

1-1 By: Jackson S.B. No. 1410
1-2 (In the Senate - Filed March 5, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 1, 2009, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 1, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the licensing and regulation of plumbers.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 1301.002, Occupations Code, is amended
1-11 by amending Subdivisions (2), (3), (4), (5), (6), (8), (9), and (10)
1-12 and adding Subdivision (9-a) to read as follows:

1-13 (2) "Drain cleaner" means a person who:

1-14 (A) has completed at least 4,000 hours working
1-15 under the supervision of a master plumber as a drain
1-16 cleaner-restricted registrant;

1-17 (B) has fulfilled the requirements of and is
1-18 registered with the board; and

1-19 (C) installs cleanouts and removes and resets
1-20 p-traps to eliminate obstructions in building drains and sewers
1-21 under the supervision of a responsible master plumber.

1-22 (3) "Drain cleaner-restricted registrant" means a
1-23 person who:

1-24 (A) has worked as a plumber's apprentice under
1-25 the supervision of a master plumber;

1-26 (B) has fulfilled the requirements of and is
1-27 registered with the board; and

1-28 (C) clears obstructions in sewer and drain lines
1-29 through any code-approved existing opening under the supervision of
1-30 a responsible master plumber.

1-31 (4) "Journeyman plumber" means a person licensed under
1-32 this chapter who:

1-33 (A) has met the qualifications for registration
1-34 as a plumber's apprentice or for licensing as a tradesman
1-35 plumber-limited license holder;

1-36 (B) has completed at least 8,000 hours working
1-37 under the supervision of a master plumber;

1-38 (C) installs, changes, repairs, services, or
1-39 renovates plumbing or supervises any of those activities under the
1-40 supervision of a responsible master plumber; and

1-41 (D) has passed the required examination and
1-42 fulfilled the other requirements of the board.

1-43 (5) "Master plumber" means a person licensed under
1-44 this chapter who:

1-45 (A) is skilled in the planning and superintending
1-46 of plumbing and in the practical installation, repair, and
1-47 servicing of plumbing;

1-48 (B) ~~secures permits for plumbing work,~~
1-49 ~~[(C)]~~ is knowledgeable about the codes,
1-50 ordinances, or rules governing the activities described by
1-51 Paragraph [Paragraphs] (A) [and (B)];

1-52 (C) [(D)] performs or supervises plumbing work;
1-53 and

1-54 (D) [(E)] has passed the required examination
1-55 and fulfilled the other requirements of the board.

1-56 (6) "Plumber's apprentice" means a person other than a
1-57 master plumber, journeyman plumber, or tradesman plumber-limited
1-58 license holder who, as the person's principal occupation, learns
1-59 about and assists in the installation of plumbing, has fulfilled
1-60 the requirements of and is registered by the board, and works under
1-61 the supervision of a responsible master plumber and the direct
1-62 supervision of a licensed plumber.

1-63 (8) "Plumbing inspector" means a person who:

1-64 (A) is employed by a state agency or political
1-65 subdivision, or contracts as an independent contractor with a state
1-66 agency or political subdivision, to inspect plumbing in connection

2-1 with health and safety laws, including ordinances, and plumbing and
2-2 gas codes; and

2-3 (B) has passed the required examination and
2-4 fulfilled the other requirements of the board.

2-5 (9) "Residential utilities installer" means a person
2-6 who:

2-7 (A) has completed at least 2,000 hours working
2-8 under the supervision of a master plumber as a plumber's
2-9 apprentice;

2-10 (B) has fulfilled the requirements of and is
2-11 registered with the board; and

2-12 (C) constructs and installs yard water service
2-13 piping for one-family or two-family dwellings and building sewers
2-14 under the supervision of a responsible master plumber.

2-15 (9-a) "Responsible master plumber" means a person
2-16 licensed as a master plumber under this chapter who:

2-17 (A) allows the person's master plumber license to
2-18 be used by one plumbing company for the purpose of offering and
2-19 performing plumbing work under the person's master plumber license;

2-20 (B) is authorized to obtain permits for plumbing
2-21 work;

2-22 (C) assumes responsibility for plumbing work
2-23 performed under the person's license; and

2-24 (D) has submitted a certificate of insurance as
2-25 required by Section 1301.3576.

2-26 (10) "Tradesman plumber-limited license holder" means
2-27 a person who:

2-28 (A) has completed at least 4,000 hours working
2-29 under the direct supervision of a journeyman or master plumber as a
2-30 plumber's apprentice;

2-31 (B) has passed the required examination and
2-32 fulfilled the other requirements of the board; and

2-33 (C) constructs and installs plumbing for
2-34 one-family or two-family dwellings under the supervision of a
2-35 responsible master plumber ~~and~~

2-36 ~~[(D) has not met or attempted to meet the~~
2-37 ~~qualifications for a journeyman plumber license].~~

2-38 SECTION 2. Section 1301.302, Occupations Code, is amended
2-39 to read as follows:

2-40 Sec. 1301.302. CONTRACT INFORMATION. A written proposal,
2-41 invoice, or contract relating to ~~[for]~~ plumbing services ~~[to be]~~
2-42 performed by or under the direction of a plumber licensed under this
2-43 chapter must contain the name and license number of the responsible
2-44 master plumber and the name, mailing address, and telephone number
2-45 of the board.

2-46 SECTION 3. Section 1301.351, Occupations Code, is amended
2-47 by amending Subsection (a) and adding Subsections (a-1) and (a-2)
2-48 to read as follows:

2-49 (a) A person, other than a responsible master plumber, may
2-50 not engage in ~~[the business of]~~ plumbing unless:

2-51 (1) the person holds the proper ~~[a]~~ license,
2-52 registration, or endorsement required by ~~[or is registered under]~~
2-53 this chapter; and ~~[or]~~

2-54 (2) the person's work is supervised and controlled by a
2-55 person licensed under this chapter.

2-56 (a-1) A person may not act as a responsible master plumber
2-57 unless the person holds the appropriate license and meets the
2-58 requirements for a responsible master plumber under this chapter.

2-59 (a-2) A person that advertises or otherwise offers to
2-60 perform or provide plumbing must secure the services of a
2-61 responsible master plumber.

2-62 SECTION 4. Subsection (e), Section 1301.356, Occupations
2-63 Code, is amended to read as follows:

2-64 (e) A plumbing inspector who meets the requirements of the
2-65 board may hold a medical gas endorsement and inspect medical gas
2-66 piping installations.

2-67 SECTION 5. Section 1301.3576, Occupations Code, is amended
2-68 to read as follows:

2-69 Sec. 1301.3576. CERTIFICATE OF INSURANCE FOR RESPONSIBLE
2-70 MASTER PLUMBER. When a person is issued a master plumber's license,
2-71 the person must provide the board with a certificate of insurance

3-1 that meets the requirements of Section 1301.552 before the person
3-2 works as a responsible master plumber.

3-3 SECTION 6. Subsection (a), Section 1301.451, Occupations
3-4 Code, is amended to read as follows:

3-5 (a) The board shall revoke, suspend, deny, or refuse to
3-6 renew a license, endorsement, or registration or shall reprimand a
3-7 holder of a license, endorsement, or registration for a violation
3-8 of this chapter, an order issued by the board, or a rule of the
3-9 board.

3-10 SECTION 7. Subsection (a), Section 1301.452, Occupations
3-11 Code, is amended to read as follows:

3-12 (a) A person is subject to disciplinary action under Section
3-13 1301.451 if the person violates this chapter, an order issued by the
3-14 board, or a board rule. A violation of this chapter includes:

3-15 (1) obtaining a license, endorsement, or registration
3-16 through error or fraud;

3-17 (2) wilfully, negligently, or arbitrarily violating a
3-18 municipal rule or ordinance that regulates sanitation, drainage, or
3-19 plumbing;

3-20 (3) making a misrepresentation of services provided or
3-21 to be provided; ~~[or]~~

3-22 (4) making a false promise with the intent to induce a
3-23 person to contract for a service; or

3-24 (5) employing a person who does not hold a license or
3-25 endorsement or who is not registered to engage in an activity for
3-26 which a license, endorsement, or registration is required under
3-27 this chapter.

3-28 SECTION 8. Section 1301.504, Occupations Code, is amended
3-29 by adding Subsection (d) to read as follows:

3-30 (d) Venue for an action brought under this section is in a
3-31 district court in Travis County.

3-32 SECTION 9. Subsection (a), Section 1301.5045, Occupations
3-33 Code, is amended to read as follows:

3-34 (a) ~~The executive director [If it appears to the board that~~
3-35 ~~a person is violating this chapter or a rule adopted under this~~
3-36 ~~chapter, the board, after notice and opportunity for a hearing,]~~
3-37 may issue a cease and desist order as necessary to enforce this
3-38 chapter if the executive director determines that the action is
3-39 necessary to prevent a violation of this chapter and to protect
3-40 public health and safety [prohibiting the person from engaging in
3-41 the activity].

3-42 SECTION 10. Section 1301.707, Occupations Code, is amended
3-43 to read as follows:

3-44 Sec. 1301.707. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

3-45 (a) Not later than the 30th day after the date the board's order
3-46 becomes final, the person shall:

3-47 (1) pay the penalty; or

3-48 (2) file a petition for judicial review contesting the
3-49 occurrence of the violation, the amount of the penalty, or both.

3-50 (b) Failure by the person to pay the penalty is grounds for
3-51 the board to refuse to renew the person's license or registration
3-52 and to refuse to issue a new license or registration to the person.

3-53 SECTION 11. (a) The changes in law made by this Act to
3-54 Sections 1301.451 and 1301.452, Occupations Code, apply to a
3-55 violation that occurs on or after the effective date of this Act. A
3-56 violation that occurs before the effective date of this Act is
3-57 governed by the law in effect on the date of the violation, and the
3-58 former law is continued in effect for that purpose.

3-59 (b) The change in law made by this Act to Section 1301.504,
3-60 Occupations Code, applies to an action commenced on or after the
3-61 effective date of this Act. An action commenced before the
3-62 effective date of this Act is governed by the law in effect on the
3-63 date the action was commenced, and the former law is continued in
3-64 effect for that purpose.

3-65 SECTION 12. This Act takes effect September 1, 2009.

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