

AN ACT

relating to the regulation of plumbing.

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

SECTION 1. Sections 1301.002(9-a) and (11), Occupations Code, are amended to read as follows:

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

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

(B) is authorized to obtain permits for plumbing work;

(C) assumes responsibility for plumbing work performed under the person's license; ~~and~~

(D) has submitted a certificate of insurance as required by Section 1301.3576; and

(E) has completed a training program required by Section 1301.3576.

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the board to engage in ~~[the inspection, in connection with health and safety laws, including ordinances, of]~~:

(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality ~~[the plumbing~~

1 ~~of a public water system distribution facility]; and [or]~~

2 (B) the installation, service, and repair of
3 plumbing associated with the use and distribution use of rainwater
4 to supply a plumbing fixture, appliance, or irrigation system
5 ~~[customer-owned plumbing connected to the water distribution lines~~
6 ~~of a public water system]~~.

7 SECTION 2. Section 1301.304, Occupations Code, is amended
8 by adding Subsection (d) to read as follows:

9 (d) Unless a threat to health or safety exists, the board
10 may choose to not investigate a complaint in which the person filing
11 the complaint and the person who is the subject of the complaint
12 are engaged in litigation related to the subject matter of the
13 complaint until the outcome of the litigation is finally determined
14 if the board determines the complaint process is being abused.

15 SECTION 3. Section 1301.3565, Occupations Code, is amended
16 by adding Subsections (a-1) and (e-1) and amending Subsection (b)
17 to read as follows:

18 (a-1) A person may not design a multipurpose residential
19 fire protection sprinkler system for installation under this
20 section unless the person:

21 (1) is licensed under this chapter as a master
22 plumber; and

23 (2) holds an endorsement issued under this section.

24 (b) The board shall issue an endorsement as a multipurpose
25 residential fire protection sprinkler specialist to a person who:

26 (1) holds the license described by Subsection (a);

27 (2) applies to the board on a form prescribed by the

1 board;

2 (3) pays a fee set by the board;

3 (4) presents evidence satisfactory to the board of
4 successful completion of a training program approved by the board
5 that provides the training necessary for the proper design and
6 installation of a multipurpose residential fire protection
7 sprinkler system as required by the applicable codes and standards
8 recognized by the state; and

9 (5) passes an examination required by the board.

10 (e-1) Notwithstanding any other law, a master plumber who
11 holds an endorsement under this section is not required to hold a
12 license or registration issued by another state agency in order to
13 design a multipurpose residential fire protection sprinkler system
14 for installation under this section.

15 SECTION 4. Section 1301.3576, Occupations Code, is amended
16 to read as follows:

17 Sec. 1301.3576. CERTIFICATE OF INSURANCE AND TRAINING FOR
18 RESPONSIBLE MASTER PLUMBER. Before a master plumber works as a
19 responsible master plumber [When a person is issued a master
20 plumber's license], the master plumber [person] must:

21 (1) provide the board with a certificate of insurance
22 that meets the requirements of Section 1301.552; and

23 (2) present evidence satisfactory to the board of
24 successful completion of a training program approved or
25 administered by the board regarding the laws and rules applicable
26 to the operation of a plumbing business in this state [before the
27 person works as a responsible master plumber].

1 SECTION 5. Section 1301.552, Occupations Code, is amended
2 to read as follows:

3 Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT
4 IN POLITICAL SUBDIVISION. A political subdivision that requires a
5 responsible master plumber or an agent of a responsible master
6 plumber [~~plumbing contractor~~] to obtain a permit before performing
7 plumbing in the political subdivision shall verify through the
8 board's Internet website, or by contacting the board by telephone,
9 that the responsible master plumber [~~plumbing contractor~~] has on
10 file with the board a certificate of insurance. The certificate of
11 insurance must:

12 (1) be written by an insurer authorized to engage in
13 the [~~a company licensed to do~~] business of insurance in this state
14 or an eligible surplus lines insurer, as defined by Section
15 981.002, Insurance Code;

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

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

22 SECTION 6. Section 1301.3565, Occupations Code, as amended
23 by this Act, applies only to the installation of a multipurpose
24 residential fire protection sprinkler system that is designed on or
25 after the effective date of this Act. The installation of a
26 multipurpose residential fire protection sprinkler system that is
27 designed before the effective date of this Act is governed by the

1 law in effect immediately preceding the effective date of this Act,
2 and the former law is continued in effect for that purpose.

3 SECTION 7. Not later than December 31, 2011, the Texas State
4 Board of Plumbing Examiners shall develop the curriculum and adopt
5 rules for the approval or administration of the training program
6 required by Section 1301.3576(2), Occupations Code, as added by
7 this Act.

8 SECTION 8. Section 1301.3576, Occupations Code, as amended
9 by this Act, does not apply to a master plumber who, on or before
10 January 1, 2012, provides the Texas State Board of Plumbing
11 Examiners with a certificate of insurance that meets the
12 requirements of Section 1301.552, Occupations Code, as amended by
13 this Act, and that is effective on January 1, 2012.

14 SECTION 9. Section 1301.552, Occupations Code, as amended
15 by this Act, applies only to a permit issued on or after the
16 effective date of this Act. A permit issued before the effective
17 date of this Act is governed by the law in effect on the date the
18 permit is issued, and the former law is continued in effect for that
19 purpose.

20 SECTION 10. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 2376 was passed by the House on April 7, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2376 on May 16, 2011, by the following vote: Yeas 105, Nays 37, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2376 was passed by the Senate, with amendments, on May 10, 2011, by the following vote: Yeas 31, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor