

Opinion No. 66-124

November 16, 1966

BY: OPINION OF BOSTON E. WITT, Attorney General George Richard Schmitt,
Assistant Attorney General

TO: Mr. Fred Gerber, Chief Inspector, Plumbing Administrative Board, P. O. Box 3307 -
Station D, Albuquerque, New Mexico

QUESTION

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Is an applicant for a license under the Plumbing Law of the State required to have both a Master Gas license and a Master Plumber's license before he may lawfully install a gas-fired water heater?

CONCLUSION

No, either a Master Gas license or a Master Plumber's license is the only license required.

OPINION

{*166} ANALYSIS

Separate licenses for the installation of plumbing and gas fitting are required under Sections 67-22-8 of the Plumbing Law, (Section 67-22-1 {*167} through 67-22-24, N.M.S.A., 1953 Compilation as amended). "Plumbing" as defined under Section 67-22-1 (F), N.M.S.A., 1953 Compilation, includes the installing, altering and repairing of plumbing fixtures. "Gas fitting" is defined as including the installation of appliances utilizing natural gas as "fuel" under Section 67-22-1 (H), N.M.S.A., 1953 Compilation. Thus, under the laws cited above, a Master Plumber's license is required for the installation of plumbing fixtures, while a Master Gas Fitter's license is necessary for the installation of gas appliances. It follows, therefore, that the answer to your question simply depends upon whether a hot water heater is a plumbing fixture or a gas appliance.

After due consideration, it is our opinion that a hot water heater can be validly designated a plumbing fixture or a gas appliance under the Plumbing Law. In this connection we are particularly helped by Section 67-22-1 (G), supra, which expressly includes a "hot water tank" under the definition of fixtures. Further, the State Plumbing Code adopted by the Plumbing Administrative Board pursuant to Section 67-22-10, supra, of your Law also includes the following definition of plumbing fixtures:

"PLUMBING FIXTURES. -- Plumbing fixtures are installed receptacles, devices, or appliances which are supplied with water or which receive or discharge liquids or liquid-borne wastes, with or without discharge into the drainage system with which they may be directly or indirectly connected," (Plumbing Code of the State of New Mexico, 1964 Ed. page 25)

Obviously, a hot water heater fits the definition set forth above and could properly be considered a plumbing fixture under your law. Likewise, this type of water heater since it is gas-fired could also be properly defined as a gas appliance under Section 67-22-1 (H), supra, because it operates on natural gas which in turn heats the water in the tank. This interpretation is further supported by the Natural Gas Code of the State of New Mexico as adopted by the Board, which at page 17, describes a gas appliance as including any device which utilizes gas fuel to produce "heat."

Under the analysis above, it is clear to us that either a validly licensed plumbing or gas fitting contractor can install gas-fired water heaters. He need not have both licenses to validly perform such work, so long as he has adequately demonstrated through examination to the Board that he is capable of doing such work.