

By: Jackson

S.B. No. 1354

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of plumbers.

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

SECTION 1. Subdivisions (4), (5), (7), (8), and (10),
Section 1301.002, Occupations Code, are amended to read as follows:

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

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

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

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

(D) has passed the required examination; and

(E) has fulfilled the other requirements of the
board.

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

(A) is skilled in the design, planning, and
superintending of plumbing and in the practical installation,
repair, and servicing of plumbing;

(B) has worked as a journeyman plumber:

(i) for at least four years; or

1 (ii) for at least one year and has
2 successfully completed a training program approved by the United
3 States Department of Labor Office of Apprenticeship or another
4 nationally recognized apprentice training program accepted by the
5 board ~~[secures permits for plumbing work];~~

6 (C) ~~[is knowledgeable about the codes,~~
7 ~~ordinances, or rules governing the activities described by~~
8 ~~Paragraphs (A) and (B)];~~

9 ~~[(D)]~~ performs or supervises plumbing work;
10 [and]

11 (D) ~~[(E)]~~ has passed the required examination;
12 and

13 (E) has fulfilled the other requirements of the
14 board.

15 (7) "Plumbing" means:

16 (A) a fixture, appurtenance, appliance, or
17 piping, including a disposal system, used ~~[in or around a building~~
18 ~~in which a person lives or works or in which persons assemble,~~] to:

19 (i) supply, distribute, circulate, or
20 recirculate water, other liquid, or gas; or

21 (ii) eliminate sewage for a personal or
22 domestic purpose;

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

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

27 (ii) the main in the street or alley or at

1 the curb;

2 (C) a fixture, appurtenance, appliance, or
3 piping, including a drain or waste pipe, used to carry wastewater or
4 sewage from or within a building to:

5 (i) a sewer service lateral at the curb or
6 in the street or alley; or

7 (ii) a disposal or septic terminal that
8 holds private or domestic sewage; or

9 (D) the installation, repair, service, or
10 maintenance of a fixture, appurtenance, appliance, or piping
11 described by Paragraph (A), (B), or (C).

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

13 (A) is employed by a political subdivision or
14 state agency, or contracts as an independent contractor with a
15 political subdivision or state agency, to inspect plumbing in
16 connection with health and safety laws, including ordinances, and
17 plumbing and gas codes; ~~and~~

18 (B) has passed the required examination; and

19 (C) has fulfilled the other requirements of the
20 board.

21 (10) "Tradesman plumber-limited license holder" means
22 a person who:

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

26 (B) has passed the required examination ~~and~~
27 ~~fulfilled the other requirements of the board~~;

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

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

(E) has fulfilled the other requirements of the board.

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

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

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

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

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

(4) located inside a municipality that is within a county that has fewer than 50,000 inhabitants and that:

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

(B) by municipal ordinance has authorized a person who is not licensed under this chapter to perform plumbing
~~unless an ordinance of the municipality requires the person to be~~

1 ~~licensed~~].

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

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

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

8 (A) is regularly employed as or acting as a
9 maintenance person or maintenance engineer; and

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

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

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

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

18 (B) install, change, adjust, repair, remove, or
19 renovate appurtenances, equipment, or appliances;

20 (4) appliance installation and service work, other
21 than installation and service work on water heaters, that involves
22 connecting appliances to existing openings with a code-approved
23 appliance connector if the person performs the work as an appliance
24 dealer or an employee of an appliance dealer; or

25 (5) water treatment installations, exchanges,
26 services, or repairs.

27 SECTION 4. Subsection (a), Section 1301.203, Occupations

Code, is amended to read as follows:

(a) The board may employ a field representative to assist the board in enforcing this chapter and rules adopted under this chapter. A field representative must ~~[be]~~:

- (1) hold a license as a plumber under this chapter;
- (2) be knowledgeable of this chapter and municipal ordinances relating to plumbing; and
- (3) be ~~[-2-]~~ qualified by experience and training in plumbing practice.

SECTION 5. Section 1301.354, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) At the applicant's request, the board may credit an applicant under Subsection (b) with a number of hours determined by 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:

- (1) includes a combination of classroom and on-the-job training; and
- (2) is approved by the board and the Texas Higher Education Coordinating Board.

SECTION 6. Subchapter H, Chapter 1301, Occupations Code, is amended by adding Section 1301.405 to read as follows:

Sec. 1301.405. MANDATORY TRAINING FOR DRAIN CLEANER, DRAIN CLEANER-RESTRICTED REGISTRANT, AND RESIDENTIAL UTILITIES INSTALLER. (a) To renew the certificate of registration, a person who holds a certificate of registration under this chapter as a drain cleaner, drain cleaner-restricted registrant, or residential

1 utilities installer must annually complete at least six hours of
2 approved training that includes training in health and safety
3 requirements, board-approved plumbing codes, and water
4 conservation.

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

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

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

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

12 SECTION 7. Section 1301.551, Occupations Code, is amended
13 by adding Subsections (e), (f), (g), and (h) to read as follows:

14 (e) A municipality or other political subdivision in this
15 state that requires a plumbing contractor to obtain a permit before
16 the person performs plumbing shall by telephone, fax, or e-mail:

17 (1) accept permit applications;

18 (2) collect required fees; and

19 (3) issue the required permits.

20 (f) If drawings of proposed plumbing work are required by
21 the municipality or other political subdivision, the municipality
22 or political subdivision shall specify how permit drawings are to
23 be submitted.

24 (g) A person who is required to obtain a permit under this
25 section is not required to pay a plumbing registration fee or
26 administrative fee in a municipality or any other political
27 subdivision.

1 (h) A plumbing contractor must register, electronically or
2 in person, with a municipality or other political subdivision that
3 requires registration before performing plumbing regulated by the
4 municipality or other political subdivision.

5 SECTION 8. Sections 1301.552 and 1301.553, Occupations
6 Code, are amended to read as follows:

7 Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT
8 IN POLITICAL SUBDIVISION. A political subdivision that requires a
9 plumbing contractor to obtain a permit before performing plumbing
10 in the political subdivision shall verify through the board's
11 Internet website, or by contacting the board by telephone, that the
12 plumbing contractor has on file with the board ~~[master plumber to~~
13 ~~have a bond before issuing a permit to the master plumber shall~~
14 ~~accept either a bond or]~~ a certificate of insurance. The
15 certificate of insurance must:

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

18 (2) provide for commercial general liability
19 insurance for the master plumber for a claim for property damage or
20 bodily injury, regardless of whether the claim arises from
21 negligence or on a contract; and

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

24 Sec. 1301.553. PLUMBING INSPECTIONS IN MUNICIPALITY THAT
25 OVERLAPS ANOTHER POLITICAL SUBDIVISION ~~[MUNICIPAL UTILITY~~
26 ~~DISTRICT]~~. ~~[(a)]~~ If the boundaries of a municipality and another
27 political subdivision ~~[a municipal utility district]~~ overlap, only

1 the affected municipality may perform a plumbing inspection and
2 collect a permit fee.

3 ~~[(b) The standard used in the plumbing inspection may not be~~
4 ~~less restrictive than the standard used by the municipal utility~~
5 ~~district.]~~

6 SECTION 9. (a) Not later than January 1, 2010, the Texas
7 State Board of Plumbing Examiners shall adopt the rules and approve
8 the programs necessary to implement the changes in law made by this
9 Act to Chapter 1301, Occupations Code.

10 (b) The changes in law made by this Act to the requirements
11 for issuance of a license or certificate of registration under
12 Chapter 1301, Occupations Code, as amended by this Act, apply only
13 to an application submitted for the issuance or renewal of a license
14 or certificate of registration under Chapter 1301, Occupations
15 Code, on or after January 1, 2010. An application submitted before
16 that date is governed by the law in effect when the application was
17 submitted, and that law is continued in effect for that purpose.

18 SECTION 10. This Act takes effect September 1, 2009.