials and equipment used, and for the control and supervision of the persons employed on the work.~~

**~~§[B26-8.2] 26-194 License applications.-~~**

~~All applications for oil burning equipment installer licenses shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for such licenses shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.~~

**~~§[B26-8.3] 26-195 Class A oil burning equipment installer qualifications.~~** ~~In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a class A oil burning equipment installer license shall submit satisfactory proof establishing that the applicant has had at least four years' practical experience in the installation of oil burning equipment under the supervision of a qualified or licensed oil burning equipment installer in the city, including at least one years experience in the installation of oil burning equipment for the use of number five and number six fuel oils.~~

**~~§[B26-8.4] 26-196 Class B oil burning equipment installer qualifications.~~** ~~In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a class B oil burning equipment installer license shall submit satisfactory proof establishing that the applicant has had at least three years' practical experience in the installation of oil burning equipment under the supervision of a qualified~~

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or licensed oil burning equipment installer in the city.

~~§[B26-8.5] 26-197 Bond requirement.~~ Prior to the issuance of any oil burning equipment installer license, the applicant shall file with the department a bond conditioned for the payment of any loss or damage suffered by any person by reason of failure to install such equipment in accordance with the provisions of the code, the building code, the air pollution code or other applicable laws and regulations relating to oil burning equipment. Such bond shall be in the amount of two thousand five hundred dollars and shall be approved by the commissioner as to sufficiency of sureties.

~~§[B26-8.6] 26-198 License fees.~~ The fee for an oil burning equipment installer license shall be seventy five dollars; and the annual renewal fee shall be fifty dollars. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of thirty dollars.

~~§[B26-8.7] 26-199 License conditions.~~

a. All oil burning equipment installer licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter.

b. The holder of an oil burning equipment installer license shall, at the time of issuance of the license and during the life thereof, have an established place of business within the city of New York. The licensee shall notify the commissioner of any change of address of his or her place of business.

## ARTICLE 9

### CONCRETE TESTING LABORATORY LICENSE

~~§[B26-9.0] 26-200 Requirement of license.~~ It shall be unlawful, on and after December sixth, nineteen hundred sixty eight, for any person to engage in or carry on the business or calling of a concrete testing laboratory in the city, without having first obtained a license therefor from the commissioner, except as provided in section 26-131 of this subchapter.

~~§[B26-9.1] 26-201 License applications.~~ All applications for a concrete testing laboratory license shall be submitted on forms furnished by the department, and shall be accompanied by the required fee, as hereinafter provided. Each application for such license shall set forth the name and business address of the applicant, and such information and supporting data concerning his or her equipment and qualifications as the commissioner may require. If the applicant is a partnership or a corporation, the application shall be executed by a member of the partnership or by an officer of the corporation.

~~§[B26-9.2] 26-202 License qualifications.~~ All applicants for such license shall maintain a laboratory within fifty miles of the city, and shall submit satisfactory proof establishing that his, her or its business is conducted by

qualified personnel in accordance with procedures, safety requirements and professional standards adopted and promulgated by the commissioner under and pursuant to the provisions of subdivision b of section eleven hundred five of the charter. An investigation of the applicant's place of business equipment and personnel shall be made by the department prior to the issuance of any such license.

~~§[B26-9.3] 26-203 License fees.~~ The fee for a concrete testing laboratory license shall be one hundred dollars; and the annual renewal fee shall be fifty dollars. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of thirty dollars.

~~§[B26-9.4] 26-204 License conditions.~~

(a) All concrete testing laboratory licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter; and all concrete testing laboratories licensed under the provisions of this article, or qualified or licensed prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter, shall certify the truth and accuracy of all reports filed or required to be filed by any such laboratory under the provisions of the building code or other applicable building laws and regulations.

(b) Each laboratory shall have in responsible charge a director who shall be a registered architect or licensed professional engineer and who shall personally supervise all technical functions of the laboratory relating to testing of concrete and concrete materials.

*\*Local Law 65-1990.*

## ARTICLE 10

### SUPPORTED SCAFFOLD CERTIFICATE OF COMPLETION

~~§26-204.1 Requirements of Certificate of Completion.~~ a. It shall be unlawful for an individual to erect, dismantle, repair, maintain or modify any supported scaffold, or to be on any supported scaffold assisting in the erection, dismantling, repair, maintenance or modification of any supported scaffold for which a permit is required unless such individual has been issued a supported scaffold certificate of completion under the provisions of this article.

b. It shall be unlawful for any person to knowingly permit or cause an individual who has not been issued a supported scaffold certificate of completion under this article, to erect, dismantle, repair, maintain, or modify any supported scaffold, or to be on any supported scaffold assisting in the erection, dismantling, repair, maintenance or modification of any supported scaffold in violation of subdivision a of this section. Each day on which a person shall knowingly permit or cause an individual who has not been issued a supported scaffold certificate of completion to erect, dismantle, repair, maintain, or modify any supported scaffold or to be on any supported scaffold assisting in the erection, dismantling,

~~repair, maintenance or modification of any supported scaffold, for which a permit has been issued, shall be a separate violation of this section.~~

~~\*c. It shall be unlawful for an individual to use any supported scaffold, for which a permit is required, to assist in the erection, dismantling, repair, maintenance or modification of any building or structure unless such individual has been issued a supported scaffold user certificate pursuant to the provisions of this article.~~

~~\*d. It shall be unlawful for any person to knowingly permit or cause an individual who has not been issued a supported scaffold user certificate under this article to use any supported scaffold, for which a permit is required, to assist in the erection, dismantling, repair, maintenance or modification of any building or structure in violation of subdivision c of this section. Each day on which a person shall knowingly permit or cause an individual who has not been issued a valid supported scaffold user certificate to use any supported scaffold, for which a permit is required, to assist in the erection, dismantling, repair, maintenance or modification of any building or structure shall be a separate violation of this section.~~

~~e. For the purposes of this article, "supported scaffold" shall be defined as one or more platforms supported by outrigger beams, brackets, poles, legs, uprights, posts, frames, or similar rigid support forty feet in height or more and including, but not limited to, sidewalk bridge scaffolds, single pole scaffolds, tube and coupler scaffolds, fabricated frame scaffolds, tubular welded frame scaffolds, outrigger scaffolds, needle beam scaffolds, mobile scaffolds, repair bracket scaffolds, mast climber scaffolds that are mechanized or motorized, back structures for personnel hoists and/or material hoists and system scaffolds. Any sidewalk shed that provides a base for a supported scaffold will subject the entire structure, including the sidewalk shed, to the requirements of this article.~~

~~\*Local Law 24-2008.~~

#### ~~\*§26-204.2 Exemptions.-~~

~~The provisions of this article shall not apply to:~~

~~a. the erection, dismantling, repair, maintenance or modification of any supported scaffold performed by an employee of a public utility when such supported scaffold is located within the interior of a building or structure owned or operated by such utility and when such utility has a safety training program of not less than thirty two hours for its employees who erect, dismantle, repair, maintain or modify such scaffolds; or~~

~~b. employees of a public utility performing work while using a supported scaffold, provided that such employees are trained, pursuant to the United States department of labor occupational safety and health administration's requirements, to be able to recognize the hazards associated with the type of supported scaffold being used, and to understand the procedures to control those hazards; or~~

~~c. the erection, dismantling, repair, maintenance or modification of stand alone, one story sidewalk sheds; or~~

~~\*d. a registered architect or professional engineer who is using a supported scaffold to perform inspections, as long as the architect or engineer does not perform work from or participate in the erection, dismantling, repair, maintenance or modification of any building or structure, including the supported scaffold.~~

~~\*Local Law 24-2008.~~

#### ~~\*§26-204.3 Issuance of Supported Scaffold Certificate of Completion; qualifications.-~~

~~a. Except as otherwise provided in subdivision e of this section, a supported scaffold certificate of completion shall be issued to individuals who have successfully completed a department approved thirty two hour training program or course that complies with the United States department of labor occupational safety and health administration's standards relating to scaffold safety and includes a review of the additional requirements of the New York City Building Code. A holder of a supported scaffold certificate of completion shall also take a department approved eight hour scaffold safety and training refresher program or course every four years.~~

~~b. Such training or refresher program or course shall be conducted (1) pursuant to a registered New York state department of labor apprenticeship training program, or (2) by an educational institution or school chartered, licensed or registered by the New York state department of education or (3) by a provider approved by the department.~~

~~c. Successful completion of the training program or course shall be evidenced by a dated supported scaffold certificate of completion issued by the provider of the training program or course to the individual participant named on such certificate. This certificate of completion, or a copy thereof, or a valid wallet card version of the certificate, shall be readily available to department personnel upon request.~~

~~d. Any training program or course presented under the provisions of this section shall be presented by instructors who are deemed qualified and competent in accordance with the United States department of labor occupational safety and health administration's regulations.~~

~~e. Any person who, within the four years prior to the effective date of this subdivision ~~\*\*~~[this subdivision], has successfully completed a thirty two hour training program or course that complies with the provisions of subdivisions a and b of this section, need not take a second thirty two hour course upon enactment of such local law, provided such person can provide to the department a dated certificate of completion as set forth in subdivision c of this section. Such person shall, however, take a department approved eight hour scaffold safety and training refresher program or course within four years of the initial course and every four years thereafter.~~

~~\*Local Law 24-2008.~~

~~\*\*As enacted but probably not intended.~~

~~\*§26-204.4 Issuance of Supported Scaffold User Certificate.~~

~~a. Except as otherwise provided in subdivision d of this section, a supported scaffold user certificate shall be issued to individuals using a supported scaffold to assist in the erection, dismantling, repair, maintenance or modification of any building or structure who have successfully completed a department approved four hour training program or course conducted (1) pursuant to a registered New York state department of labor apprenticeship training program, or (2) by an educational institution or school chartered, licensed or registered by the New York state department of education or (3) by a provider approved by the department. Such program or course shall include instruction on the nature of any electrical hazards, fall hazards, or falling object hazards, material handling on scaffolds, the nature of braces and tiebacks and their safe removal and the maximum intended load and load handling capacities of scaffolds. Such training program or course shall be taken every four years.~~

~~b. Successful completion of the training program or course shall be evidenced by a dated supported scaffold user certificate issued by provider of the training program or course to the individual participant named on such certificate. This supported scaffold user certificate, or a copy thereof, or a valid wallet card version of the certificate, shall be readily available to department personnel upon request.~~

~~c. Any training program or course provided under the provisions of this section shall be presented by instructors who are qualified and competent in accordance with the United States department of labor occupational safety and health administration's regulations.~~

~~\*d. Any person who, within the four years prior to the effective date of the local law enacting this subdivision, has successfully completed a four hour training program or course that complies with the provisions of subdivision a of this section, need not take a second four hour course upon enactment of this local law, provided such person can provide to the department a dated certificate of completion as set forth in subdivision b of this section. Such person shall, however, take a department approved four hour scaffold safety and training refresher program or course within four years of the initial course and every four years thereafter.~~

~~\*Local Law 24-2008.~~

~~§26-204.5 Violations and penalties. — Any person who violates any of the provisions of this article shall be subject to the provisions of section 26-140 of this code.~~

~~\*Local Law 52-2005.~~

~~\*ARTICLE 11  
GENERAL CONTRACTOR REGISTRATION~~

~~§26-204.11 General contractor. — For the purposes of~~

~~this article “general contractor” means any individual, corporation, partnership or other business entity that applies for a new building permit to construct a residential structure containing no more than three dwelling units. The term “general contractor” shall not include an individual, corporation, partnership or other business entity that has been issued a license pursuant to another provision of this subchapter, or pursuant to subchapter twenty two of chapter two of title twenty of this code, and enters into a contract to perform work exclusively within the scope of that license, nor shall it include an individual who constructs a residential structure containing no more than three dwelling units for his or her own occupancy, or any subcontractors working for the general contractor.~~

~~§26-204.12 Requirement of registration.~~

~~a. The department shall accept applications for general contractor registration beginning on April 1, 2008.~~

~~b. The registration shall expire on the second anniversary of such registration or such other date as determined by the commissioner by rule so as to distribute the expiration dates of the registrations more evenly over the course of a year.~~

~~c. Beginning November 1, 2008, it shall be unlawful to conduct business as a general contractor unless the general contractor has applied for and received a general contractor registration in accordance with the provisions of this article.~~

~~§26-204.13 Unlawful use of general contractor title.~~

~~It shall be unlawful to use or cause to be used the title registered general contractor or any other title in a manner as to convey the impression that an individual, corporation, partnership or other business entity, or any person it employs, is a registered general contractor, unless such individual, corporation, partnership or other business entity is registered in accordance with the provisions of this article.~~

~~§26-204.14 Compliance with other provisions. — All applications for a general contractor registration shall comply with and be subject to the provisions of section 26-132 of this subchapter and all applicants shall comply with and be subject to the provisions of sections 26-137 through 26-140 of this subchapter.~~

~~§26-204.15 Registration fees. — The fee for a general contractor registration shall be two hundred dollars, and the biennial renewal fee shall be one hundred sixty dollars. Renewals not submitted in a timely manner shall be subject to an additional late registration surcharge of one hundred sixty dollars.~~

~~§26-204.16 Application requirements.~~

~~a. An application for a general contractor registration or renewal under this article shall be made in writing to the commissioner on a form provided by the department, and~~

shall be accompanied by the following:

1. If the applicant is an individual: the applicant's full name, residence address, business address and business telephone number;
  2. If the applicant is a corporation:
    - (i) the corporate name, address and telephone number of the applicant's principal office or place of business;
    - (ii) the date and state of incorporation;
    - (iii) the name, residence address and residence telephone number of all corporate officers and registered agents and any person owning an interest of ten percent or more in the corporation;
    - (iv) proof that the corporation is in good standing under the laws of the state of New York;
  3. If the applicant is a partnership:
    - (i) the name, address and telephone number of the applicant's principal office or place of business;
    - (ii) the name, residence address and residence telephone number of all partners;
  4. the registration fee;
  5. a verified statement that the applicant or any person owning an interest of ten percent or more in the applicant is financially solvent;
  6. the name and address of the principal location from which the applicant has engaged in the business of general contracting at any time within the last five years;
  7. if the applicant is not a sole proprietor, proof that the applicant is authorized to do business in the state of New York;
  8. proof of insurance as required by section 26-204.17 of this article;
  9. the name and address of the officer, principal or director of the applicant who is primarily responsible for the registrant's compliance with the requirements of subchapters one, two or three of chapter one of title twenty six or chapter one of title twenty seven of this code or any rule adopted thereunder;
  10. upon renewal, proof of completion of such courses pertaining to general contracting activities as the commissioner shall establish by rule; and
  11. any other information that the commissioner may require.
- b. For the purposes of this section, financial solvency shall mean that the applicant's operating capital shall exceed twenty five thousand dollars.
- c. It is a condition of the registration that information in the application be kept current. Any change in required information shall be reported to the department within fourteen days after such change.
- d. For any applicant other than a natural person, the above requirements shall apply to every principal or officer and to any person owning, directly or indirectly, an interest of ten percent or more in the applicant.

#### **~~§26-204.17 Insurance.-~~**

- a. Prior to the issuance of a general contractor registration, each applicant shall submit proof of

commercial general liability insurance in an amount not less than one million dollars per occurrence, five million dollars aggregate combined single limit, or as otherwise specified by rule, to insure any and all persons and entities, both public and private, fully for all risks of loss, damage to property or injury to or death of persons, arising out of or in connection with the performance of all work under the registration, including any and all work involving excavation, shoring and underpinning, and including the work of subcontractors.

b. Each policy of insurance required under this section shall include a provision requiring thirty days' advance notice to the commissioner prior to cancellation or lapse of the policy.

c. The registrant shall maintain the insurance required under this section in full force and effect for the duration of the registration period.

#### **~~§26-204.18 Warranties.-~~**

a. A warranty shall be provided to the buyer of a new one , two or three family structure that accords with the provisions of article thirty six B of the New York state general business law, including the following:

1. one year from and after the warranty date the home will be free from defects due to a failure to have been constructed in a skillful manner;

2. two years from and after the warranty date the plumbing, electrical, heating, cooling and ventilation systems of the home will be free from defects due to a failure by the builder to have installed such systems in a skillful manner; and

3. six years from and after the warranty date the home will be free from material defects, including, but not limited to, any construction that is not in compliance with the building code or the zoning resolution of the city of New York.

b. Except as otherwise provided in section seven hundred seventy seven b of such article thirty six B, no such warranty shall be modified or excluded in any way.

#### **~~§26-204.19 Duties and responsibilities.-~~**

a. The general contractor shall be responsible for providing information to the department about his or her subcontractors and the particular jobs they performed. Such information shall be provided in a format and at the times specified in the rules of the department.

b. The general contractor shall maintain at the work site such technical reports as specified in the rules of the department and shall make such reports available to department personnel on request.

#### **~~§26-204.20 Seizure, forfeiture.-~~**

a. 1. For purposes of this section, the term "owner" as applied to vehicles shall mean an owner as defined in section one hundred twenty eight and in subdivision three of section three hundred eighty eight of the vehicle and traffic law.

~~2. For purposes of this section, the term “security interest” as applied to vehicles shall mean a security interest as defined in subdivision k of section two thousand one hundred one of the vehicle and traffic law.~~

~~3. For purposes of this section, the term “unlicensed activity” shall mean the conduct of any activity at a work site for the construction of a residential structure containing no more than three dwelling units without a license for which a license is required under any law, rule or regulation enforced by the commissioner of buildings, and the term “unregistered activity” shall mean the conduct of any activity at a work site for the construction of a residential structure containing no more than three dwelling units without a registration for which a registration is required under any law or regulation enforced by the commissioner of buildings.~~

~~b. 1. Any police officer or authorized officer or authorized employee of the department may seize any vehicle and any tools contained therein which such police officer or authorized officer or authorized employee has reasonable cause to believe is being used in connection with unlicensed or unregistered activity, upon service on the owner or operator of the vehicle of a notice of violation for engaging in such activity. Any vehicle and tools seized pursuant to this subdivision shall be delivered into the custody of the department or other appropriate agency.~~

~~2. The owner or operator of the vehicle and/or tools may make a written demand for a hearing for the return of the seized property. Notice of the right to a hearing shall be provided to the operator at the time of seizure of the vehicle and/or tools, and a copy of such notice shall be sent by mail to the registered and/or title owner of the vehicle, if other than the operator, and to the owner of the tools if other than the owner or operator of the vehicle and if reasonably ascertainable, within five business days of the seizure. The department shall schedule the hearing at the office of administrative trials and hearings (OATH) or its successor agency, as applicable, for a date within ten business days after receipt of the demand and shall notify the operator and the owner(s) of the opportunity to participate in the hearing and the date thereof.~~

~~3. A claimant seeking release of the vehicle and tools at the hearing may be either the person from whom the vehicle and tools were seized, if that person was in lawful possession of the vehicle and tools, or the owner if different from such person.~~

~~4. The OATH judge shall issue a determination within five business days after the conclusion of the hearing.~~

~~5. The department shall establish a procedure whereby an owner or operator who wishes to have the vehicle and/or tools returned pending the hearing shall post a bond in an amount determined by the department, but in no event less than an amount sufficient to cover any applicable removal and storage fees as well as fines and penalties.~~

~~6. The department shall establish a procedure whereby an owner or operator may request the return of the vehicle and/or tools without a hearing if he or she a) establishes that the vehicle and/or tools were seized in error or b) immediately applies for licensure or registration pursuant to the applicable provisions of this subchapter and pays a fine not to exceed removal and storage fees and any fines or penalties that could have been imposed under the provisions of this subchapter. Where the owner or operator establishes that the vehicle and/or tools were seized in error, the department shall expeditiously return such vehicle and/or tools.~~

~~e. Any vehicle and tools for which a written demand for return of the vehicle and/or tools or a hearing pursuant to subdivision b of this section has not been made within thirty days of service on the operator or the owner of the vehicle and/or tools, if other than the operator, of the notice of violation shall be deemed abandoned and shall be disposed of by the department pursuant to applicable law.~~

~~d. 1. Notwithstanding the provisions of section 26-140 of this code, in the event the department chooses to have the violation underlying the seizure returnable to and heard at OATH, that hearing may be combined with the hearing for the return of the seized property and under such circumstances the OATH judge shall make a determination as to both. The OATH judge shall issue a determination within five business days after the conclusion of the hearing.~~

~~2. If the OATH judge finds that the vehicle and/or tools were not used in connection with unlicensed or unregistered activity, the department shall promptly release such vehicle and/or tools.~~

~~3. If the OATH judge finds that the vehicle and/or tools were used in connection with unlicensed or unregistered activity, the department may release such vehicle and/or tools upon payment of all applicable fines and civil penalties and all reasonable costs of removal and storage, or may commence a forfeiture action within twenty business days after the date of the judge's determination.~~

~~e. In the event that the adjudication of the violation underlying the seizure is not held at OATH, and a determination is made that the vehicle and tools were not used in connection with unlicensed or unregistered activity, the department shall promptly release such vehicle and/or tools.~~

~~f. In addition to any other fines or penalties provided in this, any person who violates the provisions of this subchapter shall be subject to a penalty of not less than five thousand dollars nor more than ten thousand dollars to be recovered in a proceeding before OATH and shall be subject to a fine of not less than five thousand dollars nor more than ten thousand dollars or imprisonment for not more than six months, or both.~~

~~g. 1. A forfeiture action pursuant to this section shall be commenced by the filing of a summons with a notice or a summons and complaint in accordance with the civil~~

practice law and rules. Such summons with notice or a summons and complaint shall be served in accordance with the civil practice law and rules on the vehicle operator, the owner of the tools, if different from the vehicle operator, and owner of the vehicle, and on all owners of the subject vehicle listed in the records maintained by the department of motor vehicles, or for vehicles not registered in the state of New York, in the records maintained by the state of registration. A vehicle and/or tools that are the subject of such action shall remain in the custody of the department or other appropriate agency pending the final determination of the forfeiture action, unless released pursuant to the provisions of subdivisions d or e, above.

2. Notice of the institution of the forfeiture action shall be given by certified mail to all persons holding a security interest in such vehicle or tools, if known, if such security interest in the vehicle has been filed with the department of motor vehicles pursuant to the provisions of title ten of the vehicle and traffic law, at the address set forth in the records of such department, or, for vehicles not registered in the state of New York, all persons holding a security interest in such vehicle if such security interest has been filed with the state of registration and which persons are made known by such state to the department, at the address provided by such state of registration.

3. Any person with a security interest in such vehicle or tools who receives notice of the institution of the forfeiture action who claims an interest in such vehicle or tools subject to forfeiture may assert a claim in such action for satisfaction of such person's security interest in such vehicle or tools.

4. Forfeiture pursuant to this subdivision shall be made subject to the interest of a person who claims an interest in the vehicle or tools pursuant to paragraph three of this subdivision, where such person establishes that: (i) the use of the vehicle or tools for the conduct that was the basis for the seizure of the vehicle and tools occurred without the knowledge of such person, or if such person had knowledge of such use, that such person did not consent to such use by doing all that could reasonably have been done to prevent such use, and that such person did not knowingly obtain such interest in the vehicle or tools in order to avoid the forfeiture of such vehicle or tools, or (ii) that the conduct that was the basis for such seizure was committed by any person other than such person claiming an interest in the vehicle or tools, while such property was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States or any state.

5. The department or agency having custody of the vehicle and tools, after judicial determination of forfeiture, shall, at its discretion, either (i) retain such vehicle and tools for the official use of the city; or (ii) by public notice of at least five days, sell such forfeited vehicle and tools at public sale. The net proceeds of any

such sale shall be paid into the general fund of the city.

6. In any forfeiture action commenced pursuant to this subdivision, where the court awards a sum of money to one or more persons in satisfaction of such person's interest in the forfeited vehicle and tools, the total amount awarded to satisfy such interest or interests shall not exceed the amount of the net proceeds of the sale of the forfeited vehicle and tools after deduction of the lawful expenses incurred by the city, including reasonable costs of removal and storage of the vehicle and tools between the time of seizure and the date of sale.

#### **~~§26-204.21 Penalties; issuance, renewal, suspension and revocation of registration.~~**

a. The commissioner shall have the power to refuse to issue or renew a registration or, after notice and an opportunity to be heard in a proceeding to be commenced at OATH, impose a penalty of not less than five thousand nor more than ten thousand dollars upon a registrant and/or suspend or revoke a registration under this article upon a finding of any one or more of the following by the applicant or registrant or by a business entity in which one of the applicant's or registrant's principals, officers or directors has been a principal, officer or director:

1. Fraud, misrepresentation, or bribery in securing a registration, permit, approval of work or a temporary or permanent certificate of occupancy.

2. The making of any false statement as to a material matter in any application for a registration, permit, approval of work or a temporary or permanent certificate of occupancy.

3. A practice on the part of the registrant of failure to timely perform or complete its contracts for the construction of new residential structures containing no more than three dwelling units, or the manipulation of assets or accounts, or fraud or bad faith.

4. Failure to comply with any demand or requirement lawfully made by the commissioner.

5. Approval or knowledge on the part of the registrant of an act of omission, fraud, or misrepresentation committed by one or more agents or employees of the registrant, and failure to report such act to the department.

6. Violation of any provision of this subchapter or any rule adopted hereunder.

7. Violation of any provision of subchapters one, two or three of chapter one of title twenty six or chapter one of title twenty seven of this code, or any rule adopted thereunder, including continuing to work in violation of a stop work notice or order issued pursuant to section 26-118 of this code.

b. Notwithstanding the foregoing, when public health or safety may be in imminent jeopardy, the commissioner shall immediately suspend a registration for up to five business days, pending a hearing and determination at OATH.

c. In addition to any of the powers that may be exercised by the commissioner pursuant to this article, the

~~commissioner may refuse to issue or renew or, after notice and an opportunity to be heard in a proceeding to be commenced at OATH, may suspend or revoke, a registration required under this article if (a) the applicant or registrant, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted of a crime which, in accordance with article twenty three a of the correction law, is determined to have a direct relationship to such person's fitness or ability to perform any of the activities for which a registration is required under this article or (b) the applicant or registrant, or any of its principals, officers or directors has been a principal, officer or director of a registered general contractor whose registration has been revoked.~~

~~d. Notwithstanding any inconsistent provision of this subchapter, any registered general contractor who has defaulted at or been found liable after proceedings before the environmental control board or in an adjudication in criminal court of violations of any building code provisions relating to a stop work order, public health or safety, structural integrity, building in compliance with approved plans or fire safety three times within any twenty four month period shall be subject to immediate suspension of his or her registration, pending a hearing and determination at OATH.~~

~~e. The names of all general contractors whose registration was suspended or revoked after an OATH decision shall be posted on the department's website.~~

~~f. General contractors shall notify all their suppliers of all pending suspension or revocation actions against them and shall provide an affidavit to the department stating that this notification has been made.~~

**~~§26-204.22 Violations and penalties.-~~**

~~a. 1. Any person who shall own, conduct or operate a general contracting business without a registration therefor or who shall knowingly violate any of the provisions of this article or any rules promulgated thereunder or, having had his or her registration suspended or revoked, shall continue to engage in such business, shall be guilty of a misdemeanor, and upon conviction, shall be punishable by imprisonment for not more than six months, or by a fine of not less than five thousand nor more than ten thousand dollars, or both such fine and imprisonment, and each such violation shall be deemed a separate offense.~~

~~2. In addition to the penalties provided by paragraph one of this subdivision, any person who violates any of the provisions of this article shall be liable for a civil penalty of not less than five thousand nor more than ten thousand dollars for each such violation to be recovered in a proceeding before the environmental control board.~~

~~b. The corporation counsel may bring an action in the name of the city to restrain or prevent any violation of this article or any continuance of any such violation.~~

~~*§Local Law 36-2007.*~~

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