

By: J. Davis of Harris

H.B. No. 2062

Substitute the following for H.B. No. 2062:

By: Smith

C.S.H.B. No. 2062

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 1301.002, 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

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

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

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

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

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

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

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

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

27 (A) installing and servicing fixed or portable

1 water treatment equipment in a public or private water treatment  
2 system; or

3 (B) making connections necessary to install a  
4 water treatment system.

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

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

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

11 (A) is regularly employed as or acting as a  
12 maintenance person or maintenance engineer; and

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

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

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

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

21 (B) install, change, adjust, repair, remove, or  
22 renovate appurtenances, equipment, or appliances;

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

1 (5) water treatment installations, exchanges,  
2 services, or repairs, other than for rainwater harvesting.

3 SECTION 3. Section 1301.302, Occupations Code, is amended  
4 to read as follows:

5 Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. A  
6 written proposal, invoice, or contract relating to plumbing  
7 services performed by or under the direction of a plumber licensed  
8 under this chapter must contain the name and license number of the  
9 responsible master plumber and the name, mailing address, and  
10 telephone number of the board. The person who performed the  
11 services shall give the customer an invoice or completed contract  
12 document on completion of the job, regardless of whether the person  
13 charged a fee for performing the services.

14 SECTION 4. Section 1301.303(a), Occupations Code, is  
15 amended to read as follows:

16 (a) The board may investigate an alleged violation of this  
17 chapter by a person who:

- 18 (1) is licensed under this chapter; [~~or~~]  
19 (2) is the owner of a plumbing company subject to this  
20 chapter; or  
21 (3) performs plumbing without holding a license under  
22 this chapter.

23 SECTION 5. Section 1301.351, Occupations Code, is amended  
24 by adding Subsection (d) to read as follows:

25 (d) A person who holds a license or registration issued  
26 under this chapter shall carry the license or registration on his or  
27 her person while engaged in plumbing.

1 SECTION 6. Section 1301.357(e), Occupations Code, is  
2 amended to read as follows:

3 (e) A person is not required to hold a water supply  
4 protection specialist endorsement if the person[~~+~~

5 [~~(1)~~] is employed by:

6 (1) [~~(A)~~] a political subdivision; or

7 (2) [~~(B)~~] an electric utility as defined by Section  
8 31.002, Utilities Code[~~, and~~

9 [~~(2) acts as a backflow prevention device specialist  
10 or water supply protection specialist in the course of the person's  
11 employment~~].

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

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

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

27 SECTION 8. The changes in law made by this Act apply only to

1 services performed on or after the effective date of this Act.  
2 Services performed before the effective date of this Act are  
3 governed by the law in effect on the date the services were  
4 performed, and the former law is continued in effect for that  
5 purpose.

6 SECTION 9. This Act takes effect September 1, 2013.