

**STATE OF TENNESSEE**  
OFFICE OF THE  
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May 13, 2005

Opinion No. 05-082

Statute Permitting Cities and Counties to Impose Stricter Testing and/or  
Experience Requirements for Plumber to Work Within the City or County

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**QUESTION**

Whether the General Assembly may authorize municipalities to enact more stringent plumbers' licensing requirements than those found in the general law.

**OPINION**

Yes. The General Assembly may constitutionally authorize municipalities to enact more stringent plumbers' licensing requirements than those found in the general law.

**ANALYSIS**

Under the Limited Licensed Plumbers Act of 2004, plumbers must have either a state, county or municipal license before doing business. Tenn. Code Ann. §§ 62-6-401, *et seq.* This regulatory Act goes into effect January 1, 2006.<sup>1</sup> You are concerned about whether the General Assembly had the power to enact Tenn. Code Ann. § 62-6-406(h), which reads, in pertinent part, as follows:

Notwithstanding subdivisions (a)-(g), nothing in this part shall prohibit a city or county from adopting and enforcing stricter testing or experience requirements, or both, for a person to engage in plumbing work within the jurisdiction of such city or county.

The General Assembly has the authority to authorize cities and counties to adopt standards that are stricter than the general law. *See, e.g., Polin v. Hill*, 547 S.W.2d 916 (Tenn. 1977). If an ordinance passed by a city or county governing body adopted stricter requirements, the ordinance would have to be reasonable and not in conflict with the general law. *Polin*, 547 S.W.2d at 918. The city or

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<sup>1</sup>For purposes of rulemaking, this act became effective June 7, 2004. 2004 Tenn. Pub. Acts, ch. 826, § 20. *See also* Compiler's Notes following Tenn. Code Ann. § 62-6-405.

county may not pass an ordinance that ignores the State's own regulatory acts or denies rights granted by the State or grant rights denied by the State. Such an ordinance would be a nullity. *Id.*

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Requested by:

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