

## **BILL ANALYSIS**

S.B. 1354  
By: Jackson  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

S.B. 1354 is an omnibus bill that amends several provisions of the Plumbing License Law. The Texas Plumbing, Air Conditioning, and Mechanical Contractors Association has requested these changes based on concerns that have been identified by the membership as opportunities to improve the practice of plumbing.

S.B. 1354 establishes requirements for the licensing and regulation of plumbers.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Plumbing Examiners in SECTIONS 5, 6, and 9 of this bill.

### **ANALYSIS**

S.B. 1354 amends the Occupations Code to provide that a person is not required to be licensed to perform plumbing, other than plumbing performed in conjunction with repair or remodeling, in addition to new construction, on a property that is located inside a municipality that is within a county that has fewer than 50,000 inhabitants, and that has fewer than 5,000 inhabitants and by municipal ordinance has authorized a person who is not a licensed plumber to perform plumbing. The bill removes an exception relating to an ordinance of the municipality requiring a person to be licensed from the provisions that exempt a person from licensing requirements.

S.B. 1354 specifies that a person performing the work of an appliance dealer is not exempt from the requirement to be licensed for the installation and service work on water heaters.

S.B. 1354 requires a field representative employed by the Texas State Board of Plumbing Examiners to hold a license as a plumber.

S.B. 1354 authorizes the examining board, at the applicant's request, to credit an applicant who has worked as a plumber's apprentice for specified period of time with a number of hours determined by examining board rule against the number of hours of work experience required to take an examination if the applicant has received an associate of applied science degree from a plumbing technology program that includes a combination of classroom and on-the-job training and is approved by the examining board and the Texas Higher Education Coordinating Board.

S.B. 1354 requires a person who wishes to renew a certificate of registration as a drain cleaner, drain cleaner-restricted registrant, or residential utilities installer to annually complete at least six hours of approved training that includes training in health and safety requirements, examining board-approved plumbing codes, and water conservation. The bill authorizes a person to receive credit for participating in a training program only if the program is provided by a person approved by the examining board, and according to criteria adopted by the examining board. The bill authorizes the examining board to exempt, by rule, certain persons from these requirements if the examining board determines that the exemption is in the public interest.

S.B. 1354 requires a municipality or other political subdivision in Texas that requires a plumbing contractor to obtain a permit before the person performs plumbing to accept, by telephone, fax, or e-mail, permit applications, collect required fees, and issue the required permits. The bill requires the municipality or political subdivision to specify how permit drawings of proposed plumbing work are to be submitted if drawings are required by the municipality or other political subdivision. The bill provides that a person who is required to obtain a permit is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision. The bill requires a plumbing contractor to register, electronically or in person, with a municipality or other political subdivision that requires registration before performing plumbing regulated by the municipality or other political subdivision.

S.B. 1354 requires a political subdivision that requires a plumbing contractor to obtain a permit before performing plumbing in the political subdivision to verify through the examining board's website, or by contacting the examining board by telephone, that the plumbing contractor has a certificate of insurance on file with the examining board. The bill removes a provision that requires a political subdivision that requires a master plumber to have a bond to accept the bond before issuing a permit to the master plumber. The bill authorizes only an affected municipality to perform a plumbing inspection and collect a permit fee if the boundaries of a municipality and another political subdivision, rather than a municipal utility district, overlap, and makes a conforming change.

S.B. 1354 requires the examining board to adopt the rules and approve the programs necessary to implement these changes not later than January 1, 2010. The bill makes its provisions applicable only to an application for the issuance or renewal of a license or certificate of registration submitted on or after January 1, 2010.

S.B. 1354 amends the definition of "master plumber" to mean a licensed plumber who is skilled in the design, in addition to the planning and superintending, of plumbing, and who has worked as a journeyman plumber for at least four years, or for at least one year and has successfully completed a training program approved by the United States Department of Labor, Office of Apprenticeship, or another nationally recognized apprentice training program accepted by the examining board. The bill removes from the definition of "master plumber" a licensed plumber who secures permits for plumbing work and is knowledgeable about the codes, ordinances, or rules governing certain plumbing activities. The bill defines "plumbing" to mean a fixture, appurtenance, appliance, or piping, including a disposal system, used to distribute and circulate, in addition to supply or recirculate, water, other liquid, or gas. The bill removes from the definition of "plumbing" a specification that a fixture, appurtenance, appliance, or piping, including a disposal system, used to perform certain activities be in or around a building in which a person lives or works or in which persons assemble. The bill amends the definition of "plumbing inspector" to mean a person who is employed by or contracts as an independent contractor with a state agency, in addition to a political subdivision.

#### **EFFECTIVE DATE**

September 1, 2009.