

By: J. Davis of Harris

H.B. No. 2179

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of backflow prevention assembly testers  
by the Texas State Board of Plumbing Examiners; authorizing a fee.

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

SECTION 1. Subchapter B, Chapter 1301, Occupations Code, is  
amended by adding Section 1301.059 to read as follows:

Sec. 1301.059. BACKFLOW PREVENTION ASSEMBLY NOT EXEMPT.  
The exemptions under this subchapter do not apply to an activity for  
which a person is required to hold a backflow prevention assembly  
testing certificate.

SECTION 2. The heading to Section 1301.351, Occupations  
Code, is amended to read as follows:

Sec. 1301.351. LICENSE, ENDORSEMENT, ~~OR~~ REGISTRATION, OR  
CERTIFICATE REQUIRED.

SECTION 3. Section 1301.351, Occupations Code, is amended  
by amending Subsections (a) and (a-2) and adding Subsections (e)  
and (f) to read as follows:

(a) Except as provided by Subsection (f), a [A] person,  
other than a responsible master plumber, may not engage in plumbing  
unless:

(1) the person holds the proper license, registration,  
or endorsement required by this chapter; and

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

1       (a-2) Except as provided by Subsection (f), a [A] person  
2 that advertises or otherwise offers to perform or provide plumbing  
3 must secure the services of a responsible master plumber.

4       (e) Unless the person holds a certificate under Section  
5 1301.360, a person may not:

6           (1) engage in the repair or testing of the  
7 installation or operation of a backflow prevention assembly; or

8           (2) advertise and offer to perform or provide backflow  
9 prevention assembly testing services as described by Subdivision  
10 (1).

11       (f) A person who holds a certificate under Section 1301.360:

12           (1) is not required to have the person's work described  
13 by Subsection (e)(1) supervised and controlled by a person licensed  
14 under this chapter; and

15           (2) may advertise and offer to perform or provide  
16 services as described by Subsection (e)(2).

17       SECTION 4. Subchapter G, Chapter 1301, Occupations Code, is  
18 amended by adding Section 1301.360 to read as follows:

19       Sec. 1301.360. BACKFLOW PREVENTION ASSEMBLY TESTING  
20 CERTIFICATE. (a) The board shall issue a backflow prevention  
21 assembly testing certificate to an applicant who:

22           (1) holds a high school diploma or its equivalent;

23           (2) demonstrates at least two years of related work  
24 experience as determined by the board;

25           (3) completes a training course approved by the board;

26           (4) passes an examination prescribed by the board;

27           (5) submits an application on a form prescribed by the

1 board; and

2 (6) pays the required fee.

3 (b) A certificate issued under this section expires on the  
4 third anniversary of the date of issuance.

5 (c) Notwithstanding Subsection (a), the board shall issue a  
6 backflow prevention assembly testing certificate to a person who  
7 holds a current equivalent license, certificate, or registration  
8 issued by another state if:

9 (1) the requirements to obtain the license,  
10 certificate, or registration in the other state are substantially  
11 equivalent to the requirements of Subsection (a), including the  
12 examination requirement; and

13 (2) the license, certificate, or registration is  
14 mandatory for the repair or testing of the installation or  
15 operation of a backflow prevention assembly in the state in which  
16 the license, certificate, or registration is issued.

17 SECTION 5. Section 1301.401(a), Occupations Code, is  
18 amended to read as follows:

19 (a) Except as provided by Section 1301.360(b), a [A]  
20 license, certificate, or registration under this chapter is valid  
21 for one year. On payment of the required fee, a license,  
22 certificate, or registration may be renewed for the appropriate  
23 term [annually].

24 SECTION 6. Sections 1301.404(a) and (b), Occupations Code,  
25 are amended to read as follows:

26 (a) The board shall recognize, approve, and administer  
27 continuing education programs for a person [~~persons~~] who holds a

1 license, certificate, [hold—licenses] or endorsement  
 2 [endorsements] under this chapter.

3 (b) A person who holds a license, certificate, or  
 4 endorsement under this chapter must complete at least six hours of  
 5 continuing professional education each year the person holds the  
 6 license, certificate, or endorsement to renew the person's license,  
 7 certificate, or endorsement. Three of the six hours must be in the  
 8 subjects of health protection, energy conservation, and water  
 9 conservation.

10 SECTION 7. Subchapter C, Chapter 341, Health and Safety  
 11 Code, is amended by adding Section 341.0345 to read as follows:

12 Sec. 341.0345. CERTIFICATION OF BACKFLOW PREVENTION  
 13 ASSEMBLY TESTERS. A person who repairs or tests the installation or  
 14 operation of backflow prevention assemblies must hold a certificate  
 15 issued by the Texas State Board of Plumbing Examiners under Section  
 16 1301.360, Occupations Code.

17 SECTION 8. Section 341.034(c), Health and Safety Code, is  
 18 repealed.

19 SECTION 9. (a) Not later than November 1, 2013, the Texas  
 20 State Board of Plumbing Examiners shall adopt rules necessary to  
 21 implement the changes in law made by this Act, including any  
 22 amendments to rules described by Section 10(b) of this Act.

23 (b) Not later than January 1, 2014, the Texas State Board of  
 24 Plumbing Examiners shall begin accepting applications for and  
 25 issuing backflow prevention assembly testing certificates under  
 26 Section 1301.360, Occupations Code, as added by this Act.

27 SECTION 10. (a) On January 1, 2014, the following are

transferred to the Texas State Board of Plumbing Examiners:

(1) all powers, duties, obligations, and liabilities of the Texas Commission on Environmental Quality relating to the licensing of backflow prevention assembly testers; and

(2) all files and other records of the Texas Commission on Environmental Quality kept by the commission regarding backflow prevention assembly tester licenses.

(b) A rule adopted by the Texas Commission on Environmental Quality that is in effect immediately before January 1, 2014, and that relates to backflow prevention assembly tester licenses is, on January 1, 2014, a rule of the Texas State Board of Plumbing Examiners and remains in effect until amended or repealed by the Texas State Board of Plumbing Examiners.

(c) In the period beginning on the effective date of this Act and ending on January 1, 2014, the Texas Commission on Environmental Quality shall continue to perform functions and activities under Section 341.034(c), Health and Safety Code, as if that subsection had not been repealed by this Act, and the former law is continued in effect for that purpose.

(d) A person who holds a backflow prevention assembly tester license issued by the Texas Commission on Environmental Quality that is in effect on the effective date of this Act holds a backflow prevention assembly testing certificate under Section 1301.360, Occupations Code, as added by this Act, that expires on the expiration date of the license.

SECTION 11. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

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1           (b)   Section 1301.351(e), Occupations Code, as added by this  
2 Act, and the repeal by this Act of Section 341.034(c), Health and  
3 Safety Code, take effect January 1, 2014.