

BILL ANALYSIS

C.S.H.B. 2062
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties, such as the Texas State Board of Plumbing Examiners, have recently expressed concerns about certain provisions of the Plumbing License Law, partly in response to recent legislation relating to rainwater harvesting. C.S.H.B. 2062 seeks to update and clarify these provisions of the Plumbing License Law in response to these concerns.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2062 amends the Occupations Code to make the exemption from licensing requirements under the Plumbing License Law for performing water treatment installations, exchanges, services, or repairs inapplicable to performing those actions relating to rainwater harvesting, defined in the bill as the capture, diversion, storage, treatment, and distribution of rainwater from a roof structure for potable drinking water for a personal residence or domestic use. The bill requires a person who has performed licensed plumbing services to give the customer an invoice or completed contract document on completion of the job, regardless of whether the person charged a fee for performing the services.

C.S.H.B. 2062 authorizes the Texas State Board of Plumbing Examiners to investigate an alleged violation of the Plumbing License Law by a person who is the owner of a plumbing company subject to that law. The bill requires a person who holds a license or registration issued under the Plumbing License Law to carry the license or registration on the person while engaged in plumbing. The bill removes as a condition for a person employed by a political subdivision or an electric utility to be exempt from the requirement to hold a water supply protection specialist endorsement the fact that the person is acting as a backflow prevention device specialist or water supply protection specialist in the course of the person's employment.

C.S.H.B. 2062 adds the replacement of lavatory or kitchen faucets, the replacement of ballcocks or water control valves, the replacement of garbage disposals, and the replacement of water closets to the plumbing tasks for which a person is not required to obtain a municipal plumbing permit from a municipality that adopts an ordinance or bylaw providing that a person must obtain such a permit before performing plumbing.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2062 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (7), (11), and (12) and adding Subdivision (8-a) to read as follows:

(7) "Plumbing" means:

(A) a fixture, appurtenance, appliance, or piping, including a disposal system, used to:

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

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

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

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

(ii) the main in the street or alley or at the curb;

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

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

(ii) a disposal or septic terminal that holds private or domestic sewage; [ø]

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

(E) the installation, repair, and service of equipment for rainwater harvesting.

(8-a) "Rainwater harvesting" means the capture, diversion, storage, treatment, and distribution of rainwater from a roof structure for ~~landscape irrigation~~, potable drinking water, or nonpotable use for a personal residence or domestic use.

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the board to engage in:

(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality; and

(B) the installation, service, and repair of plumbing associated with the treatment, use, and distribution use of rainwater to supply a plumbing fixture, appliance, or irrigation system.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (7), (11), and (12) and adding Subdivision (8-a) to read as follows:

(7) "Plumbing" means:

(A) a fixture, appurtenance, appliance, or piping, including a disposal system, used to:

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

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

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

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

(ii) the main in the street or alley or at the curb;

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

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

(ii) a disposal or septic terminal that holds private or domestic sewage; [ø]

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

(E) the installation, repair, and service of equipment for rainwater harvesting.

(8-a) "Rainwater harvesting" means the capture, diversion, storage, treatment, and distribution of rainwater from a roof structure for potable drinking water for a personal residence or domestic use.

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the board to engage in:

(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality; and

(B) the installation, service, and repair of plumbing associated with the treatment, use, and distribution use of rainwater to supply a plumbing fixture, appliance, or irrigation system.

(12) "Water treatment" means a business conducted under contract that requires ability, experience, and skill in analyzing water to determine how to treat influent and effluent water to change or purify the water or to add or remove minerals, chemicals, or bacteria. The term does not include treatment of rainwater or the repair of systems for rainwater harvesting. The term includes:

- (A) installing and servicing fixed or portable water treatment equipment in a public or private water treatment system; or
- (B) making connections necessary to install a water treatment system.

SECTION 2. Section 1301.053(a), Occupations Code, is amended.

SECTION 3. Section 1301.302, Occupations Code, is amended.

SECTION 4. Section 1301.303(a), Occupations Code, is amended.

SECTION 5. Section 1301.351, Occupations Code, is amended.

SECTION 6. Section 1301.357(e), Occupations Code, is amended.

No equivalent provision.

(12) "Water treatment" means a business conducted under contract that requires ability, experience, and skill in analyzing water to determine how to treat influent and effluent water to change or purify the water or to add or remove minerals, chemicals, or bacteria. The term does not include treatment of rainwater or the repair of systems for rainwater harvesting. The term includes:

- (A) installing and servicing fixed or portable water treatment equipment in a public or private water treatment system; or
- (B) making connections necessary to install a water treatment system.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Sections 1301.551(c) and (g), Occupations Code, are amended to read as follows:

(c) A municipality that adopts an ordinance or bylaw under this section shall provide by ordinance or bylaw that a person must obtain a permit before the person performs plumbing, other than the repairing of leaks, the replacement of lavatory or kitchen faucets, the replacement of ballcocks or water control valves, the replacement of garbage disposals, or the replacement of water closets. The municipality may prescribe the terms on which the permit is issued.

(g) A responsible master plumber, plumbing contractor, or other person who is

required to obtain a permit under this section is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision.

SECTION 7. The changes in law made by this Act apply only to services performed on or after the effective date of this Act. Services performed before the effective date of this Act are governed by the law in effect on the date the services were performed, and the former law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 2013.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.