

By: Flores

H.B. No. 2008

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of plumbers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (2), (3), (5), and (6) and by adding Subdivisions (1-b), (1-c), (8-a), and (8-b) to read as follows:

(1-b) "Drain cleaner" means a person who installs cleanouts and removes and resets p-traps to eliminate obstructions in building drains and sewers, and who:

(A) has completed at least 4,000 hours working under the supervision of a master plumber as a drain cleaner restricted registrant; and

(B) has fulfilled the requirements of and is registered with the board.

(1-c) "Drain cleaner restricted registrant" means a person who clears obstructions in sewer and drain lines through any code-approved existing opening, and who:

(A) has worked as a plumber's apprentice under the supervision of a master plumber; and

(B) has fulfilled the requirements of and is registered with the board.

(2) "Journeyman plumber" means a person licensed under this chapter [other than a master plumber] who:

(A) has met the qualifications for registration

1 as a plumber's apprentice or for licensing as a tradesman plumber
2 limited license holder;

3 (B) has completed at least 8,000 hours working
4 under the supervision of a master plumber;

5 (C) installs, changes, repairs, services, or
6 renovates plumbing or supervises any of those activities; and

7 (D) [~~(B)~~] has passed the required examination
8 and fulfilled the other requirements of the board.

9 (3) "Master plumber" means a person licensed under
10 this chapter who:

11 (A) has completed at least 8,000 working hours as
12 a journeyman plumber under the supervision of a master plumber;

13 (B) is skilled in the planning and superintending
14 of plumbing and in the practical installation, repair, and
15 servicing of plumbing;

16 (C) secures permits for plumbing work;

17 (D) [~~(B)~~] is knowledgeable about [~~familiar with~~]
18 the codes, ordinances, or rules governing those activities
19 described by Paragraphs (B) and (C);

20 (E) [~~(C)~~] performs or supervises plumbing work;
21 and

22 (F) [~~(D)~~] has passed the required examination
23 and fulfilled the other requirements of the board.

24 (5) "Plumbing" means:

25 (A) a fixture, appurtenance, appliance, water
26 heater, or piping, including a disposal system, used in or around a
27 building in which a person lives or works or in which persons

1 assemble, to:

2 (i) supply or recirculate water, other
3 liquid, or gas; or

4 (ii) eliminate sewage for a personal or
5 domestic purpose;

6 (B) a fixture, appurtenance, appliance, or
7 piping used outside a building to connect the building to:

8 (i) a supply of water, other liquid,
9 medical gases and vacuum, or gas on the premises; or

10 (ii) the main in the street or alley or at
11 the curb;

12 (C) a fixture, appurtenance, appliance, or
13 piping, including a drain or waste pipe, used to carry wastewater or
14 sewage from or within a building to:

15 (i) a sewer service lateral at the curb or
16 in the street or alley; or

17 (ii) a disposal or septic terminal that
18 holds private or domestic sewage; or

19 (D) the installation, repair, service, or
20 maintenance of a fixture, appurtenance, appliance, water heater, or
21 piping described by Paragraph (A), (B), or (C).

22 (6) "Plumbing inspector" means a person who:

23 (A) is employed by a political subdivision, or
24 contracts as an independent contractor with a political
25 subdivision, to inspect plumbing in connection with health and
26 safety laws, including ordinances and plumbing and gas codes; and

27 (B) has passed the required examination and

1 fulfilled the other requirements of the board.

2 (8-a) "Residential utilities installer" means a
3 person who constructs and installs yard water service piping for
4 one-family or two-family dwellings and building sewers, and who:

5 (A) has completed at least 2,000 hours working
6 under the supervision of a master plumber as a plumber's
7 apprentice; and

8 (B) has fulfilled the requirements of and is
9 registered with the board.

10 (8-b) "Tradesman plumber limited license holder"
11 means a person who constructs and installs plumbing for one-family
12 or two-family dwellings, and who:

13 (A) has completed at least 4,000 hours working
14 under the direct supervision of a journeyman or master plumber as a
15 plumber's apprentice;

16 (B) has passed the required examination and
17 fulfilled the other requirements of the board; and

18 (C) has not met or attempted to meet the
19 qualifications for a journeyman plumber license.

20 SECTION 2. Section 1301.052, Occupations Code, is amended
21 to read as follows:

22 Sec. 1301.052. WORK INSIDE OR OUTSIDE MUNICIPALITIES;
23 REQUIREMENTS FOR WORK PERFORMED BY PERSONS WHO ARE NOT
24 PLUMBERS. (a) A person is not required to be licensed under this
25 chapter to perform plumbing, other than plumbing performed in
26 conjunction with new construction, on a property that is:

27 (1) located in a subdivision or on a tract of land that

1 is not required to be platted under Section 232.0015, Local
2 Government Code; or

3 (2) not connected to a public water system and is
4 located outside a municipality; or

5 (3) located outside a municipality and connected to a
6 public water system that does not require a license to perform
7 plumbing; or

8 (4) inside a municipality with fewer than 5,000
9 inhabitants, unless an ordinance of the municipality requires the
10 person to be licensed.

11 (b) A nonlicensed person who performs plumbing work
12 described by Subsection (a) must post in advertising and on all
13 vehicles the words "NOT LICENSED BY THE TEXAS STATE BOARD OF
14 PLUMBING EXAMINERS".

15 (c) All plumbing work performed in conjunction with new
16 construction in this state must be inspected by a licensed plumbing
17 inspector.

18 SECTION 3. Section 1301.255(e), Occupations Code, is
19 amended to read as follows:

20 (e) Plumbing installed in compliance with a code adopted
21 under Subsection (a), (b), or (d) must be inspected by a plumbing
22 inspector. To perform the inspection, the political subdivision
23 may employ a plumbing inspector or contract with any plumbing
24 inspector paid directly by the political subdivision.

25 SECTION 4. Section 1301.551(b), Occupations Code, is
26 amended to read as follows:

27 (b) Any other municipality may regulate by ordinance or

1 bylaw the matters described by Subsection (a), or may vote to not
2 regulate those matters.

3 SECTION 5. Section 1301.552, Occupations Code, is amended
4 to read as follows:

5 Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT
6 IN POLITICAL SUBDIVISION. A political subdivision that requires a
7 master plumber to have a permit bond before issuing a permit to the
8 master plumber shall accept [~~either a bond or~~] a certificate of
9 insurance in lieu of the bond. The certificate of insurance must:

10 (1) be written by a company licensed to do business in
11 this state;

12 (2) provide for commercial general liability
13 insurance for the master plumber for a claim for property damage or
14 bodily injury, regardless of whether the claim arises from
15 negligence or on a contract; and

16 (3) provide coverage of not less than \$300,000 for all
17 claims arising in a one-year period.

18 SECTION 6. Section 1301.553, Occupations Code, is amended
19 to read as follows:

20 Sec. 1301.553. PLUMBING INSPECTIONS IN MUNICIPALITY THAT
21 OVERLAPS MUNICIPAL UTILITY DISTRICT AND OTHER
22 SUBDIVISIONS. (a) If the boundaries of a municipality and
23 another political subdivision [~~a municipal utility district~~]
24 overlap, only the affected municipality may perform a plumbing
25 inspection and collect a permit fee.

26 (b) The standard used in the plumbing inspection may not be
27 less restrictive than the standard used by the other political

1 subdivision [~~municipal utility district~~].

2 SECTION 7. The following laws are repealed:

3 (1) Section 1301.255(d), Occupations Code; and

4 (2) Section 1301.357(e), Occupations Code.

5 SECTION 8. This Act takes effect September 1, 2005.