Occupational Licensing: An Argument for Asserting State Control

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I. Introduction

Since the turn of the century, the evils and limits of state licensing laws have been subjected to examination by writers, courts and politicians. To our present day, a steady stream of articles has continued to raise these same issues. All of this scrutiny has not been in vain, for several states have revised their different professional and occupational statutes. The overwhelming majority of states, however, are still either avoiding reform or are taking only meager steps toward renovating their statutes in areas both substantive and procedural, despite the fact that their legislatures are being overrun by requests from private interests which beg for the licensing of their occupations. The pressure for expansion of licensed vocations cannot be denied; it is an open-ended phenomenon that shows no sign of reaching a climax.

Although the topic of state licensing has received voluminous exposure, city occupational licensing remains a part of the law that has been hurriedly bypassed. A closer look at this level of licensing throughout the country is absolutely necessary in order for any meaningful advance to be made in the improvement

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2 For examples of the judicial attitude toward licensing laws in the early 1900's see Bessette v. People, 193 Ill. 334, 62 N.E. 215 (1901) (horseshoers); Noel v. People, 187 Ill. 587, 58 N.E. 616 (1900) (pharmacy); People v. Ringe, 197 N.Y. 143, 90 N.E. 451 (1910) (undertakers); State v. Walker, 48 Wash. 8, 92 P. 775 (1907) (barbers); State ex rel. Richey v. Smith, 42 Wash. 237, 84 P. 851 (1906) (plumbers). During that same era, the United States Supreme Court recognized certain principles concerning state regulation of occupations. Dicta from the now "dated" case of Lochner v. New York, 198 U.S. 45 (1905), is informative in this regard.

It is impossible for us to shut our eyes to the fact that many of the laws of this character, while passed under what is claimed to be the police power for the purpose of protecting the public health or welfare, are, in reality, passed from other motives. Id at 64.

For the most part, however, the Supreme Court has refrained from entering the field of state licensing. As it had stated five years earlier in Gundling v. Chicago, 177 U.S. 183 (1900),

Regulations respecting the pursuit of a lawful trade or business are of very frequent occurrence in the various cities of the country, and what such regulations shall be and to what particular trade, business or occupation they shall apply, are questions for the State to determine, . . . and unless the regulations are so utterly unreasonable and extravagant in their nature and purpose that the property and personal rights of the citizen are unnecessarily, and in a manner wholly arbitrary, interfered with or destroyed without due process of law, they do not extend beyond the power of the State to pass, and they form no subject for Federal interference. Id. at 188.


4 For a comprehensive bibliography which includes most aspects of state licensing, see COUNCIL OF STATE GOVERNMENTS, OCCUPATIONAL LICENSING LEGISLATION IN THE STATES 104-06 (1952). An almost identical list appears in Barnett, Public Licenses and Private Rights, 33 Ore. L. Rev. 1 (1953). Articles of particular value since the early 1950's are cited throughout this Note.


6 Opperman, Needed: Standards for Occupational Licensing, PERSONNEL AND GUIDANCE JOURNAL 808 (April 1967). This article by Indiana State Senator Opperman lists seven occupational groups which proposed the enactment of state licensing laws for their occupations to the Indiana State Legislature in 1965. According to Senator Opperman, "None of these groups was successful, although failure resulted more from the legislature's reluctance to increase state administrative costs than because of opposition to the proposed licensing measures." Id. at 808. See also Doyle, The Fence-Me-in Laws, 205 HARPS., Aug. 1952, at 89, for another legislator's view of state licensing in the previous decade.
of state licensing functions and procedures. One area of licensing in which cities are very interested is that of the building trades. This seems to stem from the fact that such licensing helps the city governments to effectively police their building codes. Since the cities have no power beyond that given to them by the state, problems arise when the licensing of one or two of these building trade occupations is haphazardly pre-empted by the state. It is necessary, therefore, that the whole purpose behind the statutory inclusion and exclusion of particular trades be examined, and, after nearly seventy years, it is time for those who assail the entire topic of state licensing by commenting solely on its arbitrariness to propose definite solutions. As things presently stand, we have not traveled far from the observation made by Professor Jaffe in 1953 that "[t]he matter of standards in statutes and ordinances dealing with licensing of the common occupations has been in great confusion." This Note will speak to the background of both city and state licensing laws, to the problems which these two governmental entities create by working irrationally alone in the area, and, with a city licensing survey as a guide, to definite proposals that are designed to remedy some of the current ills and abuses.

II. State Licensing — A Brief Survey

It has been fifteen years since the Council of State Governments proposed its "Act to Create a Department of Occupational Licensing" to "those states which contemplate reorganization of occupational licensing administration." What effect, if any, that proposal has had on the state legislatures is hard to determine; it is, however, worthy of note that since that time several states have adopted new licensing administration laws.

Early in our history it was recognized that the state had power under the United States Constitution to regulate and license local matters except in those areas where such power was expressly granted by Congress to the federal government. Accordingly, the states effectuate their licensing regulations through their police power, limited, as their courts have seen fit, to the recognized categories of "health," "safety," and "general welfare." When requirements have been applied to specific professions and occupations, there has often arisen a tension between the licensing restriction and what has been termed "the right..."
to work for a living in the common occupations of the community.\textsuperscript{15}

With possible exceptions of local peculiarity,\textsuperscript{16} the states did not begin by licensing what are termed common occupations,\textsuperscript{17} but rather by licensing the traditional professions of medicine and law.\textsuperscript{18} As the states subsequently began to license some of the more common vocations such as plumbers, barbers and real estate salesmen, their courts began to play a greater role in making certain that the occupations regulated fit properly within the police power criteria set forth in their state constitutions.\textsuperscript{19} In the first series of cases which tested the validity of the statutes, during what is known as the laissez-faire period of our country's economic history, the courts reached contradictory results as to which occupations could constitutionally be licensed.\textsuperscript{20} By the 1920's however, the courts had ceased being skeptical of this "friendly legislation" which various associations requested for their various trades, at least where there was some link, however remote, to health, safety and welfare.\textsuperscript{21} Most courts agreed that there were outside limits to the type of occupations that could be licensed, but these limits were not often enforced.\textsuperscript{22} Although there has been general discussion by commentators and state court judges to the effect that legislatures cannot constitutionally license a profession or occupation by using the sole criteria of protecting the public against dishonest business dealings or exposure to fraud,\textsuperscript{23} the


\textsuperscript{17} Throughout this Note, the reader will encounter the terms "profession," "occupation," "vocation," and "trade." The distinction between these words is often unimportant, and some courts tend to lump them all together for certain purposes such as taxation, see Gennaro v. United States, 369 F.2d 106, 109 (8th Cir. 1966); for other purposes, however, courts use the traditional approach and separate the terms according to levels of knowledge and education, see State Bar v. Arizona Land Title & Trust Co., 90 Ariz. 76, 366 P.2d 1 (1961). The terms are used in this Note as they are commonly understood by people generally, rather than as they are understood by certain interested groups who tend to think of their work as having a more professional status than the work of others. For further discussion on this point, see E. Freund, Administrative Powers Over Persons and Property 395-96 (1939) and W. Gellhorn, Individual Freedom and Governmental Restraints 106-09 (1956).

\textsuperscript{18} See Graves, Professional and Occupational Restrictions, 13 Temp. L.Q. 334 (1939), and especially the graphs included therein at 340-41. These graphs were updated and strengthened by additional research in Council of State Governments, supra note 4, at 23, 78-80. It may be somewhat surprising to note that most states did not license physicians until as late as 1890, id. at 25; however, attorneys for the most part were licensed by state courts from early colonial times, id. at 16.

\textsuperscript{19} See Friedman, Freedom of Contract and Occupational Licensing 1890-1910: A Legal and Social Study, 53 Calif. L. Rev. 487 (1965). The author points out the important fact that "[i]n the critical period of the development of trade restriction through licensing, the United States Supreme Court did not build up a guiding body of constitutional doctrine." Id. at 511.

\textsuperscript{20} Compare the holdings of the cases cited in note 2, supra.

\textsuperscript{21} Friedman, supra note 19, at 524. See generally Hanft and Hamrick, Haphazard Regulation Under Licensing Statutes, 17 N.C. L. Rev. 1 (1938).

\textsuperscript{22} Compare the holdings of the cases cited in note 2, supra.

\textsuperscript{23} See, e.g., Moore v. Sutton, 185 Va. 481, 39 S.E.2d 348 (1946), where the court stated: If the Legislature may for the sole purpose of preventing unfair advertisements,
typical statute will nevertheless contain some policy statement alluding to a general physical health or safety which will be advanced by the licensing of the trade. And despite the fact that many judges continue to at least pay lip service to the pronouncement that a "state may not under the guise of protecting the public, arbitrarily interfere with or prohibit private business or lawful occupation," the judicial inclination is to uphold most of these licensing statutes. The natural outcome is that state legislatures are today "fair game" for lobbyists—who have reason to entertain hopes of success—from practically all professions.

Once a statute is passed and the licensing administration established, there will yet be grounds for objection in occupational licensing. Courts have found, for instance, that: the apprentice requirements are too restrictive; the length of time required in the occupation before a master's license can be obtained is too long; the license fee is prohibitive; there are insufficient standards to control administrative discretion; the regulation violates the state constitution; or the scope of the regulation is too broad. Still further grounds for objection arise when the refusal or revocation of a license takes place, in which instance the question is most often whether the intended licensee is entitled to certain minimal procedural safeguards. In the past, the answer to this question depended on whether the state courts viewed the license as a right or as a privilege. If seen as a privilege, it was thought to be given to the holder at the grace of the state, and could therefore be denied without hearing or notice. Indeed, the general due process requirements of notice and hearing as prerequisite to the denial of an occupational license never have been expounded by state courts. However, one commentator has observed that several courts have achieved

solicitations, bad workmanship, and unscrupulous dealing, pass laws to limit a given business to those who are found to be honest and competent, then there would be no business which would be immune from such prohibitory legislation. Id. at 469, 39 S.E.2d at 351.

For a commentary expressing similar feelings, see Barron, Business and Professional Licensing—California, A Representative Example, 18 STAN. L. REV. 640, 663 (1966).

24 See, e.g., ALA. CODE tit. 46, § 66 (Supp. 1967).


29 Bloomington v. Ramey, 393 Ill. 467, 66 N.E.2d 385 (1946).


31 E.g., Mercer v. Hemmings, 194 So. 2d 579 (Fla. 1966).

32 See Note, Restriction of Freedom of Entry into the Building Trades, 38 IOWA L. REV. 556, 560 (1953), wherein the writer lists several cases which held that the statute could not prohibit "peripheral activities."

33 See, e.g., Walker v. City of Clinton, 244 Iowa 1099, 59 N.W.2d 785 (1953). Two very good articles on this question of rights and privileges are Barnett, supra note 4, and Note, The License Problem, 11 Wyo. L. REV. 106 (1957).

that same result by their interpretation of the licensing statutes.\textsuperscript{35} Furthermore, the recent Supreme Court case of \textit{Willner v. Committee on Character and Fitness}\textsuperscript{36} has seemed to occasion the "extension of the due process clause into the area of occupational licenses."\textsuperscript{37} This high Court authority and the lower court interpretive trend should remove all lingering doubt that the revocation of an ordinary occupational license is subject to the due process requirements of the fourteenth amendment.\textsuperscript{38}

The establishment of a state board to license a particular occupation or trade inevitably causes serious difficulties.\textsuperscript{39} When that one board is viewed as part of the thirty or forty licensing boards or agencies in each state,\textsuperscript{40} the problem of basic administration assumes massive proportion.\textsuperscript{41} One of the first thorough studies on occupations and professions, published in 1939, indicated that a state could conceivably license nearly one hundred different vocations.\textsuperscript{42} The typical licensing board consists of three to seven members who are appointed by the governor for terms ranging from four to six years,\textsuperscript{43} and a majority of the members come from the profession being regulated.\textsuperscript{44} Normal board duties include preparing an examination for qualification; issuing, suspending and revoking licenses; enforcing the licensing statutes (which may mean seeking court injunctions against unlicensed practitioners); approving and supervising occupational schools; appointing a staff; and making such rules and regulations as are necessary to the fulfillment of its duties.\textsuperscript{46} Although early commentators warned of the increasing problems of coordination and centralization of the numerous state boards,\textsuperscript{46} these same problems exist in even greater proportion today due to the expansion of the number of occupations states wish to license.\textsuperscript{47} Fortunately, this is not universally true; due to an increased interest in the field of administrative law during the early 1950's and a sustained momentum since,\textsuperscript{48} several states have managed to reorganize some of their licensing boards,\textsuperscript{49} and others have re-worked general state administrative procedures.\textsuperscript{50}

\textsuperscript{35} See Note, supra note 34, at 316-17 n.5.
\textsuperscript{36} 373 U.S. 96 (1963).
\textsuperscript{37} Note, supra note 34, at 317.
\textsuperscript{39} For a comprehensive two volume treatise on the difficulties which states face in the area of general administrative law, see F. COOPER, STATE ADMINISTRATIVE LAW (1965).
\textsuperscript{40} See the numerous licensing boards listed in COUNCIL OF STATE GOVERNMENTS, supra note 4, at 81-83.
\textsuperscript{41} Id. at 30.
\textsuperscript{42} Graves, supra note 18, at 338-39.
\textsuperscript{43} See, e.g., ALA. CODE tit. 46, § 66 (Supp. 1967).
\textsuperscript{44} COUNCIL OF STATE GOVERNMENTS, supra note 4, at 84-90.
\textsuperscript{45} Id. at 41-47.
\textsuperscript{46} Graves, supra note 18, at 336.
\textsuperscript{47} See, e.g., CONN. GEN. STAT. ANN. §§ 20-330 to -395 (Supp. 1968), where the Connecticut Legislature has recently licensed ten new occupations.
\textsuperscript{48} Two examples of this interest are the efforts of the Council of State Governments in continually suggesting new legislation in the occupational fields and development by the American Bar Association of its Administrative Law Review. The Review began in 1949 as a 12 page publication under the name of the Administrative Law Bulletin, and has expanded to a 100 page seasonal publication.
\textsuperscript{50} The Model State Administrative Act represents one recent development in administra-
Over the years, various articles and judicial opinions on the nature of state occupational licensing have pointed out certain inherent defects in the licensing systems. The following enumeration is not intended to be exhaustive, but it does contain the most frequent criticisms of state licensing.

(1) The licensing laws are urged by associations who wish to be regulated, and the proposed act actually gives members from that association majority status on the licensing board.

(2) The examinations and qualifications tend to become stricter and more demanding over the years, while the original act granted without question — through what are known as “Grandfather Clauses” — licenses to all persons who were then engaged in the profession.

(3) There are unnecessary restrictions placed on those who wish to enter a profession or occupation. These restrictions occur in the form of an excessive number of years apprenticeship or journeymanship or some similar provision that requires an applicant to be endorsed by one or more masters before he can license.

(4) The effects of licensing tend to evolve from first giving the group a social status, then to allowing it to control entry into the occupation, until finally it controls competition within the occupation.

(5) Because of (4), licensing is a means for continuing any implied discrimination policies of an association.

(6) The examination, established for the purpose of providing for the community's health, welfare and safety, tests only the individual's ability to pass an examination. There is no supervision of his performance once he is licensed.

(7) Board members are more interested in their own professions than in the general welfare of society; the latter should be their main concern since they exist as an arm of the state.

(8) A complicated licensing system by its very nature discourages many who wish to enter a licensed occupation as their life's vocation.

III. City Licensing — Reflections of the State

The notion that “cities are creatures of the state” is a principle familiar to our state-oriented governments. Writing on the general extent of municipal powers, Judge Dillon formulated in 1911 what has since become known as Dillon's Rule:

For an examination of the Act as recently adopted by Georgia, see Sierk, Administrative Law, 18 Mercer L. Rev. 1 (1966).

51 These eight objections appear in many of the articles on the topic of state licensing law, and may also be applicable to city licensing. Their validity or invalidity does not seem to be as important as the necessity of being mindful of them when reorganizing existing statutes. The list excludes several controversies that can be termed exclusively “state issues”, e.g., possible restriction on the governor's power to appoint the licensing board members so as to eliminate all traces of political favoritism in the process of obtaining a license.

52 See generally Opperman, supra note 6.

53 See generally McClellan v. Kansas City, 379 S.W.2d 500 (Mo. 1964).


55 See generally Monaghan, supra note 30, at 175 n.104.


57 See generally Opperman, supra note 6.

58 See Barron, supra note 28, at 653-54.

59 See generally W. Gellhorn, supra note 17, at 105-51.
It is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the following powers, and no others: First, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third, those essential to the accomplishment of the declared objects and purposes of the corporation, — not simply convenient, but indispensable.  

This rule, or some rephrased variation of it produced by the different state courts, is still the test used to determine the proper exercise of licensing powers by a city. Although Dillon wrote his Commentaries at a time when state courts were following a strict construction policy of the express statutory grants, state courts have today reached the point where they will uphold, in at least a few fields, city licensing laws under an implied grant of power from the state. In so doing, the courts at times have found the power implied in a grant to the city to regulate another activity, while at other times they have found it implied as a logical consequence from a series of other grants under a “gap-filling” notion.

In the building trades, however, the courts have not wished to look beyond either an expressed authorization in a city’s charter or an expressed grant by state statute giving the city the power to license an occupation. Thus, in State ex rel Sheldon v. City of Wheeling, the West Virginia Supreme Court struck down a fifteen-year old city ordinance which required that plumbers be licensed, relying on the policy that “[w]here a fair, substantial, reasonable doubt exists as to whether such corporation is possessed of a power, the power must be denied.” And in Ives v. City of Chicago, which concerned an attempt by the city to license a building contractor, the court, failing to find any express legislative grant, addressed itself to the question of whether an implied grant of power could “be gathered as necessary and incidental to powers expressly granted.” The city used a “gap-filling” argument, enumerating the other building trades that the city was expressly authorized to license, and argued that regulation of building contractors could be fairly implied. Unpersuaded, the court responded:

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62 See Kneier, supra note 7. The first part of this article examines the power of cities to license under the following headings: (1) Express Grant of the Power to License, (2) Express Grant of the Power to Regulate, and (3) General Grant of the Police Power. These headings express the modern interpretation of Dillon’s Rule.
63 See Bear v. City of Cedar Rapids, 147 Iowa 341, 126 N.W. 324 (1910); State ex rel. Sampson v. City of Sheridan, 25 Wyo. 347, 359, 170 P. 1, 4 (1918).
64 See McClellan v. Kansas City, 379 S.W.2d 500 (Mo. 1964).
65 E.g., Father Basil's Lodge, Inc. v. City of Chicago, 393 Ill. 246, 65 N.E.2d 805 (1946).
66 E.g., City of Chicago v. Arbuckle Bros., 343 Ill. 597, 176 N.E. 761 (1931).
67 It should be pointed out that in dealing with fifty-one jurisdictions, it would be folly to speak of a universal principle that prescribes how a city draws its source of power from the state in order to license occupations. The “expressed grant” theory that is mentioned in this article is most applicable to those states in which the legislature has chosen to enumerate the occupations that a city may license. In such instances, the courts usually find the list exhaustive. See notes 68-72 infra and accompanying text.
69 Id. at 428.
70 30 Ill. 2d 582, 198 N.E.2d 518 (1964).
71 Id. at 583, 198 N.E.2d at 519.
The city then argues that from the foregoing powers expressly granted, it has the implied power to enact the ordinances here involved. It would seem that the existence of the enumerated statutory powers has just the opposite effect and precludes the imposition of regulations and licenses upon contractors in fields other than those to which cities have been expressly given regulatory power.\textsuperscript{72}

Reflection on this failure to have the express legislative grants to license has prompted the suggestion that the enactment of a municipal "home rule" law could remedy the difficulties arising therefrom.\textsuperscript{73} While this may be true if properly handled, a legislative grant of "home rule" in practical terms means an almost unlimited power to license, to regulate under the police power, and to tax — which in many cities would likely cause more harm than good — making each city a powerful small state.\textsuperscript{74} In this regard, it is interesting to note that in\textit{Sheldon} the City of Wheeling was thought to be exercising West Virginia's grant of home rule powers at the time its plumbing ordinance was struck down.\textsuperscript{75} "Home rule" is a nice sounding term, but it often creates more conflicts between city and state governments in the licensing area than it solves.\textsuperscript{76} Before "home rule" is adopted in the broad scope that some wish, it is necessary to consider the desirability of each and every city having the confusion in occupational licensing that presently exists in many state licensing agencies, or the unlimited power to tax all local businesses.

The question of whether a city has, by implication, the power to license certain occupations, and whether the state, by entering a field, withdraws from the local governments expressed grants of power to license are far from settled.\textsuperscript{77} Doubtless there will be more cities who, like Wheeling and Chicago, will awaken one day to find that one of several of the building trades that they have been licensing for years are not proper subjects of their police power.\textsuperscript{78} With regard to this presumption by the cities of their authority to license, Professor Jaffe, while surveying the different standards in licensing ordinances and statutes, similarly remarked that "[t]hese statues long antedate the modern demand for

\textsuperscript{72} \textit{Id.} at 585, 198 N.E. 2d at 520.
\textsuperscript{73} \textit{J. SIEGEL, CHICAGO'S POWER TO LICENSE AND REGULATE} 25-30 (1965).
\textsuperscript{74} \textit{Id.}
\textsuperscript{75} Comment, \textit{Municipal Corporations—Power to License Plumbers Denied}, 64 W. VA. L. REV. 444 (1962). This comment points out that Wheeling had been licensing its plumbers under a broad grant of power which it had been given by the state legislature in 1935, but that nowhere therein had the specific power to license plumbers been expressed or even implied. The author of that comment believes that under a properly drawn "home rule" statute, the city could have exercised its licensing power in this circumstance.
\textsuperscript{76} \textit{Id.} e.g., Comment, \textit{Business Licensing: The City-State Conflict in California}, 49 CALIF. L. REV. 331 (1961). The licensing conflict described therein takes the form of state pre-emption.
\textsuperscript{77} \textit{Id.} The current conflict in California between the cities and the state arises on two levels: first, cities are only allowed to license for revenue purposes, while the state has power to license under the police power; second, whenever there is a jurisdictional conflict between the two, the state prevails, and this, in turn, eliminates a very lucrative source of city revenue.
\textsuperscript{78} The reason for this seems to be that many cities in the past few years have attempted to license more and more occupations, simply without realizing that they may not have the authority to do so. For further examples similar to \textit{Sheldon} and \textit{Ives}, see Minnetonka Electric Co. v. Village of Golden Valley, 273 Minn. 301, 141 N.W.2d 138 (1966) (electrical contracting pre-empted by the state); Raby v. Westphall Homes Inc., 76 N.M. 252, 414 P.2d 227 (1966) (carpeting contractor); Borough of Belmar v. Bertsch, 63 N.J. Super. 69, 163 A.2d 739 (1960) (plumber services); Mason City v. Zerble, 250 Iowa 102, 95 N.W.2d 94 (1958) (electrical contractor); Roller v. Allen, 245 N.C. 516, 96 S.E.2d 851 (1957) (tile contractor).
stated limits on official power. Characteristically they contain no standard; their validity was taken for granted.\textsuperscript{79}

Once the question of the authority of a city to license a trade is satisfied, an inquiry must be made into the normal operation of the city’s licensing administration and procedure. Initially, there is no question that the due process requirements which were discussed above as limiting the state’s power to license\textsuperscript{80} are also applicable to the cities. In many states there further exists the problem that one or more of the building trades or service occupations are historically licensed on the state level,\textsuperscript{81} while the city has been given the expressed power to license the other occupations. This selection of state-licensed trades is obviously not based on reasons of danger or extensive skill, for many times the occupations left to direct city licensing are far more hazardous and technical.\textsuperscript{82} Conversely there is no clear rationale for the seemingly haphazard selection of one building trade over another for city licensing. The very existence of such a split level of authority would seem to result in a weaker administrative control by city building departments over building codes and the activities of contractors. Indeed, the holders of state licenses might well be less responsive to the city’s demands or regulations than those contractors whose licenses depend on their active cooperation with the city.

There are some defects in city administration that are common to all building trade occupations. Typical state statutes, for example, which grant in express terms the subject matter of the city’s licensing power, fail completely in giving the city any direction as to how to administer the licensing of these occupations. Consider the Ohio statute which gives the cities power to license plumbers, electricians, sewer trappers and vault cleaners — a scope difficult to guess from the title:

\begin{verbatim}
§ 715.27. Erection of fences and signs; construction and repair of equipment; licensing.
   Any municipal corporation may:
   (C) Provide for the licensing of house movers, electrical contractors, plumbers, sewer tappers, and vault cleaners.\textsuperscript{83}
\end{verbatim}

Nowhere in Ohio’s code is there even a suggestion as to how this licensing is to be implemented. By silently leaving this task to the ingenuity of the various cities throughout the state, the Ohio statute fairly cries out the reason for the disorder in the area of city licensing. The confusion is increased by the dearth of research material available.

Although there are a few specific studies on the actual licensing administration of several of our country’s larger cities,\textsuperscript{84} there appear to be no comparative

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\textsuperscript{79} See notes 21-34 supra and accompanying text.
\textsuperscript{80} L. Jaffe, supra note 8, at 52.
\textsuperscript{81} See Council of State Governments, supra note 4, at 79-80.
\textsuperscript{82} For a like result in a non-building trade, see Abdoo v. City and County of Denver, 156 Colo. 127, 397 P.2d 222 (1964) (photographers).
\textsuperscript{83} OHIO REV. CODE ANN. § 715.27 (Page 1954).
\textsuperscript{84} J. Siegel, supra note 73.
studies or compilations of the different systems of licensing administration that are employed by various cities in the various states. To fill this gap, a survey of selected cities throughout the United States was conducted by the Lawyer to determine the extent and use of their licensing power over building trades. Of the thirty cities responding, covering twenty-six states, the most frequently licensed occupations are electricians, plumbers, furnace men or warm air heating contractors, and general contractors. The licensing administration follows a common pattern of being created by city ordinance and administered through either the Inspection Department or the City Clerk’s Office. The ordinance usually allows the examination provided by those offices to be given upon request.

A great majority of the cities have one or more occupational licensing boards, which have the important function of drawing up the examination and passing on the fitness of applicants. Membership on the licensing boards is usually by appointment of the mayor or city manager, though other methods are also used. The composition of these boards differs between cities, both in the number of members and in their occupational representation, and stems from two different approaches to the licensing board system. Some cities employ a board for each occupation, while other cities maintain only one board with all

85 The Lawyer is grateful to the large majority of cities who took the trouble to respond, and to do so in such a cooperative spirit. The number of replies, the completeness of the answers and the many copies of city ordinances which were received all indicate to this author the great interest that exists among the cities of this country in the proper use of city licensing.

The full results of this survey and copies of the questionnaire used will be kept on file in the Lawyer office at The Notre Dame Law School. For a list of those cities participating and their populations, see Appendix A infra.

86 For a breakdown of these occupations, see Appendix A infra. The other occupations mentioned in our survey cover such diverse fields as refrigeration and air conditioning, stationary engineer, painting contractor, sign servicemen, and television repairmen. The latter occupation was licensed by only three southern cities—Decatur, Alabama, Macon, Georgia and Asheville, North Carolina—and through their taxing power, not under any claim of licensing for regulatory purposes.

87 Those cities which license through the taxing power given to them by the states handle the licensing through a city tax or revenue department.

88 See Appendix A infra.

89 Although most cities who use these boards referred to them as “licensing boards,” at least one city, Canton, Ohio, insisted on terming them “examination boards.” Possibly this means that the board is not authorized or delegated the power to license, although in practical effect it seems clear that those who control the examination also control the license.

90 This is not always the case, however; for example, Idaho Falls, Idaho, responded that its applicants for occupational licenses must be approved by the mayor and city council. Two other cities, Orlando, Florida, and Binghamton, New York, mentioned that they solicit help from a nearby college to prepare some of the examinations. The City of Orlando filed a very comprehensive response, and in answer to a query on the existence of a licensing board and its functions stated:

Each category above has its own examining board composed of members of the industry, appointed by the Mayor and approved by City Council to serve on the boards for one year. (Each board) recommends to Council the type of examination to be given, grades applicant’s papers, and also serves as an advisory board to keep the codes relating to their industry updated.

91 The advantages to be derived from appointment of the board by the city manager seem political at best. Cities using this mode of appointment are Springfield, Missouri, Hamilton, Ohio, and Beaumont, Texas.

92 E.g., Burlington, Vermont, has a License Committee elected by the voters of the city.

93 See Appendix A infra.

94 Id.
different occupations and interested parties represented. Cities falling within
the latter category provide for a rather diverse cross-section of members of the
professions involved. The licensing of the different occupations is almost always broken down
into the three historic categories of Master, Journeyman and Apprentice. There
are few cities that impose any type of educational or residency requirement. The
minimum age requirement ranges from 16 to 21 years, and the cities are
almost uniform in requiring a term of years actual experience before a building
tradesman is able to advance to the next license level. In addition to demanding
these personal qualifications, a few cities further require some evidence of financial
responsibility before they will issue a license.

With respect to the division of occupational work, the survey probed into
the area of cross-licensing, and inquired whether one occupation could do in-
cidental work on larger projects that would seem properly to belong to a different
occupation. A large majority of the cities reported a recognition of strict divi-
sion of the trade functions, while a few others indicated that they would allow
overlapping of functions in special areas.

95 In the cities which use the multi-board system, its composition ranges from the sim-
plicity of the electrical board of Casper, Wyoming, composed of an electrical contractor, a
graduate engineer, and the city electrical inspector, to the gas-fitters' board of Springfield, Miss-
souri, composed of three gas-fitters, three master plumbers, one journeyman plumber, a
member of the Missouri Inspection Bureau, and a member selected by the city manager.

96 A good example of this type of board is the "Board of Examiners for Craft Licenses"
established by the City of Hamilton, Ohio. Its ordinance provides as follows:
One member shall be the Building Commissioner, one member shall be the Super-
visor of Construction Inspection, one member a sanitary engineer or a master plumb-
ing contractor, one member a heating engineer or master heating contractor, one
member an electrical engineer or master electric contractor, one member an architect,
one member a structural engineer or general contractor, one member a representative
of Labor, and one member a citizen. . . . HAMILTON, OHIO, BUILDING CODE, ch. 1
§ 120.1 (1963).

97 See Appendix A infra. Only two cities, Binghamton, New York, and Casper, Wyoming,
stated a requirement that the person have at least a high school education. Two other cities,
Terre Haute, Indiana, and Springfield, Ohio, mentioned that they have available or operate
a school of plumbing management. Undoubtedly most cities, through their public high school
programs, offer some type of electrical or mechanical shop training.

98 See Appendix A infra.

99 Sixteen cities require that a person must work under a master as an apprentice for a
designated period of time, which may run from two years, as in Decatur, Alabama, to the more
standard term of five years, as in Binghamton, New York. Fourteen cities impose a number of
working years' experience upon a journeyman before he can be eligible to take the master's
examination. For a further breakdown of these time requirements, see Appendix A infra.

100 The City of Pueblo, Colorado, is an appropriate example.

101 The precise question presented was:
16. Are there any ordinances or regulations which would allow a plumber to wire his
installation, e.g., to wire an electrical hot water heater; or for a furnaceman to
make his own plumbing connection or wiring?

102 See Appendix A infra. In describing the only way it felt that this stated task could be
performed, Idaho Falls, Idaho, said, "He must be a qualified licensed person in each require-
ment to do the work, i.e. the plumber would carry both a plumber's card and electrician's card
if he wired the hot water heater, etc."

103 Covington, Kentucky, indicated that although plumbers are licensed by the state, they
can still do minimal electrical work as long as it passes the electrical inspection. Salina, Kansas,
made a distinction between new work and old work, and would allow a furnaceman to re-
connect old lines. Three cities — Mesa, Arizona, Kalamazoo, Michigan, and Green Bay, Wis-
consin — seemed to indicate that this could be done under a limited electrical license. Ohio
cities seemed to be divided on the point. Both Springfield and Canton said that this could not
be done, but Dayton and Hamilton would permit it. The only other conflicting position is that
taken by Saginaw, Michigan, which requires all furnaces to be wired by electricians, although
it conversely allows the furnaceman to do his own plumbing.
Pinpointing one of the more troublesome problems in the licensing area, the cities were questioned as to the territorial extent of the licenses they issued. Very few cities indicated that the licenses they granted are honored by any of the surrounding cities, while others indicated that they would recognize another city's license if they were so approached.

Except where the state licenses the occupation, the cities surveyed were unanimous in indicating their power to set license fees. There are great variances between the amounts set per year for the different experience levels in any one profession as well as between the amounts for different professions. Considering the average fee as an appropriate guideline, a master would be charged twenty-five dollars yearly for a license, a journeyman, ten dollars, and, at the lowest level, an apprentice would pay five dollars per year. The average examination fee is about fifteen dollars.

All the cities surveyed use a "permit system" to enforce their building codes and license ordinances. A typical "permit system" requires that no work except that of an emergency nature can be started on a job without preliminary registration with the building department and the obtaining of a "permit," with the time limit imposed, to do the work. Often included in the permit fee is the price of an inspection. If the work does not pass the first inspection, the fee is again charged for a second inspection, and so on.

Most of the cities have established elaborate sanctions for violations of their building codes. In this regard, they can be divided into two distinct groups for analytical purposes. The slight majority give notice that correction must be made within a stated number of days; failure to comply with such notice will allow the city to bring court action against the contractor for violation of a city ordinance. The remaining cities double the permit fee for failure to obtain a permit or impose a fine for violation of a code regulation; in some instances, they summon the offender to appear before the licensing board for revocation of his license.

104 See Appendix A infra. It should be noted here that several cities have at least one occupation licensed at the state level, in which case the license by its very nature is good in any city in the state.

105 See Appendix A infra.

106 The highest fee revealed by the Survey is three hundred and twenty-five dollars a year for a commercial contractor's license in Macon, Georgia. There, however, the city licenses through its taxing power. At the other extreme is Green Bay, Wisconsin, which charges only one dollar for an electrical license.


108 See Appendix A infra. A typical response from this first group of cities is that of Lake Charles, Louisiana:

A violation notice would be issued to this person and he would be required to conform with the code within a specified amount of time. If he failed to comply, the matter would be turned over to the City Prosecuting Attorney.

109 The theory behind this approach to code violations consisting of work done without a permit seems to be that the infraction directly relates to the person as a license holder and as a violator of an ordinance. The underlying principle is apparently that the threat of ending a man's livelihood is considerably more effective than the imposition of a court fine for his violation of the ordinance in question.

It is noteworthy that there seems to be a fair amount of arbitrariness in handing out double fees. Compare the response of Casper, Wyoming, that "We can invoke a double fee, which is done regularly," with that of Covington, Kentucky: "If jobs are started without a permit, permit fee can be doubled. This does not apply to Plumbers, but to all other contractors. Plumbers are under a different ordinance than general contractors."
From the information gathered, it appears that the overall city licensing system has quite a few similarities with the systems used by the states to license occupations. Selection and membership of the licensing boards, along with the tendency toward multiple status of such boards, are common grounds. A system of examinations is used on both levels. What is more important is that most courts are inclined to treat the two governmental levels of licensing in identical fashion for purposes of procedural due process. Unfortunately, the comparison does not end here. The eight previously noted objections to the state licensing system are applicable with even greater force at the city level, both because of the greater number of city boards in existence, and because of the greater possibility that local officials will fail to maintain a relatively high degree of legal sensitivity to overall fairness while dealing with such fundamental and practical matters. Furthermore, an alleged violator at the low level of municipal administration and regulation is more likely to forego full judicial review of the declared violation, choosing rather to subject himself to the relatively small fines involved than to the uncertainties and expense of litigation.

IV. City Licensing — An Evaluation

Recognizing that the problems which have been shown to exist at the state level are even more intense at the municipal level, values must be weighed to determine whether the city licensing system justifies its existence. The strongest reason for the retention of licensing at the lowest level seems to be found in the principle of subsidiarity—that the closest and most economical control of building codes and standards exists at the city level. The city also seems to be the most logical level for effective regulation of the various occupational members; it can best insure that they are performing proper work after they have been examined and licensed.

It must be remembered, however, that the unfavorable points of city licensing are very substantial. The main defects center around the licensing ordinance and the licensing board. At this late date, it cannot be denied that city licensing laws embody enormous benefits for the occupations that are to be regulated, and that they often permit licensees to rise to the brink of monopoly. More than a decade ago, the author of one of the most complete studies on a city’s power to license had observed that

Here, (at the city level), viewed realistically, the situation is one in which organized and politically influential occupational groups have sought

110 See generally Note, supra note 56, at 81-84.
111 See notes 52-59 supra and accompanying text.
112 W. GELPHORN, WHEN AMERICANS COMPLAIN 26-27 (1966). The author mentions that this municipal canalization of choice has been referred to as a “kind of administrative blackmail.” Id. at 27, quoting from Nelson, Administrative Blackmail: The Remission of Penalties, 4 WESTERN POLITICAL QUARTERLY 610, 620 (1951).
113 Speaking on the general topic of licensing and control in answer to our survey, E. Stansberry, Superintendent of Building Inspection for the City of Dayton, Ohio, clearly indicated the gaps that can exist in effective state regulating. Ohio expressly empowers the cities to regulate only electrical contractors and plumbers. See OHIO REV. CODE ANN., § 715.27 (Page 1954). Mr. Stansberry evidenced the plight of the city when he stated, “General contractor licensing would also be helpful, but apparently we are not ready for this at the present.” Knowingly or not, the “we” he referred to was the Ohio General Assembly.
more blatantly to use public licensing authority for the furtherance of their own limited occupational ambitions, although under the guise of, and perhaps actually serving, some public purpose.\textsuperscript{114}

Approaching the development of licensing from a purely economic level, a more recent detailed survey at the Carnegie Institute of Technology concluded that "many (licensing regulations) are not strictly in the public interest and seem to be intended to restrict competition."\textsuperscript{115} There is reason, therefore, to view the city licensing system with suspicion, and the most logical target for scrutiny is the licensing board.\textsuperscript{116} It is crucially unimportant that an existing ordinance may originally have had its bottom in bad philosophy; the board must ultimately be responsible for the perpetuation of that philosophy.

Other factors which militate against city licensing deserve mention: (a) the cities tend to exceed their authority to license given them either by statute or by charter;\textsuperscript{117} (b) the lack of reciprocity as regards honoring other cities' trade licenses necessitates re-licensing and re-examination for any contractors who work in a metropolitan area but wish to serve a county-wide public;\textsuperscript{118} (c) it increases the danger that "young people who lack influential friends or who may choose to enter a given occupation at a time when those within the occupation believe the field is crowded may find it impossible to overcome the obstacles put in their way";\textsuperscript{119} (d) the cities have too much control over the termination of a man's livelihood.\textsuperscript{120}

V. Is State Licensing the Answer?

The best approach to prepare a replacement system for the present haphazard licensing structure that exists in most states is to retain the advantages of local control while eliminating its abuses. Putting this conversely, the optimum system will result from selecting the benefits that are offered by central control while retaining local supervision.

The operation of the city licensing boards should be one of the first subjects considered for removal to the state level.\textsuperscript{121} The advantages, such as centralized control, that would result from such removal would be even greater if the present state board structures were reorganized as to their composition — specifically

\textsuperscript{114} M. Parsons, supra note 84, at 146.
\textsuperscript{115} Moore, Purpose of Licensing, 4 JOURNAL OF LAW AND ECONOMICS 93, 117 (1961).
\textsuperscript{116} In some candid advice to our survey, Mr. Robert Lange, the Building Inspector of the City of Salina, Kansas, stated:

\text{"I am very much in favor of having the examinations administered on the state level. Frequently the "law of supply and demand" seems to influence the percentage of applicants that pass the exam! There is considerable pressure placed on examining boards because of personal acquaintances, etc."}

\textsuperscript{118} See notes 104-05 supra and accompanying text.
\textsuperscript{119} Opperman, supra note 6, at 810.
\textsuperscript{120} See note 109 supra. A further criticism is that the "permit system" is always open to abuse, since one city inspector could, for reasons of bias, refuse to issue a permit. The foundation for this criticism is the argument that the lower the level at which a permit may be administratively denied, the weaker the traditional notions of due process become. Portland, Maine, recognized this defect in answering a question concerning action taken for a violation: "He could not get any permit here in the city until he had a license and corrected his violations to the satisfaction of the Inspector."
\textsuperscript{121} See note 116 supra and accompanying text.
if state boards were staffed by disinterested experts whose duties would be more ministerial than discretionary.\textsuperscript{122} Furthermore, since the practical effect of requiring a fixed period of experience as a prerequisite to advancement to higher occupational license levels is to discourage ambitious young men looking for a profession, procedures should be established to test \textit{minimal} knowledge necessary to perform the occupation safely and professionally. Such tests should then be substituted as criteria for licensing the various levels, so that advancement in licensing would be a function of skill and ability rather than the mere passage of time.\textsuperscript{123} This, logically, would open up the personal service market; by allowing a person to receive his license before getting a job, it would put an end to the guild system of labor that now exists. Importantly, licensing at the state level would also provide for uniform application standards as far as education, training, and age are concerned.

One of the greatest advantages of state licensing for the contractor or license holder is that it would permit him to practice in any city throughout the state without having to obtain numerous licenses.\textsuperscript{124} Such statewide-honored licensing would result in a mobile work force that would be as flexible as required by the demands of area construction. Although many contractors might seem at first to be satisfied with licensing uniformity at the county level, the objection to so limited a system of licensing becomes obvious to them when they attempt to work throughout a megalopolitan area that crosses many county lines.\textsuperscript{125} In this regard, state-level licensing would surely offer streamlined procedures, and would be more responsive to correction.

We have suggested a system of state-level licensing which would incorporate minimum standard testing as a substitute for the rigid requirement of having to work under a master in the specific trade involved. In order to round out this suggestion, it is, of course necessary to clearly delineate the power to be left to the city. At the very least, the justification of a state minimum standards system of testing applicants depends upon the stringent enforcement of city codes and the utilization by the cities of the highest standards for inspections.\textsuperscript{126} Under our suggested system, the city would continue to supervise the performance

\begin{footnotes}
\footnotenum{122} One suggestion as to how this could be done would be to staff the board with college professors. As experts in the various fields, they would be invaluable in preparing examinations.

\footnotenum{123} The objection to this suggestion is that in the building trade occupations, experience is more important than the ability to pass an exam. The answer is that, at least on the lowest level of the profession, there is no absolute necessity for the existing time sequence that requires several years' work experience before an apprentice license or a journeyman's license is finally given on the strength of the master's request.

\footnotenum{124} The reciprocity problems that presently exist have not gone without recognition on the municipal level, as evidenced by the rather concerned response given to our survey by the Building Commissioner of Hamilton, Ohio, Mr. Lloyd Towers: About five (5) years ago, we made a rather informal survey of about 40 other cities in Ohio who then had populations over about 20,000 people in order to determine whether we could establish reciprocity with them. We found primarily that the City of Hamilton seemed to license more extensively than almost all the other cities which we contacted. State licensing would certainly make it easier for contractors and licensed persons to do work in all areas without the necessity of re-application, re-examination and other requirements which must be met in each locality.

\footnotenum{125} \textit{See generally} W. Von Eckardt, \textit{The Challenge of Megalopolis} (1964).

\footnotenum{126} Regarding inspections, most city ordinances require reinspection if work is not found satisfactory the first time. \textit{See}, \textit{e.g.}, Burlington, Vermont, Rev. Ordinances tit. 5, ch. 3, § 827 (1962).
\end{footnotes}
standards of licensees operating in the city, but it would not have the power "to pull" a violator's license. Instead it could send a notice of infraction to the state office for further investigation. This illustrates our expressed intention of having the licensing at the state level with administration at the local level. A further illustration can be demonstrated by the licensing procedure. A person who wished to be licensed would register at the city building, and the city would approve his application in accordance with the standards laid down by statute. The city would then send the application to the state licensing bureau, which would in turn forward an exam to be administered by the city and returned to the bureau for grading. If the person met the established minimal standards, he would be issued the license by the state. Those cities which are authorized to collect an occupational tax from residents could then require a resident licensee to register his license with the city.

VI. Conclusion

The body of law concerning city licensing is neither very glamorous nor very settled. Even a cursory examination of existing city ordinances reveals the essentially vital flaw of pervading confusion. The dangers arising therefrom are compounded by the tendency which most cities have to resolve all doubts concerning power to license in favor of themselves. It cannot seriously be doubted that this notion of city sovereignty has caused hardships, financial and otherwise, to many persons honestly wishing to enter a building trade profession.

Nor can it be doubted nor should it be ignored that city licensing boards are open to the abuses of petty bias, wrongful economic control, direct political influence, and graft. Conflicts of interest seem to characterize their composition as a rule rather than as an exception. Although this can all too easily be forgotten in the face of the seemingly persuasive argument that experienced contractors are the most qualified judges of applicants for occupational licenses — that these contractors also come from private companies which bid and compete heavily in relatively small cities or county-wide areas — a moment of practical reflection will surely suggest that a desire to curb such competition could well control their licensing actions. City licensing becomes even more offensive when seen as the tool that it is for the perpetuation of the guild system, and for the oppression of those who wish to enter building trade occupations but haven't the influence necessary to do so.

Simply remedying the entrance problems will not cure all the ills of the existing system, for licensed contractors themselves are plagued by the threat of too much control over their only means of livelihood, and by the obvious inconvenience of having to take out a license for each city in which they wish to practice. State licensing is the meaningful solution to all of these problems. If the state legislatures do not act, the future will be riddled with increased litigation; the system of direct city licensing of building trades should not be permitted to continue.

William C. Keck

NOTES

127 See p. 21 supra.
## APPENDIX A
### Responses of Cities Surveyed

<table>
<thead>
<tr>
<th>Cities</th>
<th>(Population)</th>
<th>Occupations Licensed</th>
<th>Times When Exams May Be Taken</th>
<th>System of Licensing</th>
<th>Education, Age, or Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decatur, Ala.</td>
<td>(29,217)</td>
<td>P, E, TV, GC</td>
<td>R</td>
<td>NI</td>
<td>None</td>
</tr>
<tr>
<td>Mesa, Ariz.</td>
<td>(50,529)</td>
<td>P, E, F</td>
<td>S</td>
<td>None</td>
<td>NI</td>
</tr>
<tr>
<td>Bakersfield, Cal.</td>
<td>(56,848)</td>
<td>All by state</td>
<td>NI</td>
<td>NI</td>
<td>NI</td>
</tr>
<tr>
<td>Macon, Ga.</td>
<td>(122,876)</td>
<td>P, E, F, TV, GC</td>
<td>R, Q</td>
<td>S</td>
<td>None</td>
</tr>
<tr>
<td>Mason City, Ia.</td>
<td>(30,542)</td>
<td>E</td>
<td>R, 2 per yr.</td>
<td>S</td>
<td>NI</td>
</tr>
<tr>
<td>Idaho Falls, Idaho</td>
<td>(33,161)</td>
<td>P, E, F</td>
<td>30 days</td>
<td>NI</td>
<td>State qualifications</td>
</tr>
<tr>
<td>Terre Haute, Ind.</td>
<td>(72,500)</td>
<td>P, E, GC</td>
<td>R</td>
<td>MB</td>
<td>School of Plumbing</td>
</tr>
<tr>
<td>Salina, Kan.</td>
<td>(43,202)</td>
<td>E, O</td>
<td>March, Sept.</td>
<td>MB</td>
<td>None</td>
</tr>
<tr>
<td>Covington, Ky.</td>
<td>(60,376)</td>
<td>E, F, TV, GC, O</td>
<td>NI</td>
<td>None</td>
<td>18 yrs. age minimum</td>
</tr>
<tr>
<td>Lake Charles, La.</td>
<td>(63,392)</td>
<td>P, E</td>
<td>R</td>
<td>MB</td>
<td>None</td>
</tr>
<tr>
<td>Portland, Me.</td>
<td>(72,566)</td>
<td>NI</td>
<td>NI</td>
<td>NI</td>
<td>None</td>
</tr>
<tr>
<td>Kalamazoo, Mich.</td>
<td>(82,089)</td>
<td>E, F, O</td>
<td>R</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Saginaw, Mich.</td>
<td>(98,263)</td>
<td>E, F</td>
<td>Every 6 Months</td>
<td>MB</td>
<td>None</td>
</tr>
<tr>
<td>Springfield, Mo.</td>
<td>(95,865)</td>
<td>P, E</td>
<td>Mo</td>
<td>MB</td>
<td>Must reside near city</td>
</tr>
<tr>
<td>Binghamton, N.Y.</td>
<td>(75,941)</td>
<td>P, E</td>
<td>Scheduled</td>
<td>MB</td>
<td>High School Graduate</td>
</tr>
<tr>
<td>Asheville, N.C.</td>
<td>(60,192)</td>
<td>F, TV</td>
<td>NI</td>
<td>S for E</td>
<td>NI</td>
</tr>
<tr>
<td>Canton, Ohio</td>
<td>(113,631)</td>
<td>P, E, F, O</td>
<td>Q</td>
<td>MB</td>
<td>None</td>
</tr>
<tr>
<td>Dayton, Ohio</td>
<td>(262,332)</td>
<td>P, E, F</td>
<td>Q</td>
<td>MB</td>
<td>18 yrs. age minimum</td>
</tr>
<tr>
<td>Hamilton, Ohio</td>
<td>(72,354)</td>
<td>P, E, F, O</td>
<td>Mo</td>
<td>S</td>
<td>Yes</td>
</tr>
<tr>
<td>Springfield, Ohio</td>
<td>(82,723)</td>
<td>P, E, F, GC</td>
<td>Twice per month</td>
<td>MB</td>
<td>Plumbing Vocational School</td>
</tr>
<tr>
<td>Eugene, Ore.</td>
<td>(50,977)</td>
<td>P, E, F, O</td>
<td>90 day max.</td>
<td>MB</td>
<td>Schooling for Masonry Contractor</td>
</tr>
<tr>
<td>Lancaster, Pa.</td>
<td>(61,055)</td>
<td>P</td>
<td>R</td>
<td>S for P</td>
<td>NI</td>
</tr>
<tr>
<td>Knoxville, Tenn.</td>
<td>(111,827)</td>
<td>P, E</td>
<td>R, Mo</td>
<td>S for E</td>
<td>None</td>
</tr>
<tr>
<td>Beaumont, Tex.</td>
<td>(119,175)</td>
<td>E, GC</td>
<td>R</td>
<td>S for E</td>
<td>NI</td>
</tr>
<tr>
<td>Roanoke, Va.</td>
<td>(97,110)</td>
<td>P, E, F, GC</td>
<td>R</td>
<td>S</td>
<td>None</td>
</tr>
<tr>
<td>Burlington, Vt.</td>
<td>(35,531)</td>
<td>P, E, F</td>
<td>Mo</td>
<td>S</td>
<td>None</td>
</tr>
<tr>
<td>Green Bay, Wis.</td>
<td>(62,888)</td>
<td>E, GC</td>
<td>R</td>
<td>S</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Symbols
- P—plumbing
- E—electrical
- F—furnace
- TV—television
- GC—general contractor
- O—others
- NI—none indicated
- R—upon request
- Q—quarterly
- Mo—monthly
- NI—none indicated
- MB—multiple boards
- S—single board
- P—plumbing
- E—electrical
- NI—none indicated
<table>
<thead>
<tr>
<th>Maximum Time (yrs.) Requirement in Any Trade Licensed</th>
<th>Allows Cross Functions of Trades</th>
<th>City's License Honored in Surrounding Area</th>
<th>City Would Honor Other Cities' Licenses</th>
<th>Manner of Dealing with Violators</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-2</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>CA</td>
</tr>
<tr>
<td>None</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>NI</td>
</tr>
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<td>NI</td>
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<td>NI</td>
<td>NI</td>
<td>NI</td>
</tr>
<tr>
<td>None</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>DF</td>
</tr>
<tr>
<td>A-P-5; J-P-4</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>BB</td>
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<td>No</td>
<td>CA</td>
</tr>
<tr>
<td>A-4; J-1</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>NI</td>
</tr>
<tr>
<td>A-E-2; A-4</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>CA</td>
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<tr>
<td>A-5</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>BB</td>
</tr>
<tr>
<td>None</td>
<td>(repair only)</td>
<td>Statewide Plumbing</td>
<td>Statewide Plumbing</td>
<td>CA</td>
</tr>
<tr>
<td>NI</td>
<td>Yes</td>
<td>Statewide Plumbing</td>
<td>Statewide Plumbing</td>
<td>CA</td>
</tr>
<tr>
<td>None</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>CA</td>
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<td>A-E-2</td>
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<td>Yes</td>
<td>CA</td>
</tr>
<tr>
<td>No</td>
<td>Statewide Electrical</td>
<td>Statewide Electrical</td>
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<td>DF</td>
</tr>
<tr>
<td>Yes-NI</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>BB</td>
</tr>
<tr>
<td>A-4; J-2</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>CA</td>
</tr>
<tr>
<td>A-E-4; J-E-4</td>
<td>No</td>
<td>Yes</td>
<td>Planners</td>
<td>CA</td>
</tr>
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<td>A-5; J-5</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>BB</td>
</tr>
<tr>
<td>NI</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>CA</td>
</tr>
<tr>
<td>A-5</td>
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<td>No</td>
<td>No</td>
<td>CA</td>
</tr>
<tr>
<td>A-P-4; J-P-3</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>BB</td>
</tr>
<tr>
<td>Depends upon trade</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>DF</td>
</tr>
<tr>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>CA</td>
</tr>
<tr>
<td>None</td>
<td>(repair only)</td>
<td>Yes</td>
<td>No</td>
<td>NI</td>
</tr>
<tr>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>CA</td>
</tr>
<tr>
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<td>CA</td>
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<tr>
<td>J-3</td>
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<td>A-E-4; A-P-10,000 hrs.</td>
<td>No</td>
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<td>No</td>
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<tr>
<td>A-E-4; J-5</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>DF</td>
</tr>
<tr>
<td>A-4; J-4</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>CA</td>
</tr>
</tbody>
</table>

A—apprentice  NI—none indicated  NI—none indicated  NI—none indicated  CA—court action
J—journeyman  DF—double fee of
M—master  permit
P—plumbing  BB—taken before licensing
E—electrical  board
NI—none indicated

1 All population figures are taken from the 1960 census as recorded in 1967 World Almanac 333-62 (L. Long ed.).