

BILL ANALYSIS

Senate Research Center

S.B. 1410
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Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 1301 (Plumbers), Occupations Code, contains the Plumbing License Law, which has been in effect since 1947 and provides the Texas State Board of Plumbing Examiners (TSBPE) with the authority to regulate the practice of plumbing in Texas.

S.B. 1410 amends current law relating to the licensing and regulation of plumbers and multipurpose residential fire protection sprinkler specialists; prohibiting municipal regulations requiring the installation of fire protection sprinkler systems in certain residences.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to a municipality in SECTION 12 (Section 1301.551, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the Texas State Board of Plumbing Examiners in SECTION 14 of this bill.

Rulemaking authority is expressly granted to the state fire marshal in SECTION 14 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1301.002, Occupations Code, by amending Subdivisions (2), (3), (4), (5), (6), (8), (9), and (10), and adding Subdivisions (5-a) and (9-a), to redefine "drain cleaner," "drain cleaner-restricted registrant," "journeyman plumber," "master plumber," "multipurpose residential fire protection sprinkler specialist," "plumber's apprentice," "plumbing inspector," "residential utilities installer," and "tradesman plumber-limited license holder" and to define "responsible master plumber."

SECTION 2. Amends Section 1301.302, Occupations Code, as follows:

Sec. 1301.302. CONTRACT INFORMATION. Requires that a written proposal, invoice, or contract relating to plumbing services performed, rather than a written contract for plumbing services to be performed, by or under the direction of a plumber licensed under this chapter contain the name and license number of the responsible master plumber and the name, mailing address, and telephone number of the Texas State Board of Plumbing Examiners (TSBPE).

SECTION 3. Amends Section 1301.351, Occupations Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Prohibits a person, other than a responsible master plumber, from engaging in plumbing, rather than the business of plumbing, unless the person holds the proper license, registration, or endorsement required by this chapter, rather than holds a license or endorsement or is registered under this chapter, and the person's work is supervised and controlled by a person licensed under this chapter. Makes nonsubstantive changes.

(a-1) Prohibits a person from acting as a responsible master plumber unless the person holds the appropriate license and meets the requirements for a responsible master plumber under this chapter.

(a-2) Requires a person that advertises or otherwise offers to perform or provide plumbing to secure the services of a responsible master plumber.

SECTION 4. Amends Section 1301.352, Occupations Code, as follows:

Sec. 1301.352. EXAMINATION REQUIRED. Requires TSBPE to issue a license or endorsement as a master plumber, journeyman plumber, plumbing inspector, tradesman plumber-limited license holder, medical gas piping installation endorsement holder, water supply protection specialist, or multipurpose residential fire protection sprinkler specialist to a person who demonstrates the fitness, competence, and qualifications to receive the license or endorsement by passing a uniform, reasonable examination. Makes a nonsubstantive change.

SECTION 5. Amends Section 1301.356(e), Occupations Code, to authorize a plumbing inspector who meets the requirements of TSBPE to hold a medical gas endorsement and inspect medical gas piping installations.

SECTION 6. Amends Subchapter G, Chapter 1301, Occupations Code, by adding Section 1301.3565, as follows:

Sec. 1301.3565. ENDORSEMENT: MULTIPURPOSE RESIDENTIAL FIRE PROTECTION SPRINKLER SPECIALIST. (a) Prohibits a person from engaging in the installation of a multipurpose residential fire protection sprinkler system that uses a single piping system to provide potable water for fire protection sprinklers and for domestic plumbing fixtures and appliances unless the person meets certain requirements.

(b) Requires TSBPE to issue an endorsement as a multipurpose residential fire protection sprinkler specialist to a person who holds the license described by Subsection (a); applies to TSBPE on a form prescribed by TSBPE; pays a fee set by TSBPE; presents evidence satisfactory to TSBPE of successful completion of a training program approved by TSBPE that provides the training necessary for the proper installation of a multipurpose residential fire protection sprinkler system as required by the applicable codes and standards recognized by the state; and passes an examination required by TSBPE.

(c) Provides that an endorsement issued under this section is valid until the third anniversary of the date of issuance and is authorized to be renewed on compliance with any requirements prescribed by TSBPE rule.

(d) Authorizes a person who holds an endorsement under this section to represent to the public that the person is a multipurpose residential fire protection sprinkler specialist.

(e) Provides that notwithstanding any other law, a person who holds an endorsement under this section is not required to hold a license or registration issued by another state agency in order to install a multipurpose residential fire protection sprinkler system.

(f) Authorizes a plumbing inspector who meets the requirements of TSBPE to inspect a multipurpose residential fire protection sprinkler installation.

SECTION 7. Amends Section 1301.3576, Occupations Code, as follows:

Sec. 1301.3576. New heading: CERTIFICATE OF INSURANCE FOR RESPONSIBLE MASTER PLUMBER. Requires a person, when the person is issued a master plumber's license, to provide TSBPE with a certificate of insurance that meets the requirements of Section 1301.552 (Certificate of Insurance for Plumbing Permit in Political Subdivision) before the person works as a responsible master plumber.

SECTION 8. Amends Section 1301.451(a), Occupations Code, to require TSBPE to revoke, suspend, deny, or refuse to renew a license, endorsement, or registration or reprimand a holder of

a license, endorsement, or registration for a violation of this chapter, an order issued by TSBPE, or a rule of TSBPE.

SECTION 9. Amends Section 1301.452(a), Occupations Code, to provide that a person is subject to disciplinary action under Section 1301.451 (Disciplinary Powers of Board) if the person violates this chapter, an order issued by TSBPE, or a TSBPE rule. Provides that a violation of this subchapter includes certain acts, including employing a person who does not hold a license or endorsement or who is not registered to engage in an activity for which a license, endorsement, or registration is required under this chapter. Makes a nonsubstantive change.

SECTION 10. Amends Section 1301.504, Occupations Code, by adding Subsection (d) to provide that venue for an action brought under this section is in a district court in Travis County.

SECTION 11. Amends Section 1301.5045(a), Occupations Code, as follows:

(a) Authorizes the executive director of TSBPE (executive director) to issue a cease and desist order as necessary to enforce this chapter if the executive director determines that the action is necessary to prevent a violation of this chapter and to protect public health and safety. Deletes existing text authorizing TSBPE, if it appears to TSBPE that a person is violating this chapter or a rule adopted under this chapter, after notice and opportunity for a hearing, to issue a cease and desist order prohibiting the person from engaging in the activity.

SECTION 12. Amends Section 1301.551, Occupations Code, by adding Subsections (e) and (f), as follows:

(e) Prohibits a municipality, notwithstanding any other provision of state law, after January 1, 2009, from enacting an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling. Authorizes a municipality to adopt an ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling.

(f) Authorizes a multipurpose residential fire protection sprinkler specialist to install a multipurpose residential fire protection sprinkler system in a new or existing one- or two-family dwelling in a municipality described by Subsection (a) or (b).

SECTION 13. Amends Section 1301.707, Occupations Code, as follows:

Sec. 1301.707. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Creates this subsection from existing text.

(b) Provides that failure by the person to pay the penalty is grounds for TSBPE to refuse to renew the person's license or registration and to refuse to issue a new license or registration to the person.

SECTION 14. Requires TSBPE to collaborate with the state fire marshal in adopting rules necessary to implement Section 1301.3565, Occupations Code, as added by this Act.

SECTION 15. (a) Requires TSBPE, not later than February 1, 2010, to adopt rules necessary to implement Section 1301.3565, Occupations Code, as added by this Act.

(b) Requires TSBPE, not later than March 1, 2010, to begin administering examinations and issuing multipurpose residential fire protection sprinkler specialist endorsements under Section 1301.3565, Occupations Code, as added by this Act.

SECTION 16. (a) Makes application of the changes in law made by this Act to Sections 1301.451 and 1301.452, Occupations Code, prospective.

(b) Makes application of the change in law made by this Act to Section 1301.504, Occupations Code, prospective.

SECTION 17. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2009.

(b) Effective date, Section 1301.3565(a), Occupations Code, as added by this Act: June 1, 2010.