

CHAPTER 4

LICENSING AND REGISTRATION OF BUSINESSES, TRADES AND OCCUPATIONS ENGAGED IN BUILDING WORK

ARTICLE 401 GENERAL

§28-401.1 Application. This chapter shall apply to the licensing and registration of businesses, trades and occupations engaged in building work regulated by this code.

§28-401.2 General requirements for all licenses. The provisions of this article shall apply to all licenses issued by the department pursuant to this chapter. All applicants and licensees shall comply with the provisions of this article as well as the specific requirements applicable to the particular license as set forth in other articles of this chapter.

§28-401.3 Definitions. As used in this chapter the following terms shall have the following meanings unless the context or subject matter requires otherwise.

CERTIFICATE OF COMPETENCE. A certificate issued by the department to an individual representing that such individual has completed all requirements for the master plumber or master fire suppression piping contractor license but has not obtained a seal or plate; and that such certificate of competence has been renewed as required and is currently in effect. The certificate of competence shall bear the name of the holder and the certificate number. The holder of a certificate of competence is not a licensed master plumber or licensed master fire suppression piping contractor and may practice the trade for which the certificate is issued only under the direct and continuing supervision of a licensed master plumber or licensed master fire suppression piping contractor or, with respect to a city employee under the direct and continuing supervision of a supervising licensed master plumber or licensed master fire suppression piping contractor.

CITY AGENCY. A city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid, in whole or in part, from the city treasury.

COMBINED STANDPIPE SYSTEM. A standpipe to which a sprinkler system is connected or is being connected.

DIRECT AND CONTINUING SUPERVISION. Responsible control exercised by a licensed individual, either personally or through one or more, but no more than three, levels of competent supervision over individuals (i) in the direct employ of the licensee, or (ii) in the direct employ of the city agency employing the licensee or (iii) in the direct employ of the business performing the actual work of the licensee's trade or the actual work permitted by the class of license held by the licensee, for which work such licensee assumes full responsibility. Such control shall be evidenced by such licensee's signature, and seal where applicable, upon any required statements, applications and/or permits and by demonstrating involvement of the licensee in the operations of the business, including hiring of employees, responsibility for financial matters, and

oversight of work performance. Direct and continuing supervision includes field inspection, supervision of job sites, and the maintenance of records of such supervision and such other requirements as the commissioner may prescribe by rule for a particular license type.

DIRECT EMPLOY. An individual is in the direct employ of a licensee or business or a city agency when such individual is on the payroll of such licensee or business or city agency and under the usual common law rules applicable in determining the employer-employee relationship has the status of an employee. The work performed by such employee shall not exceed the class of license held by the licensee. Direct 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, timekeeping records, such as time cards and sign-in sheets, work orders, and assignment or route logs.

FIRE SUPPRESSION PIPING WORK. The installation, maintenance, repair, modification, extension, or alteration or testing of a fire suppression piping system in any building in the city of New York.

FIRE SUPPRESSION PIPING SYSTEM. Any system including any and all equipment and materials in connection therewith, with the exception of any electrical components that must be installed by a licensed electrician pursuant to the New York city electrical code, the purpose of which is to control, contain, suppress or extinguish fire and shall include:

1. The systems, materials and equipment described or referred to in this code (with the exception of any electrical components that must be installed by a licensed electrician pursuant to the New York city electrical 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 constituting plumbing work, 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 extinguishing system or any other device or means of control, suppression, containment or extinguishing of fire (with the exception of any electrical components that must be installed by a licensed electrician pursuant to the New York city electrical code) but not including portable fire extinguishers.

GENERAL CONTRACTOR. An individual, corporation, partnership or other business entity that applies for a permit pursuant to this code to construct a new residential structure containing no more than three dwelling units. The term "general contractor" shall not be construed to include an individual, corporation, partnership or other business entity that holds a

license pursuant to this code or subchapter twenty-two of chapter two of title twenty of the administrative code, and enters into a contract to perform work exclusively within the scope of such 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.

HIGH-PRESSURE BOILER. A boiler that carries a pressure of more than fifteen pounds of steam per square inch and is rated in excess of ten horsepower, or that produces hot water over a pressure of one hundred sixty pounds per square inch or at a temperature over 250°F (121°C).

LICENSE. A license, registration, certification or other evidence, issued by the department pursuant to this chapter, representing that an individual, a sole proprietorship, partnership, corporation, business association or other person meets the qualifications and requirements as set out in this chapter and in the rules of the department and is authorized to engage in the particular trade, occupation or business as indicated on the license and representing that such license, with associated plate and/or seal, where applicable, has been renewed as required and is currently in effect. The license shall bear the holder's full name, the type of license, the license class, where applicable, the license number and any restrictions relating to the use of such license. Such term shall not include a certificate of competence.

LICENSE BOARD OR BOARD. A panel of trade practitioners and others appointed by the commissioner as provided herein and in rules promulgated by the commissioner with the purpose of advising the commissioner regarding the character and fitness of applicants for a license or certificate of competence, allegations of illegal practices by persons licensed, or other matters as the commissioner may see fit.

LICENSED MASTER FIRE SUPPRESSION PIPING CONTRACTOR, MASTER FIRE SUPPRESSION PIPING CONTRACTOR. An individual who has satisfied the requirements of this chapter for the master fire suppression piping contractor license, who has been issued a license, plate and/or seal, and who is authorized under the provisions of this chapter to perform fire suppression piping work in the city of New York, according to the classification of license held. A master fire suppression piping contractor licensee shall practice his or her trade in association with a master fire suppression piping contractor business or as an employee of a city agency.

LICENSED MASTER PLUMBER, MASTER PLUMBER. An individual who has satisfied the requirements of this chapter for the master plumber license, who has been issued a license, plate and/or seal, and who is authorized under the provisions of this chapter to perform plumbing work in the city of New York. A master plumber licensee shall practice his or her trade in association with a master plumber business or as an employee of a city agency.

PLATE. A plaque issued by the department to a master plumber or a master fire suppression piping contractor setting forth the licensee's name and number, the class of license and the master plumber business or master fire suppression piping contractor business operating pursuant to the plate, and displayed prominently and conspicuously on view to the public at the place of business registered with the department. The plate is the property of the department and is not transferable by the licensee.

played prominently and conspicuously on view to the public at the place of business registered with the department. The plate is the property of the department and is not transferable by the licensee.

PLUMBING WORK. The installation, maintenance, repair, modification, extension or alteration of plumbing, standpipe where a sprinkler is not connected 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 the New York city plumbing code, and/or up to thirty sprinkler heads off the domestic water in any building in the city of New York.

PRIVATE ELEVATOR INSPECTION AGENCY. An approved agency authorized by the commissioner to operate as an independent contractor for the purpose of inspecting and testing elevators, escalators and other conveying equipment regulated by this code and shall include but shall not be limited to an insurance company, elevator maintenance company, elevator manufacturer or elevator inspection company.

SEAL. Emblem issued by the department to an applicant for some license types, that allows the licensee to stamp documents required by this code to be signed and sealed. The seal shall bear the full name of the licensee, the license type, the license class, where applicable, and the license number. The seal is the property of the department and is not transferable by the licensee. For applications and other documents submitted electronically, the digital signature and imprint of the seal may be submitted in a manner authorized by the commissioner.

SIGN. A sign as defined in section 12-10 of the zoning resolution.

TOTAL BOOM. A boom including jibs and other extensions.

§28-401.4 Requirement of license. It shall be unlawful for any person to engage in or carry on in the city any business, trade or occupation regulated by this chapter or to hold himself or herself out as authorized to engage in or carry on such activity, without having first obtained a license from the commissioner in accordance with and subject to the provisions of this chapter and the rules of the department. A license issued by the department for any such business, trade or occupation prior to the effective date of this code, shall 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. Any renewal of such license shall be in accordance with the provisions of this code.

§28-401.5 Application and conditions. Every application for a license or certificate of competence shall be made in such form and shall be accompanied by such information as the commissioner may prescribe, and by the required fee. It is a condition of the license or certificate of competence that information in the application be kept correct and current. Any change in required information shall be reported to the department within fourteen days after any change prior to issuance of the license or certificate of competence or within thirty days after any change following issuance.

§28-401.6 Qualifications of applicant. All applicants for a license or certificate of competence shall be at least 18 years of

age, shall be able to read and write the English language, shall be of good moral character, and shall meet additional qualifications that may be prescribed for the particular license or certificate of competence.

§28-401.7 Examination of applicant. Except as otherwise specified for the particular license type, applicants for a license shall be required to take an examination in accordance with the rules of the department. Every applicant shall commence the license application process with the department within one year of passing the examination for licensure and shall furnish to the department a completed license application within one year of submission of the first filing. Failure to provide all requested documents in a timely manner will constitute an incomplete application and may result in denial of the license.

§28-401.8 Investigation of applicant. Every applicant for a license or certificate of competence shall submit to investigation as directed by a governmental entity in order to determine the applicant's character and fitness. The applicant shall furnish the department with payment for the actual cost of conducting a background investigation. Failure to provide all requested and completed documents in a timely fashion will constitute an incomplete application and will result in a denial of the license or certificate of competence.

§28-401.9 Insurance. Except as noted otherwise for a particular license, or exempted by the commissioner pursuant to rule, prior to the issuance of a license, or during the renewal thereof, the applicant shall file with the department (i) satisfactory evidence of a general liability insurance policy in the amount of one million dollars or such other amount as the commissioner may require, listing the New York city department of buildings as the certificate holder; and (ii) satisfactory evidence of an insurance policy for property damage in an amount set forth in rules and conditioned upon the observance of all applicable laws and rules governing the licensed activities and upon the payment of any applicable judgment awarded for damage to or destruction of property occurring in the performance of any regulated work by or under the supervision of the license holder. Each policy of insurance shall contain a provision for continuing liability notwithstanding any recovery under such policy. In addition, prior to the issuance of any license or seal and plate, if applicable, or during any renewal thereof, the applicant shall file with the department satisfactory evidence of compliance with the workers' compensation law and the disability benefits law.

§28-401.10 Issuance of license, plate and/or seal, where applicable, or certificate of competence. The commissioner shall issue a license or certificate of competence to each applicant who shall have submitted satisfactory evidence of his or her qualifications, and shall have satisfactorily passed all required examinations and investigations, provided that no license or certificate of competence shall be issued unless and until the applicant shall have paid the required fee and complied with such other and further requirements for the particular license or certificate of competence as may be set forth in this chapter and in rules promulgated by the department. All licenses or certificates of competence issued by the commissioner shall have his or her signature affixed thereto; but the

commissioner may authorize any subordinate to affix such signature. For licenses that require a plate and/or the application of a seal, the plate and/or seal shall be issued with the license except as provided otherwise in this chapter. The license, plate and seal are the property of the department and are not transferable by the licensee. No licensee shall make or cause to be made duplicates of a department-issued license, plate or seal. The loss or theft of a license, plate or seal must be reported to the department within five calendar days.

§28-401.11 Term of license. All licenses issued by the commissioner for which an examination is required shall expire three years from the date of issuance thereof, and may be renewed every three years thereafter without examination. The commissioner shall have authority to stagger the issuance of licenses for three-year terms. All licenses not requiring examination shall expire one year from the date of issuance thereof, and may be renewed each year thereafter except as otherwise noted for a specific license.

§28-401.12 Renewal of license or certificate of competence. Applications for renewal of a license or certificate of competence shall be accompanied by the renewal fee and such additional information as the commissioner may require, and shall be made at least 30 calendar days but not more than 60 calendar days prior to the expiration date of same. The failure of an individual to renew his or her license or certificate of competence shall have the effect of cancellation of the license or certificate of competence upon expiration, and the holder of a plate and/or seal issued by the department shall immediately surrender such plate and/or seal to the department. A person who fails to renew a license or certificate of competence within the time period set forth in this section 28-401.12 may apply for reinstatement of such license pursuant to section 28-401.13. The department may, following notice and an opportunity to be heard, refuse to renew a license or certificate of competence on any grounds on the basis of which it could deny, suspend or revoke such license.

§28-401.13 Reinstatement. If a license or certificate of competence expires, the individual may apply for reinstatement of the license or certificate of competence, within one year of the date of its expiration without examination but subject to applicable late and reinstatement fees. Thereafter, and up to five years after the date of expiration, the commissioner may reinstate the license or certificate of competence without examination upon the applicant's demonstration to the commissioner's satisfaction of continued competence in the respective trade and satisfaction of any applicable continuing education requirements. A license or certificate of competence shall not be reinstated after five years from date of expiration.

§28-401.14 Continuing education. The commissioner may promulgate rules to require applicants for the renewal of licenses or certificate of competence to complete a prescribed number of hours of continuing education courses approved by the department within the term preceding the application for renewal and to provide proof of same in a form acceptable to the department. Such proof, when required, shall be submitted with the application for renewal.

§28-401.15 Schedule of fees.

LICENSING AND REGISTRATION OF BUSINESSES, TRADES AND OCCUPATIONS

LICENSE TYPE	INITIAL FEE	RENEWAL FEE	ADDITIONAL FEES
Master rigger license	\$200	\$150 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Special rigger license	\$100	\$75 triennially	Late-renewal fee \$50 Reissuance fee: \$50
Basic hoisting machine operator license (Class A)	\$150	\$150 triennially	Late-renewal fee \$50 Reissuance fee: \$50
Basic hoisting machine operator license with endorsement to operate hoisting machinery without limitation or restriction (Class B)	\$200	\$150 triennially	Late-renewal fee \$50. Reissuance fee: \$50.
Special hoisting machine operator license (Class C)	\$100	\$75 triennially	Late-renewal fee \$50. Reissuance fee: \$50.
Concrete testing laboratory license	\$100	\$75 annually	Late-renewal fee: \$50 Reissuance fee: \$50
Welder license	\$50	\$45 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Master plumber license (certificate of competence)	\$200	\$150 triennially	Late-renewal fees: Up to 30 days late, \$50; From 31 days to five years late, \$100 for each year or part thereof Reissuance fee: \$50
Master plumber license plate	\$75	\$100 triennially	Replacement fee upon loss of plate, w/affidavit: \$100
Master plumber license seal	\$50	\$75 triennially	Replacement fee upon loss of seal, w/affidavit: \$75
Journeyman plumber registration	\$50		No renewal, no reissuance
Master fire suppression piping contractor (class A, B or C) license (certificate of competence)	\$200	\$150 triennially	Late-renewal fees: Up to 30 days late, \$50; From 31 days to five years late, \$100 for each year or part thereof Reissuance fee: \$50
Master fire suppression piping contractor (class A, B or C) license plate	\$75	\$100 triennially	Replacement fee upon loss of plate, w/affidavit: \$100
Master fire suppression piping contractor (class A, B or C) license seal	\$50	\$75 triennially	Replacement fee upon loss of seal, w/affidavit: \$75
Journeyman fire suppression piping installer registration	\$50		No renewal, no reissuance
Oil-burning equipment installer. License (class A or B)	\$100	\$75 triennially	Late-renewal fee \$50 Reissuance fee: \$50
High-pressure boiler operating engineer license	\$50	\$45 triennially	Late-renewal fee \$50 Reissuance fee: \$50
Portable high-pressure boiler operating engineer license	\$50	\$45 triennially	Renewal fee includes renewal fee for a hoisting machine operator license. Late-renewal fee \$50 Reissuance fee: \$50
Master sign hanger license	\$100	\$75 triennially	Late-renewal fee \$50 Reissuance fee: \$50
Special sign hanger license	\$100	\$75 triennially	Late-renewal fee \$50 Reissuance fee: \$50
Outdoor advertising company registration	As provided by dept rules	As provided by dept rules	As provided by dept rules
Filing representative registration	\$50	\$50 annually	Late-renewal fee \$50 Reissuance fee: \$50
Reinstatement of expired license, certificate of competence or certification without examination, if approved by commissioner, in addition to applicable renewal fees	Same as initial license		\$100 for each year or part thereof from date of expiration
Site safety coordinator certificate	\$100	\$50	Late-renewal fee \$50
Site safety manager certificate	\$300	\$150	Late-renewal fee \$50
General contractor registration	\$200	\$160 biennially	Late-renewal fee \$160
Tower crane rigger license	\$150	\$50 triennially	Late-renewal fee \$20

§28-401.16 Restrictions on use of license. No holder of a license issued under this chapter shall authorize, consent to or permit the use of his or her license by or on behalf of any other person, and no person who has not qualified and obtained or renewed a license under this chapter shall hold himself or herself out to the public as licensed, certified, registered or as the holder of a license issued under this chapter, either directly or indirectly, by means of signs, sign cards, plates, stationery, or in any other manner whatsoever.

§28-401.17 Use on behalf of a business. Except for such additional requirements as may be set forth for a particular license, nothing in this chapter 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:

1. At least one member of the partnership or at least one officer of the corporation is licensed for the same business, trade or occupation, and that all work performed by such partnership or corporation is performed by or under the direct and continuing supervision of such license holder or holders; or
2. Such partnership, corporation or other business association is itself authorized to engage in such business as prescribed herein.

§28-401.17.1 Use on behalf of a city agency. Nothing in this chapter shall be construed to prohibit the holder of a license who is an employee of a city agency from using such license to practice the trade for which such license is issued for or on behalf of such city agency in the course of such employment except as otherwise limited pursuant to articles 408 and 410 of this chapter for licensed master plumber and licensed master fire suppression piping contractor licenses.

§28-401.18 New York city location required. Except as otherwise noted for a particular license, the holder of a license, other than an employee of a city agency, shall have or be employed by a business entity that has an established place of business with an address within the city of New York at which such person can be contacted by the public and the department by mail, telephone or other modes of communication. A post office box is not an acceptable address.

§28-401.19 Suspension or revocation of license or certificate of competence. The commissioner shall have the power to suspend or revoke a license or certificate of competence and/or to impose a fine not to exceed twenty-five thousand dollars for each finding of violation, and/or to order any holder thereof to repair damage resulting from any act or omission as set forth in this chapter or in rules, for any of the following:

1. Fraud or deceit in obtaining or renewing a license, plate or seal, certificate of competence, certification, registration, or permit;
2. The making of a material false or misleading statement on any form or report filed with the department or other governmental entity;
3. The failure to file a statement, report or form required by law to be filed;

4. Willfully impeding or obstructing the filing of a statement, report or form of another required by law to be filed;
5. Fraudulent dealings;
6. Negligence, incompetence, lack of knowledge, or disregard of this code and related laws and rules;
7. Failure to comply with this code or any order, rule, or requirement lawfully made by the commissioner including failure to cooperate with investigations related to the trade for which the individual is licensed conducted by the commissioner or other government entity;
8. Failure to comply with any order, rule, regulation or requirement lawfully made by the commissioner of environmental protection or commissioner of transportation pertaining to water services, house connections street openings, street/lane closures or sidewalk closures that relate to requirements of this code;
9. A practice or pattern of failing timely to perform or complete contracts relating to home improvements as defined by section 20-386 of the administrative code or a practice of abandoning contracts on residential buildings containing four dwelling units or less;
10. Failure to provide documents, including payroll records, workers compensation or other insurance documents, employee timekeeping records and corporate tax returns, required by the commissioner;
11. Engaging or assisting in any act that endangers the public safety and welfare;
12. Conviction of a criminal offense where the underlying act arises out of the individual's professional dealings with the city or any other governmental entity;
13. Poor moral character that adversely reflects on his or her fitness to conduct work regulated by this code; or
14. Failure to pay outstanding fines, penalties, or fees related to the individual's professional dealings with the city or any other governmental entity.
15. With respect to general contractor registration, upon a finding that the applicant or registrant or a business entity in which one of the applicant's or registrant's principals, officers or directors is a principal, officer or director has engaged in any of the acts set forth in items 1 through 14 or any of the following:
 - 15.1. Fraud, misrepresentation or bribery in securing a sign-off of work or a temporary or permanent certificate of occupancy.
 - 15.2. 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.
 - 15.3. 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.

- 15.4. 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.
- 15.5. The applicant or registrant, or any of its principals, officers or directors has been or is a principal, officer or director of a registered general contractor whose registration has been revoked.

§28-401.19.1 Notice and hearing. The commissioner shall not revoke or suspend a license or certificate of competence for any cause or impose any other sanction on a licensee unless and until the holder has been given at least five calendar days prior written notice and an opportunity to be heard. However, 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.

§28-401.19.2 Surrender of plate or seal. Upon surrender, suspension or revocation of a license for which the department has also issued a plate or seal, the license and such plate and/or seal shall be immediately surrendered to the department.

§28-401.19.3 Reinstatement fees. The fees required for the reinstatement of a certificate of competence or license, plate or seal after suspension shall be the same as those required to obtain an original document. If reinstatement of the certificate of competence, license, plate or seal is not requested within 30 days of the lifting of the suspension, then late fees shall be imposed in accordance with article 119 of chapter 1 of this title.

§28-401.19.4 Mandatory suspension or revocation. The commissioner shall immediately suspend or revoke a license issued pursuant to this code as set forth below. Nothing in the following sections shall be construed to limit the commissioner's power to revoke or suspend licenses in other circumstances.

§28-401.19.4.1 Rigger license. Any licensed rigger who has been found guilty after proceedings before the environmental control board or other adjudicative proceedings of violating section 28-404.1 or 28-404.9 of the administrative code or section 3314.10 of the New York city building code, or of failing to insure that workers have certificates of fitness required pursuant to this code or applicable rule 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 this code.

§28-401.19.4.2 General contractor registration. 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 provisions of this code relating to a stop work order, public health or safety, structural integrity, building in compliance with approved construction documents 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.

§28-401.20 Cooperation required. Any person, including any corporation, partnership, business or other entity, issued a license or certificate of competence by the department shall, pursuant to a request or order of the commissioner or any other city agency or office, cooperate fully and completely with respect to any department or city agency or office investigation. Evidence of cooperation shall include, but is not limited to, appearing before the department or other city agency or office, answering questions completely and accurately, and providing any and all requested documents. Failure to comply with such request or order may subject such person to disciplinary measures authorized by law, including but not limited to suspension or revocation of the license or certificate of competence.

§28-401.20.1 Service of request or order. Such request or order by the commissioner or other city agency or office shall be mailed by regular mail to the person named therein to his or her last known business or home address at least ten days before such appearance and shall contain the name of the person, date, time and place of such appearance and, if known or applicable, a description of any requested documents. If the appearance or information is required immediately, the request or order may be transmitted via facsimile or delivered to the person's last known business or home address prior to the date and time specified therein.

§28-401.21 Judicial review of determinations. Notwithstanding any other provision of law to the contrary, decisions, orders and interpretations of the commissioner made pursuant to this chapter shall not be subject to review by the board of standards and appeals. Final decisions and orders of the commissioner made pursuant to this chapter shall be subject to review pursuant to article 78 of the civil practice law and rules.

ARTICLE 402 SITE SAFETY MANAGER CERTIFICATE

§28-402.1 Certificate required. It shall be unlawful to perform the duties and responsibilities of a site safety manager as specified in chapter 33 of the New York city building code unless such work is performed by a person certified as a site safety manager under the provisions of this article.

§28-402.2 Qualifications. All applicants for a site safety manager certificate shall submit satisfactory proof establishing that the applicant:

1. Is a registered design professional and has had three years of experience supervising major buildings as that term is defined in chapter 33, and within one year prior to

CONSTRUCTION CODES UPDATE PAGE

Matter in plain text is unchanged. Matter underlined is new. Matter ~~stricken through~~ is deleted.

Source: Local Law 44 of 2008, effective March 23, 2009 or one hundred eighty days after the department approves courses required by this act, whichever is later.

GENERAL ADMINISTRATIVE PROVISIONS

Insert between pages A-60 and A-61 of your bound volumes of the NYC Building Code, NYC Plumbing Code, NYC Mechanical Code and NYC Fuel Gas Code.

Amend section 28-404.3 to read as follows:

§28-404.3 Additional qualifications. Applicants for a rigger license shall have the additional qualifications as set forth in sections 28-404.3.1 through 28-404.3.3.

§28-404.3.1 Master rigger qualifications. All applicants for a master rigger license shall submit satisfactory proof establishing that the applicant:

1. Has had at least five years of practical experience in the hoisting and rigging business within the seven years prior to application; ~~and~~
2. Has knowledge of and is able to explain the risks incident to such business and precautions to be taken in connection therewith, safe loads and computation thereof, types of rigging, size and strength of ropes, cables, blocks, poles, derricks, ~~sheerlegs~~ shear legs and other tools used in connection with such business; and
3. Has satisfactorily completed a department-approved training course of not less than thirty hours. Any person who, within the three years prior to the date of the application, has successfully completed at least a thirty-hour training course need not take a second thirty-hour course, provided such person can provide to the department a dated certificate as set forth in this section. Such person shall, however, take a department-approved eight-hour re-certification course within three years of the initial course and every three years thereafter. Successful completion of the training or re-certification course shall be evidenced by a dated certificate issued by the provider of the training or re-certification course. The certificate shall include such information as specified by the department by rule. The certificate, or a valid wallet card version thereof, shall be readily available to the commissioner upon request.
4. Training providers. Such training or refresher course shall be conducted (i) pursuant to a registered New York state department of labor training program, or (ii) by a provider approved by the department.

§28-404.3.2 Special rigger qualifications. All applicants for a special rigger license shall submit satisfactory proof establishing that the applicant:

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Matter in plain text is unchanged. Matter underlined is new. Matter ~~stricken through~~ is deleted.

Source: Local Law 44 of 2008, effective March 23, 2009 or one hundred eighty days after the department approves courses required by this act, whichever is later.

1. Has had at least one year of practical experience in the hoisting and rigging business within the three years prior to application; ~~and~~
2. Has knowledge of and is able to explain the risks incident to such business and precautions to be taken in connection therewith; and
3. Has satisfactorily completed a department-approved training course of not less than thirty hours. Any person who, within the three years prior to the date of the application, has successfully completed at least a thirty-hour training course need not take a second thirty-hour course, provided such person can provide to the department a dated certificate as set forth in this section. Such person shall, however, take a department-approved eight-hour re-certification course within three years of the initial course and every three years thereafter. Successful completion of the training or re-certification course shall be evidenced by a dated certificate issued by the provider of the training or re-certification course. The certificate shall include such information as specified by the department by rule. The certificate, or a valid wallet card version thereof, shall be readily available to the commissioner upon request.
4. Training providers. Such training or refresher course shall be conducted (i) pursuant to a registered New York state department of labor training program, or (ii) by a provider approved by the department.

§28-404.3.3 Climber or tower crane rigger qualifications. All applicants for a climber or tower crane rigger license shall submit satisfactory proof establishing that the applicant:

1. Has had at least five years of practical experience in the climber or tower crane rigging business within the seven years prior to application; [and]
2. Has knowledge of and is able to explain the risks incident to such business and precautions to be taken in connection therewith, including connecting pins, cables, anchorage, platform or pad, plumb of mast, torque of bolts, supervision of rigging and hoisting of loads, placement of components, and coordination of sequencing; and
3. Has satisfactorily completed a department-approved training course of not less than thirty hours. Any person who, within the three years prior to the date of the application, has successfully completed at least a thirty-hour training course need not take a second thirty-hour course, provided such person can provide to the department a dated certificate as set forth in this section. Such person shall, however, take a department-approved eight-hour re-certification course within three years of the initial course and every three years thereafter.

CONSTRUCTION CODES UPDATE PAGE

Matter in plain text is unchanged. Matter underlined is new. Matter ~~stricken through~~ is deleted.

Source: Local Law 44 of 2008, effective March 23, 2009 or one hundred eighty days after the department approves courses required by this act, whichever is later.

Successful completion of the training or re-certification course shall be evidenced by a dated certificate issued by the provider of the training or re-certification course. The certificate shall include such information as specified by the department by rule. The certificate, or a valid wallet card version thereof, shall be readily available to the commissioner upon request.

4. Training providers. Such training or refresher course shall be conducted (i) pursuant to a registered New York state department of labor training program, or (ii) by a provider approved by the department.

CONSTRUCTION CODES UPDATE PAGE

Matter in plain text is unchanged. Matter underlined is new. Matter ~~stricken through~~ is deleted.

Source: Local Law 46 of 2008, effective December 22, 2008.

GENERAL ADMINISTRATIVE PROVISIONS

Insert between pages A-60 and A-61 of your bound volumes of the NYC Building Code, NYC Plumbing Code, NYC Mechanical Code and NYC Fuel Gas Code.

Amend Section 28-401.19.4.1 to read as follows:

§28-401.19.4.1 Rigger license. Any licensed rigger who has been found guilty after proceedings before the environmental control board or other adjudicative proceedings of violating section 28-404.1 or ~~28-404.9~~ 28-401.9 of the administrative code or ~~section 3314.10~~ sections 3314.1.1 and 3314.4.3.1 of the New York city building code, or of failing to insure that workers have certificates of fitness required pursuant to this code or applicable rule 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 this code.

application has satisfactorily completed a 8-hour course approved by the department;

2. Has eight years of construction supervision experience within the 10 years prior to application, including five years supervising major buildings as that term is defined in chapter 33, and within one year prior to application has satisfactorily completed a 40-hour course approved by the department;
3. Has completed an 18 month on-the-job training program working on major buildings as that term is defined in chapter 33 under the direct and continuing supervision of a certified site safety manager. Such on-the-job training program shall conform to rules promulgated by the department. The supervising site safety manager shall certify the trainee's satisfactory completion of the training program. In addition, the applicant shall provide proof that, within one year prior to the date of application, he or she has satisfactorily completed a 40-hour course approved by the department;
4. Has equivalent education and construction experience as determined by the department and within one year prior to application has satisfactorily completed a 40-hour course approved by the department; or
5. Has three years of experience as a certified site safety coordinator and within one year prior to application has satisfactorily completed a 40-hour course approved by the department.

ARTICLE 403 SITE SAFETY COORDINATOR CERTIFICATE

§28-403.1 Certificate required. It shall be unlawful to perform the duties and responsibilities of a site safety coordinator as specified in chapter 33 of the New York city building code unless such work is performed by a person certified as a site safety coordinator under the provisions of this article.

§28-403.2 Qualifications. All applicants for a site safety coordinator certificate shall submit satisfactory proof establishing that the applicant:

1. Is a registered design professional and has had two years of experience supervising major buildings as that term is defined in chapter 33, and within one year prior to application has satisfactorily completed an 8-hour course approved by the department;
2. Has five years of construction supervision or construction safety experience within the 10 years prior to application, including three years supervising major buildings as that term is defined in chapter 33, and within one year prior to application has satisfactorily completed an 8-hour course approved by the department; or
3. Has equivalent education and construction experience as determined by the department and within one year prior to application has satisfactorily completed a 40-hour course approved by the department.

ARTICLE 404 RIGGER LICENSE

§28-404.1 Rigger license required. It shall be unlawful to hoist or lower any article on the outside of any building in the city unless such work is performed by or under the direct and continuing supervision of a person licensed as a rigger under the provisions of this article. 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 and continuing supervision of a licensed climber or tower crane rigger in accordance with rules promulgated by the department.

Exception: 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 this chapter, or to the loading or unloading of any building materials or equipment, other than boilers and tanks, from a delivery truck.

§28-404.2 Classification. Such licenses shall be classified as follows:

1. **Master rigger license.** Authorizes the holder thereof to hoist or lower any article, irrespective of weight, on the outside of any building.
2. **Special rigger license.** Authorizes the holder thereof to hoist or lower any article not exceeding 2,000 pounds (907 kg) in weight on the outside of any building.
3. **Climber or tower crane rigger license.** Authorizes the holder thereof to erect or dismantle a tower crane or a climber crane on a building and to use a derrick in their removal.

§28-404.3 Additional qualifications. Applicants for a rigger license shall have the additional qualifications as set forth in sections 28-404.3.1 through 28-404.3.3.

§28-404.3.1 Master rigger qualifications. All applicants for a master rigger license shall submit satisfactory proof establishing that the applicant:

1. Has had at least five years of practical experience in the hoisting and rigging business within the seven years prior to application; and
2. Has knowledge of and is able to explain the risks incident to such business and precautions to be taken in connection therewith, safe loads 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.

§28-404.3.2 Special rigger qualifications. All applicants for a special rigger license shall submit satisfactory proof establishing that the applicant:

1. Has had at least one year of practical experience in the hoisting and rigging business within the three years prior to application; and
2. Has knowledge of and is able to explain the risks incident to such business and precautions to be taken in connection therewith.

§28-404.3.3 Climber or tower crane rigger qualifications. All applicants for a climber or tower crane rigger license shall submit satisfactory proof establishing that the applicant:

1. Has had at least five years of practical experience in the climber or tower crane rigging business within the seven years prior to application; and
2. Has knowledge of and is able to explain the risks incident to such business and precautions to be taken in connection therewith, including connecting pins, cables, anchorage, platform or pad, plumb of mast, torque of bolts, supervision of rigging and hoisting of loads, placement of components, and coordination of sequencing.

§28-404.4 Additional requirements. The additional requirements set forth in sections 28-404.4.1 through 28-404.4.3 shall apply to riggers:

§28-404.4.1 Danger warning. Every licensed master or special rigger shall, while rigging operations are in progress at a job site, place, conspicuously, at such job site two plates or signs not less than 18 inches (457 mm) by 24 inches (610 mm) in size (i) displaying the word “danger” in letters not less than 6 inches (152 mm) high, and (ii) disclosing the rigger’s name, business address, type of rigger license and license number.

§28-404.4.2 Master rigger place of business. Every licensed master rigger shall have a place of business within the city and shall display prominently at such place of business a plate or sign marked with the words “master rigger” and his or her license number immediately thereunder.

§28-404.4.3 Fitness to perform work. As a condition of license renewal, a licensed master or special rigger shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

ARTICLE 405 HOISTING MACHINE OPERATOR LICENSE

§28-405.1 Hoisting machine operator license required. 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 is a holder of a certificate of qualification as a hoisting machine operator issued prior to December 6, 1968 and not allowed to lapse.

Exceptions:

1. The commissioner may, by rule, exempt operators of mobile cranes of limited size and capacity from the requirements of this article.
2. The provisions of this article shall not apply to machines under one ton capacity.

§28-405.2 Classification. Hoisting machine operator licenses shall be classified as follows:

1. **Class A license:** Basic license to operate cranes with total boom less than 200 feet (60 960 mm) in length, derricks and cableways, excluding truck-mounted tower cranes that exceed 200 feet (60 960 mm) in height.
2. **Class B license:** Endorsement on basic license to include the operation of hoisting machinery without limitation or restriction.
3. **Class C license:** Special hoisting machine operator license to operate a specified class of hoisting machine of limited size and capacity as follows:

Class C1: License to operate wheel mounted cranes (single control station) with telescoping, hydraulic or folding booms, including jibs and any other extensions to the boom, not exceeding 200 feet in length (60 960 mm) with a manufacturer’s rated capacity of 50 tons (51 t) or less;

Class C2: License to operate boom trucks with telescoping, hydraulic or folding booms, including jibs and any other extensions to the boom, not exceeding 200 feet (60 960 mm) in length with a manufacturer’s rated capacity of 50 tons (51 t) or less;

Class C3: License to operate boom trucks with telescoping, hydraulic or folding booms, including jibs and any other extensions to the boom, not exceeding 135 feet (41 148 mm) in length with a manufacturer’s rated capacity of three tons or less, used exclusively for the erection, maintenance or removal of signs.

§28-405.3 Additional qualifications. Applicants for a hoisting machine operator license shall have the following additional qualifications.

§28-405.3.1 Class A license. All applicants for a class A basic hoisting machine operator license shall have had at least three years experience within the five years prior to application under the direct and continuing supervision of a licensed hoisting machine operator.

§28-405.3.2 Class B license. All applicants for a class B hoisting machine operator license shall hold a class A basic hoisting machine operator license, and shall have had at least two years experience prior to application under the direct and continuing supervision of a Class B licensed hoisting machine operator operating the equipment for which they are applying for endorsement and shall satisfactorily demonstrate by operation that they are competent to operate a crane with a boom, including jibs and other extensions, exceeding 200 feet (60 960 mm) in length or truck-mounted tower crane exceeding 200 feet (60 960 mm) in height, or as otherwise provided in rules of the department.

§28-405.3.3 Class C license. All applicants for a class C special hoisting machine operator license shall have had at least two years experience within the three years prior to application under the direct and continuing supervision of a

licensed hoisting machine operator and have satisfactorily passed a practical examination in the operation of equipment for which such license is to be issued.

§28-405.4 Fitness to perform work. As a condition of license renewal, a licensed hoisting machine operator shall provide evidence satisfactory to the department that he or she is fit to perform the work.

§28-405.5 Insurance exemption. Unless otherwise required by rule, licensed hoisting machine operators are exempt from the insurance requirements of section 28-401.9.

**ARTICLE 406
CONCRETE TESTING LABORATORY LICENSE**

§28-406.1 Concrete testing laboratory license required. Testing of concrete required by this code or other applicable laws or rules shall be conducted by a concrete testing laboratory licensed in accordance with this article.

§28-406.2 Qualifications. All applicants for a concrete testing laboratory license shall maintain a laboratory within 50 miles (80 467 m) of the city and shall submit satisfactory proof establishing that the business is conducted by qualified personnel in accordance with procedures, safety requirements and professional standards as set forth in rules of the department. The department shall inspect an applicant’s place of business and equipment and conduct an investigation of applicant’s personnel in a manner to be set forth in department rules prior to the issuance or renewal of a license.

§28-406.3 Additional requirements. The following additional requirements shall apply to concrete testing laboratories:

§28-406.3.1 Director. Each laboratory shall have in responsible charge a director who shall be a registered design professional and who shall personally supervise all technical functions of the laboratory relating to testing of concrete and concrete materials as required in this code and in rules of the department.

§28-406.3.2 Certification of reports by director. The director shall certify the truth and accuracy of all reports filed by the laboratory under the provisions of this code or other applicable laws and rules.

§28-406.4 No examination required. An examination shall not be required for a concrete testing laboratory license.

**ARTICLE 407
WELDER LICENSE**

§28-407.1 Welder license required. It shall be unlawful to perform manual welding work on any structural member of any building in the city unless such work is performed by a person licensed as a welder under the provisions of this article.

§28-407.2 Qualifications. 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 as determined by the commissioner.

§28-407.3 Fitness to perform work. As a condition of license renewal, a licensed welder shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

§28-407.4 Insurance exemption. Unless otherwise required by rule, licensed welders are exempt from the insurance requirements of section 28-401.9.

**ARTICLE 408
MASTER PLUMBER LICENSE**

§28-408.1 Master plumber license required. It shall be unlawful for any person:

1. To perform plumbing work unless such person is a licensed master plumber or working under the direct and continuing supervision of a licensed master plumber except that a city employee who holds a master plumber license may only perform replacement, maintenance and repair plumbing work on existing buildings in the course of his or her employment.
2. 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 as such in accordance with the provisions of this article.

§28-408.2 Seal. All documents that 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 the licensee. The licensed master plumber performing the work and services shall personally sign and seal all applications and other documents required to be filed pursuant to this code.

§28-408.3 Additional qualifications. Applicants for a master plumber license shall have the following additional qualifications:

§28-408.3.1 Experience. All applicants for a master plumber license shall submit satisfactory proof establishing that the applicant:

1. Has had at least seven years total experience within the 10 years prior to application in the design and installation of plumbing systems under the direct and continuing supervision of a licensed master plumber in the United States, with at least two years of such experience as a registered journeyman plumber in accordance with the provisions of article 409, except that during the three years immediately following the effective date of this code there shall be no requirement for such registered journeyman plumber experience;
2. Has received a bachelor’s degree in engineering or appropriate engineering technology from an accredited college or university and has had at least five years total experience within the seven years prior to application in the design and installation of plumbing systems under the direct and continuing supervision of a licensed master plumber in the United States, where at least two years of such experience were in New York city;

3. Is an architect or engineer with at least three years of experience within the five years prior to application in the design and installation of plumbing systems under the direct and continuing supervision of a licensed master plumber in the United States, where at least one year of such experience was in New York city; or
4. Has had at least seven years total experience within the 10 years prior to application, with at least two years of such experience working in the design and installation of plumbing systems under the direct and continuing supervision of a licensed master plumber in the United States. The balance of such required experience may be obtained by performing maintenance, replacement and repair plumbing work on existing buildings while in the employ of a city agency under the direct and continuing supervision of a licensed master plumber supervisor employed by the city agency. Three years after the effective date of this code the two years experience in the design and installation of plumbing systems set forth above may only be satisfied by working as a registered journeyman plumber.
5. An employee of a government agency, private inspection agency or other entity, acceptable to the commissioner, whose duties primarily involve the inspection of plumbing work for compliance with the New York city plumbing code and/or other laws relating to the installation, alteration or repair of plumbing systems shall be credited with fifty percent (50%) of the number of years that he or she has been satisfactorily employed in such duties within the ten (10) year period prior to application, which, however, in no event, shall exceed two and one-half (2½) years credit of satisfactory experience. The balance of the required seven years must have been obtained by working in the design and installation of plumbing systems under the direct and continuing supervision of a licensed master plumber in the United States except that the requirement of paragraph 1 of this section 28-408.3.1 that an applicant's working experience must have been within the ten (10) year period prior to application shall not apply to such balance of the work experience required pursuant to this paragraph.

§28-408.3.2 Armed services. Applicants who were engaged in plumbing 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 business, as above provided; but such service credit shall not exceed one-third of the time required for experience.

§28-408.4 Certificate of competence and license, plate and/or seal. The commissioner shall issue a certificate of competence, license, plate, and/or seal, in accordance with the following:

§28-408.4.1 Certificate of competence. A certificate of competence shall be issued by the commissioner to an applicant who satisfactorily complies with the experience and

examination requirements of this chapter for a license, upon payment of the fee. Such certificate shall contain the full name of the individual and a certificate number, the date of issuance, and shall be signed by the commissioner.

§28-408.4.2 Effect of issuance. The issuance of a certificate of competence shall constitute evidence that the person named therein is qualified upon payment of applicable fees to obtain a plate and seal while the certificate is valid except that a city employee while in the employ of the city shall only be entitled to obtain a seal.

§28-408.4.3 Plate and/or seal required. The holder of a certificate shall not be entitled to perform work or hold himself or herself out to perform work as a licensed master plumber until such plate and/or seal have been obtained. Further, no holder of a certificate of competence shall enter into any contractual agreement to install or alter any plumbing, gas piping, or any piping system, other than an employment agreement with a master plumber business or a city agency.

§28-408.4.4 Effect of failure to obtain plate and/or seal. If a holder of a certificate of competence has held the certificate for five years without a plate and/or seal, then the commissioner may require said person to submit an affidavit and supporting documentation satisfactory to the department stating that over the five-year period the individual has been engaged in the design and installation of plumbing systems in the United States under the direct and continuing supervision of a licensed master plumber. If the holder's qualifications are not satisfactory to the commissioner, the commissioner may require such person to submit to reexamination or to provide evidence of retained proficiency. In addition, additional fees will be due as set forth in this chapter.

§28-408.4.5 Requirement for obtaining plate and /or seal. A holder of a certificate of competence shall obtain:

1. A license, plate and seal upon establishing a master plumbing business conforming to the requirements of this article and rules promulgated by the department; or
2. A license and seal upon demonstrating employment with a city agency. The license shall clearly state: "The bearer of this master plumber license is a government employee and as such is not authorized to engage in plumbing contract work outside of his/her government employment and within such government employment shall only engage in maintenance, replacement and repair plumbing work on existing buildings." No plate shall be issued to a licensed master plumber employed by a city agency.

§28-408.4.6 Issuance. A certificate of competence or a license, plate, and/or seal as a master plumber shall be issued only to an individual.

§28-408.4.7 Duplication prohibited. Not more than one license, plate and/or seal shall be issued to an individual and no individual shall make or cause to be made a duplicate of such license, plate or seal.

§28-408.5 Surrender of license, plate or seal. Upon the death or the retirement of a licensed master plumber, or upon the surrender, revocation or suspension of his or her license, his or her license, plate and/or seal shall immediately be surrendered to the commissioner. Nothing contained herein shall be construed to prevent the legal representative of a deceased licensee, with the consent of the commissioner, from retaining such plate and seal for the purpose of completing all unfinished work of the 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 and is completed within one year from the date of the death of the original licensee.

§28-408.6 Master plumber business. No individual, corporation, partnership or other business association shall conduct a plumbing contracting business in the city of New York, or employ the name “plumber” or “plumbing” in its business name unless such business is a master plumber business as follows:

1. No less than 51 percent of the control and voting capital stock of such entity is owned by one or more individuals who are licensed master plumbers, except as otherwise provided;
2. All plumbing or gas piping work performed by such entity is performed by or under the direct and continuing supervision of such licensed master plumber;
3. The person in charge of such work is such licensed master plumber; and
4. The persons actually performing such work are in the direct employ of such master plumber business as authorized by the code.

Exception: A company, corporation, partnership or other business association or its predecessor that was engaged in plumbing work prior to January 25, 1990 may continue to do so in any one or more of such business forms without complying with the foregoing, if (i) application was made to the department prior to July 25, 1990, and (ii) necessary evidence was furnished on or prior to January 25, 1991, that such company, corporation, partnership or other business association or its predecessor had employed an average of ten or more journeymen plumbers doing plumbing work for at least five days a week for a period of 10 years or more out of the twenty years preceding July 25, 1990, provided, that such plumbing business continues to have all plumbing work conducted under the management and direct and continuing supervision of a licensed master plumber in the direct employ of such plumbing business and that such 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 such master plumber’s employer is one of the joint venturers.

§28-408.6.1 Use. Nothing herein contained shall be construed to prohibit the use of a master plumber license by the holder thereof for or on behalf of a partnership, corporation or other business association provided that such partner-

ship, corporation or other business is a master plumber business.

§28-408.6.2 Identification. All business vehicles, advertising, websites and stationery used in connection with a master plumber business shall display prominently the full name of the licensee, the words “N.Y.C. licensed plumber,” the licensee’s number and the licensee’s 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 licensed master plumber or licensed master plumbers to whom the plates were issued.

§28-408.6.3 Withdrawal of license. If a licensed master plumber withdraws from a master plumbing business operating pursuant to such individual’s license, the right of the business to perform plumbing work shall lapse if the provisions of this section 28-408.6 are no longer satisfied. If a licensed master plumber’s license is revoked or suspended, such licensee will be deemed withdrawn from such business.

§28-408.6.4 Ownership limitations. An individual who is a licensed master plumber whose interest or ownership in a master plumber business constitutes any portion of the 51 percent interest or control required by this section 28-408.6 shall be prohibited from possessing an interest or ownership in more than one other master plumber business at his or her established place of business, where such interest or ownership would constitute any portion of the 51 percent interest or control required by this section 28-408.6. Both master plumber businesses 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 section 28-408.6, where two or more individuals who are licensed master plumbers possess an interest or ownership in any master plumber business which together represents more than 51 percent of the interest or control of such entity, all of such licensees shall be deemed to possess a portion of the 51 percent interest or control required by this section 28-408.6.

§28-408.6.5 Joint ventures. Nothing contained in this section 28-408.6 shall be construed to prevent a master plumber business from entering into a joint venture of limited duration for a particular project with another master plumber business. The terms of a joint venture must be in writing, and documentation of the joint venture must be submitted to the department for approval prior to the initiation of work under such venture.

§28-408.6.6 Supervision. The master plumber shall conduct his or her business to provide direct and continuing supervision in accordance with the provisions of this code.

Exception: The provisions of this section 28-408.6.6 shall not apply to minor alterations or ordinary repairs, as defined in this 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 New York state public service commission.

**ARTICLE 409
JOURNEYMAN PLUMBER REGISTRATION**

§28-409.1 Journeyman plumber registration; additional qualifications. Upon satisfactory completion of a New York State-recognized training program or affirmation of an applicant's qualifications by an employer licensed master plumber or, in the case of a city agency, a supervising licensed master plumber and upon written stipulation of same by the applicant, the commissioner shall register an applicant as journeyman plumber. Such qualifications shall reflect a progressive understanding, proficiency and competence in the plumbing trade, including:

1. A working familiarity with the plumbing code and technical standards and the ability to apply the code requirements correctly;
2. The application of basic plumbing theory and the utilization of trade skills on the job site;
3. A working knowledge of the tools of the trade and the ability to utilize them properly; and
4. An ability to draft simple diagrams and interpret from drawings for the purpose of the plumbing work in which the applicant is engaged.

§28-409.2 Experience. The applicant for journeyman plumber registration shall have a minimum of five years of full-time experience in the performance of plumbing work under the direct and continuing supervision of a licensed master plumber or equivalent, where at least one year of such experience shall have been in New York city.

§28-409.3 Registration need not be renewed. The registration for journeyman plumber shall have no expiration and shall not require renewal or re-issuance.

§28-409.4 Registration card. The registration card shall clearly state: "This registration is NOT A LICENSE, and the holder is NOT AUTHORIZED TO PERFORM PLUMBING WORK in New York city except under the direct and continuing supervision of a licensed master plumber."

**ARTICLE 410
MASTER FIRE SUPPRESSION PIPING
CONTRACTOR LICENSE**

§28-410.1 Master fire suppression piping contractor license required. It shall be unlawful for any person:

1. To perform fire suppression piping work unless such person is a licensed master fire suppression piping contractor or working under the direct and continuing supervision of a licensed master fire suppression piping contractor except that a city employee who holds a license may only perform replacement, maintenance and repair fire suppression piping work on existing buildings in the course of his or her employment.
2. 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 as such in accordance with the provisions of this article.

§28-410.2 Seal. All documents that 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 the licensee. The licensed master fire suppression piping contractor performing the work and services shall personally sign and seal all applications and other documents required to be filed pursuant to the code.

§28-410.3 Classification. There shall be three classes of licenses for master fire suppression piping contractor:

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 set forth in paragraphs 1 and 2 of the definition of fire suppression piping system in section 28-401.3.
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 set forth in paragraph 1 of the definition of fire suppression piping system in section 28-401.3.
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 set forth in paragraph 2 of the definition of fire suppression piping system in section 28-401.3.

§28-410.4 Additional qualifications. Applicants for a master fire suppression piping contractor license shall have the following additional qualifications:

§28-410.4.1 Experience. All applicants for a master fire suppression piping contractor license shall submit satisfactory proof establishing that the applicant:

1. Has had at least seven years total experience within the 10 years prior to application in the design and installation of fire suppression piping systems under the direct and continuing supervision of a licensed master fire suppression piping contractor in the United States with the class of license for which application is made, with at least two years of such experience as a registered journeyman fire suppression piping installer in accordance with the provisions of article 411, except that during the three years immediately following the effective date of this code there shall be no requirement for such registered journeyman fire suppression piping installer experience;
2. Has received a bachelor's degree in engineering or appropriate engineering technology from an accredited college or university and has had at least five years total experience within the seven years prior to application in the design and installation of fire suppression piping systems under the direct and continuing supervision of a licensed master fire suppression piping contractor in the United States for the class of license for which application is made, at least two of which were in New York city;

3. Is an architect or engineer with at least three years of experience within the five years prior to application in the design and installation of fire suppression piping systems in the United States for the class of license for which application is made, where at least one year of such experience was in New York city; or
4. Has had at least seven years total experience within the 10 years prior to application, with at least two years of such experience working in the design and installation of fire suppression piping systems under the direct and continuing supervision of a licensed master fire suppression piping contractor in the United States with the class of license for which application is made. The balance of such required experience may be obtained by performing maintenance, replacement and repair of fire suppression piping work on existing buildings while in the employ of a city agency under the direct and continuing supervision of a licensed master fire suppression piping contractor supervisor employed by the city agency with the class of license for which application is made. Three years after the effective date of this article the two years of experience in the design and installation of fire suppression piping systems set forth above may only be satisfied by working as a registered journeyman fire suppression piping installer.
5. An employee of a government agency, private inspection agency or other entity, acceptable to the commissioner, whose duties primarily involve the inspection of plumbing work for compliance with this the New York city plumbing code and/or other laws relating to the installation, alteration or repair of fire suppression piping systems shall be credited with fifty percent (50%) of the number of years that he or she has been satisfactorily employed in such duties within the ten (10) year period prior to application, which, however, in no event, shall exceed two and one-half (2½) years credit of satisfactory experience. The balance of the required seven years must have been obtained by working in the design and installation of fire suppression piping systems under the direct and continuing supervision of a licensed fire suppression piping contractor in the United States except that the requirement of paragraph 1 of this section 28-410.4.1 that an applicant's working experience must have been within the ten (10) year period prior to application shall not apply to such balance of the work experience required pursuant to this paragraph.

§28-410.4.2 Armed services. Applicants who were engaged in fire suppression piping work prior to entering the armed services of the United States shall be permitted to credit their time in the service as experience in the fire suppression piping business, as above provided; but such service credit shall not exceed one-third of the time required for experience.

§28-410.5 Certificate of competence and license, plate and/or seal. The commissioner shall issue a certificate of com-

petence, license, plate and/or seal in accordance with the following:

§28-410.5.1 Certificate of competence. A certificate of competence shall be issued by the commissioner to an applicant who satisfactorily complies with the experience and examination requirements of this article for a license, upon payment of the fee. Such certificate shall contain the full name of the individual and a certificate number, and shall be signed by the commissioner.

§28-410.5.2 Effect of issuance. The issuance of a certificate of competence shall constitute evidence that the person named therein is qualified upon payment of applicable fees to obtain a plate and seal while the certificate is valid except that a city employee while in the employ of the city shall only be entitled to obtain a seal.

§28-410.5.3 Plate and/or seal required. The holder of a certificate of competence shall not be entitled to perform work or hold himself or herself out to perform work as a licensed master fire suppression piping contractor until such plate and/or seal have been obtained. Further, no holder of a certificate of competence shall enter into any contractual agreement to install or alter any fire suppression piping system other than an employment agreement with a master fire suppression piping business or a city agency.

§28-410.5.4 Failure to obtain plate and/or seal. If a holder of a certificate of competence has held the certificate for five years without a plate and/or seal, then the commissioner may require said person to submit an affidavit and supporting documentation satisfactory to the department stating that over the five-year period the individual has been engaged in the design and installation of fire suppression piping systems in the United States under the direct and continuing supervision of a licensed master fire suppression piping contractor. If the holder's qualifications are not satisfactory to the commissioner, the commissioner may require such person to submit to reexamination or to provide evidence of retained proficiency. In addition, additional fees will be due as set forth in this chapter.

§28-410.5.5 License plate and/or seal. A holder of a certificate of competence or an applicant who has satisfied all requirements for a master fire suppression piping contractor license shall obtain:

1. A license, plate and seal upon establishing a fire suppression piping contracting business conforming to the requirements of this article and any rules promulgated by the department; or
2. A license and seal upon demonstrating employment with a city agency. The license shall clearly state: "The bearer of this master fire suppression piping contractor license is a government employee and as such is not authorized to engage in fire suppression piping contract work outside of his/her government employment and within such government employment shall only engage in maintenance, replacement and repair fire suppression piping work on existing buildings." No plate shall be issued to a licensed mas-

ter fire suppression piping contractor employed by a city agency.

§28-410.5.6 Issuance. A certificate of competence or a license, plate and/or seal as a master fire suppression piping contractor shall be issued only to an individual.

§28-410.5.7 Duplication prohibited. Not more than one license, plate and/or seal shall be issued to an individual, and no individual shall make or cause to be made a duplicate of such license, plate or seal.

§28-410.6 Waiver of examinations. Any license issued without examination pursuant to an application filed prior to July 25, 1990 pursuant to the provisions of law in effect prior to the effective date of this code that has not lapsed as of the effective date of this code, shall be renewable pursuant to the provisions of this code.

§28-410.7 Surrender of license, plate and/or seal. Upon the death or the retirement of a licensed master fire suppression piping contractor, or upon the surrender, revocation or suspension of his or her license, his or her license, plate and seal shall immediately be surrendered to the commissioner. Nothing contained herein shall be construed to prevent the legal representative of a deceased licensee, 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 fire suppression piping contractor and is completed within one year from the date of the death of the original licensee.

§28-410.8 Master fire suppression piping contractor business required. No individual, corporation, partnership or other business association shall conduct a fire suppression piping contracting business in the city of New York, or employ the name "fire suppression piping" in its business name, unless the business is a master fire suppression business as follows:

1. No less than 51 percent of the control and 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
2. All fire suppression piping work performed by such entity is performed by or under the direct and continuing supervision of such licensed master fire suppression piping contractor;
3. The person in charge of such work is such licensed master fire suppression piping contractor; and
4. The persons actually performing such work are in the direct employ of such master fire suppression piping contractor business as authorized by the code.

Exception: A company, corporation, partnership or other business association or its predecessor that was engaged in fire suppression piping contractor work prior to January 25, 1990 may continue to do so in any one or more of such business forms without complying with the foregoing, if (i) application was made to the department prior to July 25, 1990, and (ii) necessary evidence was furnished on or prior to January 25,

1991, that such company, corporation, partnership or other business association or its predecessor had employed an average of 10 or more journeymen doing fire suppression piping contractor work for at least five days a week for a period of ten years or more out of the 20 years preceding July 25, 1990, provided, that such business continues to have all fire suppression piping contractor work conducted under the management and direct and continuing supervision of a licensed master fire suppression contractor in the direct employ of such business and that such licensed master fire suppression contractor is not otherwise interested in, associated with or employed by any other licensed master fire suppression contracting business operating in this city except as a joint venture in which such licensed master fire suppression contractor's employer is one of the joint venturers.

§28-410.8.1 Use. Nothing herein contained shall be construed to prohibit the use of a master fire suppression piping contractor license by the holder thereof for or on behalf of a partnership, corporation or other business association provided that such partnership, corporation or other business is a master fire suppression piping contractor business.

§28-410.8.2 Identification. All business vehicles, advertising, websites and stationery used in connection with a master fire suppression piping contractor business shall display prominently the full name of the licensee, the words "N.Y.C. licensed fire suppression piping contractor – class A, B or C," the licensee's number and the licensee's 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 licensed master fire suppression piping contractor or licensed master fire suppression piping contractors to whom the plates were issued.

§28-410.8.3 Withdrawal of licensee. If a licensed master fire suppression piping contractor withdraws from a master fire suppression piping contractor business operating pursuant to such individual's license, the right of the business to perform fire suppression piping work shall lapse if the provisions of this article are no longer satisfied. If a licensed master fire suppression piping contractor's license is revoked or suspended, such licensee will be deemed withdrawn from such business.

§28-410.8.4 Ownership limitations. An individual who is a licensed master fire suppression piping contractor whose interest or ownership in a master fire suppression piping contractor business constitutes any portion of the 51 percent interest or control required by this section 28-410.8 shall be prohibited from possessing an interest or ownership in more than one other fire suppression piping contractor business at his or her established place of business where such interest or ownership would constitute any portion of the 51 percent interest or control required by this section 28-410.8. Both fire suppression piping contractor businesses 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 section 28-410.8, where two or more individuals who are licensed master fire

suppression piping contractors possess an interest or ownership in any master fire suppression piping contractor business which together represents more than fifty-one percent of the interest or control of such entity, all of such licensees shall be deemed to possess a portion of the 51 percent interest or control required by this section 28-410.8.

§28-410.8.5 Joint ventures. Nothing contained in this section 28-410.8 shall be construed to prevent a master fire suppression piping contractor business from entering into a joint venture of limited duration for a particular project with another master fire suppression piping contractor business. The terms of a joint venture must be in writing, and documentation of the joint venture must be submitted to the department for approval prior to the initiation of work under such venture.

§28-410.8.6 Supervision. The master fire suppression piping contractor shall conduct his or her business to provide direct and continuing supervision in accordance with the provisions of this article.

Exception: The provisions of this section 28-410.8.6 shall not apply to minor alterations or ordinary repairs, as defined in this code, and/or to maintenance of a fire suppression piping system.

**ARTICLE 411
JOURNEYMAN FIRE SUPPRESSION PIPING
INSTALLER REGISTRATION**

§28-411.1 Journeyman fire suppression piping installer registration; additional qualifications. Upon satisfactory completion of a New York state-recognized training program or affirmation of an applicant's qualifications by an employer licensed master fire suppression piping contractor or, in the case of a city agency, a supervising licensed master fire suppression piping contractor and upon written stipulation of same by the applicant, the commissioner shall register an applicant as journeyman fire suppression piping installer. Such qualifications shall reflect a progressive understanding, proficiency and competence in the fire suppression piping trade, including:

1. A working familiarity with the code and technical standards with regard to fire suppression piping, and the ability to apply the code requirements correctly;
2. The application of basic fire suppression theory and the utilization of trade skills on the job site;
3. A working knowledge of the tools of the trade and the ability to utilize them properly; and
4. An ability to draft simple diagrams and interpret from drawings for the purpose of the fire suppression piping work in which the applicant is engaged.

§28-411.2 Experience. The applicant for journeyman fire suppression piping installer registration shall have a minimum of five years of full-time experience in the performance of fire suppression piping work under the direct and continuing supervision of a licensed master fire suppression piping contractor or equivalent, where at least one year of such experience shall have been in New York city.

§28-411.3 No required expiration, renewal or reissuance. The registration for journeyman fire suppression piping installer shall have no expiration and shall not require renewal or reissuance.

§28-411.4 Required statement. The registration shall clearly state: "This registration is NOT A LICENSE, and the holder is NOT AUTHORIZED TO PERFORM FIRE SUPPRESSION PIPING WORK in New York city except under the direct and continuing supervision of a Licensed Master Fire Suppression Piping Contractor."

**ARTICLE 412
OIL-BURNING EQUIPMENT INSTALLER LICENSE**

§28-412.1 Oil-burning equipment installer license required. It shall be unlawful to install oil-burning equipment in the city unless such work is performed by or under the direct and continuing supervision of a person licensed as an oil-burning equipment installer under the provisions of this article.

§28-412.2 Classifications. Oil-burning equipment installer licenses shall be classified as follows:

1. **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 direct and continuing supervision of the persons employed on the work. Such equipment shall include but not be limited to burners, boilers and generators.
2. **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 to and including number four fuel oil, 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 direct and continuing supervision of the persons employed on the work.

§28-412.3 Qualifications. Applicants for an oil-burning equipment installer license shall have the qualifications set forth in sections 28-412.3.1 through 28-412.3.2.

§28-412.3.1 Experience for Class A license. 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 within the seven years prior to application in the installation of oil-burning equipment under the direct and continuing supervision of a Class A-licensed oil-burning equipment installer in the city, including at least one year experience in the installation of oil-burning equipment for the use of number five and number six fuel oils.

§28-412.3.2 Experience for Class B license. 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 within the five years prior to application in the installation of oil-burning

equipment under the direct and continuing supervision of a licensed oil-burning equipment installer in the city.

§28-412.4 Fitness to perform work. As a condition of license renewal, a licensed oil burning equipment installer shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

**ARTICLE 413
HIGH-PRESSURE BOILER
OPERATING ENGINEER LICENSE**

§28-413.1 High-pressure boiler operating engineer license required. It shall be unlawful to operate any high-pressure steam boiler for any purpose whatsoever, in the city of New York or in connection with any vessel on the waters in and around the city not subject to the jurisdiction of the United States, unless such boiler is operated by or under the direct and continuing supervision and in the presence of a person having a high-pressure boiler operating engineer license under the provisions of this article.

§28-413.2 Qualifications. Applicants for a high-pressure boiler operating engineer license shall present satisfactory proof that:

1. Applicant was employed as a fireman, oiler, general assistant, journeyman, boiler-maker or machinist under the direct and continuing supervision of a licensed high-pressure boiler operating engineer in the city for a period of not less than five years within the seven year period preceding the date of the application; however, 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 the applicant has obtained at least five years experience within the seven years preceding the date of the application which shall include at least two years of experience obtained during employment under the direct and continuing 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 company, 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 as approved by the commissioner, in such steam generating plant;
2. Applicant received a degree in mechanical engineering from an accredited school or college and had one year experience in the operation and maintenance of high-pressure boilers under the direct and continuing supervision of a licensed high-pressure boiler operating engineer in the city within the two year period preceding the date of the application;
3. Applicant has held, for a minimum of four years, a certificate as an 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 a minimum of one year experience in the city in the operation and maintenance of stationary high-pressure boiler plants under the direct and continuing supervision of a licensed high-pressure boiler operating engineer within the seven years preceding the date of the application, provided that the applicant shall have filed with such application a signed statement that the applicant 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;

4. Applicant exercised direct and continuing supervision, care, operation and maintenance over a steam generating plant of a governmental building, having boilers of 150 or more horsepower, for a minimum of five years and had a minimum of one year of experience on high-pressure boilers under the direct and continuing supervision of a licensed high-pressure boiler operating engineer in the city within the seven year period preceding the date of the application; or
5. Applicant successfully completed a New York state approved apprenticeship training program of at least two years and had at least three years experience within the seven years preceding the date of the application in the operation and maintenance of high-pressure boilers in the city under the direct and continuing supervision of a licensed high-pressure boiler operating engineer.

§28-413.3 Fitness to perform work. As a condition of license renewal, a licensed high-pressure boiler operating engineer shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

**ARTICLE 414
PORTABLE HIGH-PRESSURE BOILER OPERATING
ENGINEER LICENSE**

§28-414.1 Portable high-pressure boiler operating engineer license required. It shall be unlawful to operate a portable high-pressure steam boiler for any purpose whatsoever in the city of New York unless such boiler is operated by or under the direct and continuing supervision and in the presence of a person licensed as a portable high-pressure boiler operating engineer.

§28-414.2 Qualifications. Applicants for a portable high-pressure boiler operating engineer license shall present satisfactory proof that applicant held a basic license as a hoisting machine operator as provided in this chapter for a minimum of three years within the five year period preceding the date of the application; and served as a fireman, oiler, assistant engineer or engineer on portable high-pressure boilers for a minimum of three years within the seven year period preceding the date of the application at least one year on portable high pressure boilers within the city under the direct and continuing supervision of a licensed portable high-pressure boiler operating engineer.

§28-414.3 Fitness to perform work. As a condition of license renewal, a licensed portable high-pressure boiler operating engineer shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

ARTICLE 415 SIGN HANGER LICENSE

§28-415.1 Sign hanger license required. 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 unless such work is performed by or under the direct and continuing supervision of a person licensed as a sign hanger under the provisions of this article.

§28-415.2 Exemptions. The provisions of this article shall not apply to the following:

1. Signs not exceeding 75 square feet (7 m²) in area, measured on one face only, nor exceeding 25 pounds (11 kg) in weight;
2. Signs supported directly on the ground; or
3. Directional signs; or
4. Temporary signs erected during the construction or alteration of a building and related to such work; or
5. The erection or placing of any signs by employees of the city, any city department or other city agency.

§28-415.3 Classification. Such licenses shall be classified as follows:

1. **Master sign hanger license.** Authorizes 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.
2. **Special sign hanger license.** Authorizes 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 face only, nor exceeding one thousand two hundred pounds in weight, upon or on the outside of any building.

§28-415.4 Additional qualifications. Applicants for a sign hanger license shall have the additional qualifications set forth in sections 28-415.4.1 through 28-415.4.2.

§28-415.4.1 Master sign hanger qualifications. 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 within the seven years preceding the date of the license application under the direct and continuing supervision of a licensed master sign hanger; 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.

§28-415.4.2 Special sign hanger qualifications. 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 within the five years preceding the date of the license application under the direct and continuing supervision of a licensed sign hanger; 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.

§28-415.5 Additional requirements. The additional requirements set forth in sections 28-415.5.1 through 28-415.5.2 shall apply to sign hangers:

§28-415.5.1 Danger warning. Every licensed sign hanger shall, while sign hanging operations are in progress at a job site, place conspicuously at such job site two plates or signs not less than 18 inches (457 mm) by 24 inches (610 mm) in size (i) displaying the word “danger” in letters not less than 6 inches (152 mm) high, and (ii) disclosing the sign hanger’s name, business address, type of license and license number.

§28-415.5.2 Sign hanger place of business. Every licensed sign hanger shall have a place of business within the city and shall display prominently at such place of business a plate or sign marked with the words “sign hanger” and the license number immediately thereunder.

§28-415.6 Fitness to perform work. As a condition of license renewal, a licensed sign hanger shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

ARTICLE 416 FILING REPRESENTATIVE REGISTRATION

§28-416.1 Filing representative registration required. No person shall use the term “registered filing representative” or “filing representative” or any similar representation in such manner as to convey the impression that such person is a registered filing representative in accordance with the provisions of this article; nor shall any person present, submit, furnish or seek approval of applications or construction documents, or remove any documents from the possession of the department, without first having registered with the department such person’s name, address and company affiliation on a form to be furnished by the department.

§28-416.2 Exemptions. The following persons are exempt from the provisions of this article:

1. The owners of the premises for which the building applications are filed including, in the case of partnerships or corporations, the general partners or the principal officers of the corporation, where the principal officers of a corporation shall include the president, vice presidents, secretary and treasurer;
2. The lessees of such premises authorized by the owner to file building applications;
3. Condominium unit owners authorized by the condominium board of managers to file building applications;
4. Cooperative shareholders authorized by the cooperative board of directors to file building applications;

5. Architects;
6. Engineers;
7. Attorneys admitted to practice in New York state;
8. Master plumbers licensed pursuant to this chapter;
9. Master fire suppression piping contractors licensed pursuant to this chapter; and
10. Master electricians licensed pursuant to subchapter one of chapter 3 of title 27 of the administrative code.

§28-416.3 Rules. The commissioner shall promulgate rules for the proper and efficient administration and enforcement of this article. Unless required by rule, a registered filing representative shall not be required to take an examination or to complete continuing education courses as a condition for renewal of the registration.

ARTICLE 417 BOARDS

§28-417.1 Plumbing and fire suppression piping contractor license board. The commissioner shall appoint annually and may remove in his or her discretion each member of a plumbing and fire suppression piping contractor license board that shall have as its purpose the following:

1. To advise the commissioner regarding the character and fitness of applicants for certificates of competence and licenses who have passed the required examination.
2. To advise the commissioner regarding allegations of illegal practices on the part of licensed master plumbers, licensed master fire suppression piping contractors, master plumber businesses or master fire suppression piping businesses.
3. To advise the commissioner regarding plumbing and fire suppression piping practices, code applications, regulations and legislation.
4. To perform such other responsibilities as may be requested by the commissioner and as set forth in rules promulgated by the department.

§28-417.1.1 Removal. The commissioner may remove any member of the license board and shall fill any vacancy therein.

§28-417.1.2 Membership. Membership of the board shall consist of:

1. Two officers or employees of the department;
2. Five licensed master plumbers, three 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. The two remaining licensed master plumber board member positions shall be from the next largest plumbing association in the city of New York.
3. Two 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 registered journeyman plumber from the organization representing the largest number of registered journeyman plumbers;
5. A registered journeyman fire suppression piping installer from the organization representing the largest number of registered journeyman fire suppression piping installers;
6. An engineer having at least five years experience in the design of plumbing systems;
7. An architect;
8. An engineer who is a full member of the society of fire protection engineers;
9. Two officers or employees of the fire department representing the fire commissioner; and
10. A real estate owner or manager or representative thereof.

§28-417.1.3 Organization of the board. A member 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. Nine 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, and the board shall keep minutes of its proceedings and records of its investigations. 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.

§28-417.1.4 Advisory and support personnel. The 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 the commissioner deems necessary to the service and support of the license board.

ARTICLE 418 GENERAL CONTRACTOR REGISTRATION

§28-418.1 Requirement of registration. On and after November 1, 2008 shall be unlawful for a person to conduct business as a general contractor unless such person holds a general contractor registration in accordance with the provisions of this article.

§28-418.1.1 Expiration of registration. A general contractor 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 evenly over the course of a year.

§28-418.2 Unlawful use of general contractor title. On and after November 1, 2008 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.

§28-418.3 Application requirements. An application for a general contractor registration or renewal 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:
 - 2.1. The corporate name, address and telephone number of the applicant's principal office or place of business;
 - 2.2. The date and state of incorporation;
 - 2.3. 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;
 - 2.4. Proof that the corporation is in good standing under the laws of the state of New York;
3. If the applicant is a partnership:
 - 3.1. The name, address and telephone number of the applicant's principal office or place of business;
 - 3.2. The name, residence address and residence telephone number of all partners;
4. The registration fee;
5. A verified statement that 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 28-401.9;
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 this code or any rule adopted thereunder;
10. Any other information that the commissioner may require.

§28-418.3.1 Financial solvency. For the purposes of this article, financial solvency shall mean that the applicant's operating capital shall exceed twenty-five thousand dollars.

§28-418.4 Warranties. 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.

§28-418.4.1 Modification prohibited. 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.

§28-418.5 Duties and responsibilities. The general contractor shall comply with sections 28-418.5.1 through 28-418.5.3.

§28-418.5.1 Subcontractor information. The general contractor shall be responsible for providing information to the department about his or her subcontractors and the particular work they perform on jobs for which the department has issued permits to the general contractor. Such information shall be provided in a format and at the times specified in the rules of the department.

§28-418.5.2 Technical reports. 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.

§28-418.5.3 Notice of pending disciplinary actions. The general contractor shall notify all of its suppliers of any pending suspension or revocation actions against such general contractor and shall provide an affidavit to the department stating that this notification has been made.

§28-418.6 Posting of disciplinary actions. The names of all general contractors whose registration was suspended or revoked after an OATH decision shall be posted on the department's website.

ARTICLE 419 SEIZURE AND FORFEITURE

§28-419.1 General. On and after November 1, 2008 vehicles and tools used in connection with unlicensed or unregistered activity at the work site of a new residential structure containing no more than three dwelling units shall be subject to seizure and forfeiture.

§28-419.2 Definitions. For purposes of this article, the following terms shall have the following meanings.

1. 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. 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. 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.

§28-419.3 Seizure procedure. The following provisions shall govern seizure of vehicles and tools pursuant to this article.

§28-419.3.1 Seizure. Any police officer or authorized officer or authorized employee of the department may seize any vehicle and any tools contained therein that 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 section shall be delivered into the custody of the department or other appropriate agency.

§28-419.3.2 Written demand. 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.

§28-419.3.3 Claimant. 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.

§28-419.3.4 Determination. The OATH judge shall issue a determination within five business days after the conclusion of the hearing.

§28-419.3.5 Return pending hearing. 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 suffi-

cient to cover any applicable removal and storage fees as well as fines and penalties.

§28-419.3.6 Return without hearing. 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 such owner or operator:

1. Establishes that the vehicle and/or tools were seized in error, or
2. Immediately applies for licensure or registration pursuant to the applicable provisions of this code and pays an amount not to exceed removal and storage fees and any fines or penalties that could have been imposed under the provisions of this code.

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.

§28-419.4 Abandoned property. Any vehicle and/or tools for which a written demand for return of the vehicle and/or tools or for a hearing pursuant to section 28-419.3.2 has not been made within thirty days of service of the notice of violation on the operator of the vehicle and/or tools or within thirty days of service of the notice of violation on the owner of the vehicle and/or tools if the owner is not the operator of the vehicle and/or tools shall be deemed abandoned and shall be disposed of by the department pursuant to applicable law.

§28-419.5 Combined hearings. The department may choose to have the underlying violation adjudicated before the office of administrative trials and hearings in accordance with sections 28-419.5.1 through 28-419.5.3.

§28-419.5.1 Combined hearing and determination. Upon notice to the respondent, the department may choose to have the violation underlying the seizure returnable to and heard at OATH and may combine the hearing on the underlying violation with the hearing for the return of the seized property. At such combined hearing the OATH judge shall make a determination as to both and may impose any penalty that could be imposed in a proceeding before the environmental control board for the underlying violation. The OATH judge shall issue a determination within five business days after the conclusion of the hearing.

§28-419.5.2 Release following finding of no violation. 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.

§28-419.5.3 Release following finding of violation. 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.

§28-419.6 Separate hearings. 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.

§28-419.7 Forfeiture procedure. The following provisions shall govern forfeiture of vehicles and tools pursuant to this article.

§28-419.7.1 Commencement of forfeiture. A forfeiture action pursuant to this article 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. Except as otherwise provided in this article, 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.

§28-419.7.2 Notice of forfeiture. 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.

§28-419.7.3 Security interest. 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.

§28-419.7.4 Forfeiture subject to security interest. Forfeiture shall be made subject to the interest of a person who claims an interest in the vehicle or tools, where such person establishes that:

1. 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
2. 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.

§28-419.7.5 Disposition. 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.

§28-419.7.6 Amount of award. In any forfeiture action commenced pursuant to this article, 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.

