

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hamilton

H.B. No. 2376

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of plumbing.

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

SECTION 1. Section 1301.304, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) Unless a threat to health or safety exists, the board may not investigate a complaint in which the person filing the complaint and the person who is the subject of the complaint are engaged in litigation related to the subject matter of the complaint until the outcome of the litigation is finally determined.

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

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

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

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

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

7           SECTION 3. This Act takes effect September 1, 2011.

**ADOPTED**

MAY 10 2011

*Atty. Gen.*  
Secretary of the Senate

By: Rep. Hamilton

H.B. No. 2376

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Sen. Watson

C.S.H.B. No. 2376

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of plumbing.

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

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

6 (9-a) "Responsible master plumber" means a person  
7 licensed as a master plumber under this chapter who:

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

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

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

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

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

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

23 (A) customer service inspections, as defined by  
24 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.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 10, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2376** by Hamilton (Relating to the regulation of plumbing.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the Occupations Code relating to the regulation of plumbing.

Based on the analysis of the Board of Plumbing Examiners, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 456 Board of Plumbing Examiners

**LBB Staff:** JOB, SD, CWS, AG, MW



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 5, 2011**

**TO:** Honorable John Carona, Chair, Senate Committee on Business & Commerce

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2376** by Hamilton (Relating to the regulation of plumbing.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the Occupations Code relating to the regulation of plumbing.

Based on the analysis of the Board of Plumbing Examiners, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 456 Board of Plumbing Examiners

**LBB Staff:** JOB, CWS, AG, MW

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 2, 2011**

**TO:** Honorable John Carona, Chair, Senate Committee on Business & Commerce

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2376** by Hamilton (Relating to the regulation of plumbing.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the occupations code relating to the regulation of plumbing.

Based on the analysis of the Board of Plumbing Examiners, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 456 Board of Plumbing Examiners

**LBB Staff:** JOB, AG, MW, CWS

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 14, 2011**

**TO:** Honorable Mike Hamilton, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2376** by Hamilton (Relating to the regulation of plumbing.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the occupations code relating to the regulation of plumbing.

Based on the analysis of the Board of Plumbing Examiners, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 456 Board of Plumbing Examiners

**LBB Staff:** JOB, AG, MW, CWS