

By: Hamilton

H.B. No. 3683

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the licensing and regulation of plumbers.

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

4 SECTION 1. Section 1301.002, Occupations Code, is amended
5 by amending Subdivisions (4), (5), (8), and (10) and adding
6 Subdivision (7-a) to read as follows:

7 (4) "Journeyman plumber" means a person licensed under
8 this chapter who:

9 (A) has met the qualifications for registration
10 as a plumber's apprentice or for licensing as a tradesman
11 plumber-limited license holder;

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

14 (C) installs, changes, repairs, services, or
15 renovates plumbing or supervises any of those activities; ~~and~~

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

18 (E) has completed a board-approved training
19 program.

20 (5) "Master plumber" means a person licensed under
21 this chapter who:

22 (A) is skilled in the designing, planning, and
23 superintending of plumbing and in the practical installation,
24 repair, and servicing of plumbing;

- 1 (B) secures permits for plumbing work;
- 2 (C) is knowledgeable about the codes,
3 ordinances, or rules governing the activities described by
4 Paragraphs (A) and (B);
- 5 (D) performs or supervises plumbing work; ~~and~~
- 6 (E) has worked at least four years as a
7 journeyman plumber; and
- 8 (F) has passed the required examination and
9 fulfilled the other requirements of the board.

10 (7-a) "Plumbing contractor" means a person who:

- 11 (A) is a licensed master plumber who holds a
12 contractor endorsement that authorizes a plumbing company to
13 perform work related to the business of plumbing for the general
14 public under the endorsement;
- 15 (B) is authorized to obtain plumbing permits from
16 a county or municipality; and
- 17 (C) has fulfilled any other requirements adopted
18 by the board by rule.

19 (8) "Plumbing inspector" means a person who:

- 20 (A) is employed by a political subdivision or
21 state agency, or contracts as an independent contractor with a
22 political subdivision or state agency, to inspect plumbing in
23 connection with health and safety laws, including ordinances, and
24 plumbing and gas codes; and
- 25 (B) has passed the required examination and
26 fulfilled the other requirements of the board.

27 (10) "Tradesman plumber-limited license holder" means

1 a person who:

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

5 (B) has passed the required examination and
6 fulfilled the other requirements of the board;

7 (C) constructs and installs plumbing for
8 one-family or two-family dwellings; ~~and~~

9 (D) has not met or attempted to meet the
10 qualifications for a journeyman plumber license; and

11 (E) has completed a board-approved training
12 program.

13 SECTION 2. Section 1301.052, Occupations Code, is amended
14 to read as follows:

15 Sec. 1301.052. WORK INSIDE COUNTIES OR INSIDE OR OUTSIDE
16 MUNICIPALITIES. A person is not required to be licensed under this
17 chapter to perform plumbing, other than plumbing performed in
18 conjunction with new construction, repair, or remodeling, on a
19 property that is:

20 (1) located in a subdivision or on a tract of land that
21 is not required to be platted under Section 232.0015, Local
22 Government Code; ~~or~~

23 (2) not connected to a public water system and is
24 located outside a municipality; ~~or~~

25 (3) located outside a municipality and connected to a
26 public water system that does not require a license to perform
27 plumbing; or

1 (4) inside a municipality or county that:

2 (A) has ~~[with]~~ fewer than 5,000 inhabitants; and

3 (B) by municipal ordinance or order of a county
4 commissioners court has authorized a person who is not licensed to
5 perform plumbing ~~[, unless an ordinance of the municipality requires~~
6 ~~the person to be licensed]~~.

7 SECTION 3. Section 1301.053(a), Occupations Code, is
8 amended to read as follows:

9 (a) A person is not required to be licensed under this
10 chapter to perform:

11 (1) plumbing incidental to and in connection with the
12 business in which the person is employed or engaged if the person:

13 (A) is regularly employed as or acting as a
14 maintenance person or maintenance engineer; and

15 (B) does not engage in plumbing for the public;

16 (2) construction, installation, or maintenance on the
17 premises or equipment of a railroad if the person is an employee of
18 the railroad who does not engage in plumbing for the public;

19 (3) plumbing if the person is engaged by a public
20 service company to:

21 (A) lay, maintain, or operate its service mains
22 or lines to the point of measurement; and

23 (B) install, change, adjust, repair, remove, or
24 renovate appurtenances, equipment, or appliances;

25 (4) appliance installation and service work, other
26 than installation and service work on water heaters, that involves
27 connecting appliances to existing openings with a code-approved

1 appliance connector if the person performs the work as an appliance
2 dealer or an employee of an appliance dealer; or

3 (5) water treatment installations, exchanges,
4 services, or repairs.

5 SECTION 4. Section 1301.054, Occupations Code, is amended
6 to read as follows:

7 Sec. 1301.054. IRRIGATORS AND WATER WELL PUMP
8 INSTALLERS. A person is not required to be licensed under this
9 chapter to perform plumbing limited to connecting to a plumbing
10 system if the person holds a:

11 (1) certificate of registration as an irrigator issued
12 under Chapter 1903; or

13 (2) license as a water well pump installer issued
14 under Chapter 1902.

15 SECTION 5. Section 1301.351, Occupations Code, is amended
16 by amending Subsection (a) and adding Subsection (d) to read as
17 follows:

18 (a) A person may not engage in the business of plumbing or
19 perform plumbing unless:

20 (1) the person holds a license or endorsement or is
21 registered under this chapter; or

22 (2) the person's work is supervised and controlled by a
23 person licensed under this chapter.

24 (d) A person may not advertise, contract, or offer to
25 perform plumbing unless the person holds a plumbing contractor
26 endorsement or performs plumbing for a plumbing company under a
27 plumbing contractor's endorsement.

1 SECTION 6. Subchapter G, Chapter 1301, Occupations Code, is
2 amended by adding Section 1301.3511 to read as follows:

3 Sec. 1301.3511. CREDIT FOR CLASSROOM TRAINING. The board
4 may apply as credit toward the hours required for issuance of a
5 license as a journeyman plumber under Section 1301.002(4) or as a
6 tradesman plumber-limited license holder under Section
7 1301.002(10) not more than 1,000 hours of classroom training
8 provided:

9 (1) under a training program approved by the United
10 States Department of Labor, Bureau of Apprentice Training; or

11 (2) under a training program and curriculum approved
12 by the board.

13 SECTION 7. Section 1301.354, Occupations Code, is amended
14 by adding Subsection (c) to read as follows:

15 (c) A plumber's apprentice is not eligible to take an
16 examination to hold a license as a journeyman plumber or tradesman
17 plumber-limited license holder until the apprentice has
18 successfully completed the hours of classroom training in health
19 and safety, board-approved plumbing codes, and water conservation
20 required by this chapter and board rule. The classroom training
21 must:

22 (1) be offered by a board-approved provider and
23 board-approved instructor; and

24 (2) consist of:

25 (A) not less than 24 hours of classroom training
26 for an apprentice seeking a tradesman plumber-limited license; or

27 (B) not less than 48 hours of classroom training

1 for an apprentice seeking a journeyman plumber license.

2 SECTION 8. Section 1301.3576, Occupations Code, is amended
3 to read as follows:

4 Sec. 1301.3576. CERTIFICATE OF INSURANCE FOR MASTER PLUMBER
5 OR PLUMBING CONTRACTOR. (a) When a person is issued a master
6 plumber's license, the person must provide the board with a
7 certificate of insurance that meets the requirements of Section
8 1301.552 before the person works as a master plumber.

9 (b) The board may issue a plumbing contractor's endorsement
10 only to a licensed master plumber who has provided the board with a
11 certificate of insurance that meets the requirements of Section
12 1301.552.

13 (c) The board shall keep on file in the board's office each
14 certificate of insurance provided to the board.

15 (d) A plumbing contractor's endorsement expires immediately
16 on cancellation or nonrenewal of the insurance coverage that meets
17 the requirements of Section 1301.552.

18 (e) The board may not renew the plumbing contractor's
19 endorsement for a master plumber whose certificate of insurance has
20 expired.

21 SECTION 9. Subchapter G, Chapter 1301, Occupations Code, is
22 amended by adding Section 1301.360 to read as follows:

23 Sec. 1301.360. ISSUANCE AND POSSESSION OF IDENTIFICATION
24 CARD. (a) The board shall issue an identification card to each
25 person licensed or registered under this chapter. The license or
26 certificate holder shall have the identification card in the
27 holder's possession while performing acts or services regulated

1 under this chapter and shall show the identification card to a
2 customer before performing the acts or services.

3 (b) An identification card issued under Subsection (a)
4 must:

5 (1) be serially numbered;

6 (2) describe the license or certificate
7 classification into which the person is placed; and

8 (3) state the expiration date of the person's license
9 or registration.

10 SECTION 10. Subchapter H, Chapter 1301, Occupations Code,
11 is amended by adding Section 1301.405 to read as follows:

12 Sec. 1301.405. MANDATORY TRAINING FOR PLUMBER'S
13 APPRENTICE. (a) To renew a certificate of registration as a
14 plumber's apprentice, a plumber's apprentice must annually complete
15 at least six hours of approved classroom training that includes
16 training in health and safety, board-approved plumbing codes, and
17 water conservation.

18 (b) A person may receive credit for participating in a
19 training program only if the program is provided:

20 (1) by a person approved by the board; and

21 (2) according to criteria adopted by the board.

22 (c) The board by rule may exempt certain persons from the
23 requirements of this section if the board determines that the
24 exemption is in the public interest.

25 SECTION 11. (a) Not later than January 1, 2008, the Texas
26 State Board of Plumbing Examiners shall adopt the rules, approve
27 the programs, and develop and issue the identification cards

1 necessary to implement the changes in law made by this Act to
2 Chapter 1301, Occupations Code.

3 (b) The changes in law made by this Act to the requirements
4 for issuance of a license or certificate of registration under
5 Chapter 1301, Occupations Code, as amended by this Act, apply only
6 to an application or renewal submitted for the issuance of a license
7 or certificate of registration under Chapter 1301 on or after
8 January 1, 2008. An application or renewal submitted before that
9 date is governed by the law in effect when the application or
10 renewal was submitted, and that law is continued in effect for that
11 purpose.

12 (c) Notwithstanding Section 1301.360, Occupations Code, as
13 added by this Act, a person licensed or registered under Chapter
14 1301, Occupations Code, as amended by this Act, is not required to
15 carry an identification card as required by Section 1301.360 before
16 January 1, 2008.

17 SECTION 12. This Act takes effect September 1, 2007.