

By: Smith

H.B. No. 2465

Substitute the following for H.B. No. 2465:

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C.S.H.B. No. 2465

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the licensing and regulation of plumbers; amending  
3 provisions subject to a criminal penalty.

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

5 SECTION 1. Section 1301.002, Occupations Code, is amended  
6 by amending Subdivisions (1-a), (2), (3), (4), (6), (9), and (12)  
7 and adding Subdivisions (1-b) and (7-a) to read as follows:

8 (1-a) "Control valve" means a valve that operates each  
9 time water is supplied to, or shut off from, a receptacle or  
10 plumbing fixture. The term does not include a stop valve that may be  
11 installed in the water supply branch to the control valve.

12 (1-b) "Executive director" means the executive  
13 director of the Texas State Board of Plumbing Examiners.

14 (2) "Drain cleaner" means a person who:

15 (A) has completed at least 4,000 hours working  
16 under the supervision of a responsible master plumber as a drain  
17 cleaner-restricted registrant or a tradesman plumber-limited  
18 license holder;

19 (B) has fulfilled the requirements of and is  
20 registered with the board; and

21 (C) installs cleanouts and removes and resets  
22 p-traps to eliminate obstructions in building drains and sewers  
23 under the supervision of a responsible master plumber.

24 (3) "Drain cleaner-restricted registrant" means a

1 person who:

2 (A) has worked as a plumber's apprentice under  
3 the supervision of a responsible master plumber;

4 (B) has fulfilled the requirements of and is  
5 registered with the board; and

6 (C) clears obstructions in sewer and drain lines  
7 through any code-approved existing opening under the supervision of  
8 a responsible master plumber.

9 (4) "Journeyman plumber" means a person licensed under  
10 this chapter who:

11 (A) has met the qualifications for registration  
12 as a plumber's apprentice or for licensing as a tradesman  
13 plumber-limited license holder;

14 (B) has completed at least 8,000 hours working  
15 under the supervision of a responsible master plumber;

16 (C) installs, changes, repairs, services, or  
17 renovates plumbing or supervises any of those activities under the  
18 supervision of a responsible master plumber;

19 (D) has passed the required examination; and

20 (E) has fulfilled the other requirements of the  
21 board.

22 (6) "Plumber's apprentice" means a person other than a  
23 master plumber, journeyman plumber, or tradesman plumber-limited  
24 license holder who, as the person's principal occupation, learns  
25 about and assists in the installation, repair, and replacement of  
26 plumbing, has fulfilled the requirements of and is registered by  
27 the board, and works under the supervision of a responsible master

1 plumber and the direct supervision of a licensed plumber.

2 (7-a) "Plumbing company" means a business that:

3 (A) is registered with the board;

4 (B) employs a responsible master plumber; or

5 (C) is owned by a responsible master plumber.

6 (9) "Residential utilities installer" means a person  
7 who:

8 (A) has completed at least 2,000 hours working  
9 under the supervision of a responsible master plumber as a  
10 plumber's apprentice;

11 (B) has fulfilled the requirements of and is  
12 registered with the board; and

13 (C) [~~constructs and~~] installs, repairs, or  
14 replaces yard water service piping or building sewers for  
15 one-family or two-family dwellings [~~and building sewers~~] under the  
16 supervision of a responsible master plumber.

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

24 (A) installing and servicing fixed or portable  
25 water treatment equipment in a public or private water treatment  
26 system; or

27 (B) making connections necessary to install a

1 water treatment system to the potable water system or indirectly to  
2 the sanitary drainage system.

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

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

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

9 (A) is regularly employed as or acting as a  
10 maintenance person or maintenance engineer; and

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

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

15 (3) plumbing if the person is:

16 (A) employed by a political subdivision to engage  
17 in plumbing only within the geographic boundaries of the political  
18 subdivision; or

19 (B) engaged by a public service company to:

20 (i) [~~A~~] lay, maintain, or operate its  
21 service mains or lines to the point of measurement; and

22 (ii) [~~B~~] install, change, adjust,  
23 repair, remove, or renovate appurtenances, equipment, or  
24 appliances;

25 (4) appliance installation and service work, other  
26 than installation and service work on water heaters, that involves  
27 connecting appliances to existing openings with a code-approved

1 appliance connector if the person performs the work as an appliance  
2 dealer or an employee of an appliance dealer; or

3 (5) water treatment installations, exchanges,  
4 services, or repairs, other than the treatment of rainwater to  
5 supply a plumbing fixture or appliance.

6 SECTION 3. Section 1301.151(a), Occupations Code, is  
7 amended to read as follows:

8 (a) The Texas State Board of Plumbing Examiners consists of  
9 nine members appointed by the governor with the advice and consent  
10 of the senate as follows:

11 (1) one member who has at least 10 years' practical  
12 experience and is licensed as a master plumber;

13 (2) one member who has at least five years' practical  
14 experience and is licensed as a journeyman plumber;

15 (3) one member who has at least five years' practical  
16 experience and is licensed as a plumbing inspector;

17 (4) one member who has been a responsible master  
18 plumber for at least five years [~~is a plumbing contractor~~] with at  
19 least 10 [~~five~~] years' experience as a licensed journeyman plumber  
20 or master plumber;

21 (5) one member who is a licensed engineer practicing  
22 in the field of plumbing engineering;

23 (6) two members who are building contractors with at  
24 least five years' contracting experience, one of whom is  
25 principally engaged in home building and one of whom is principally  
26 engaged in commercial building; and

27 (7) two members who represent the public.

1 SECTION 4. Section 1301.202(a), Occupations Code, is  
2 amended to read as follows:

3 (a) The board shall employ one or more plumbing examiners.  
4 A plumbing examiner serves at the will of the board. A plumbing  
5 examiner must:

6 (1) hold a license as a plumber issued under this  
7 chapter;

8 (2) be knowledgeable of this chapter and municipal  
9 ordinances relating to plumbing; and

10 (3) be qualified by experience and training in  
11 plumbing practice.

12 SECTION 5. Section 1301.203(a), Occupations Code, is  
13 amended to read as follows:

14 (a) The board may employ a field representative to assist  
15 the board in enforcing this chapter and rules adopted under this  
16 chapter. A field representative must:

17 (1) hold a license issued [~~as a plumber~~] under this  
18 chapter;

19 (2) be knowledgeable of this chapter and municipal  
20 ordinances relating to plumbing; and

21 (3) be qualified by experience and training in  
22 plumbing practice or inspections.

23 SECTION 6. Section 1301.204, Occupations Code, is amended  
24 to read as follows:

25 Sec. 1301.204. CAREER LADDER PROGRAM; PERFORMANCE  
26 EVALUATIONS. (a) The executive director [~~presiding officer of the~~  
27 ~~board or the presiding officer's designee~~] shall develop an

1 intra-agency career ladder program. The program must require  
2 intra-agency posting of each nonentry level position at least 10  
3 days before the date of any public posting.

4 (b) The executive director [~~presiding officer of the board~~  
5 ~~or the presiding officer's designee~~] shall develop a system of  
6 annual performance evaluations based on measurable job tasks. All  
7 merit pay for board employees must be based on the system  
8 established under this subsection.

9 SECTION 7. Sections 1301.255(a) and (b), Occupations Code,  
10 are amended to read as follows:

11 (a) The board shall adopt the following [~~plumbing~~] codes, as  
12 those codes existed on January 1, 2015 [~~May 31, 2001~~]:

13 (1) the Uniform Plumbing Code, as published by the  
14 International Association of Plumbing and Mechanical Officials;  
15 [~~and~~]

16 (2) the International Plumbing Code, as published by  
17 the International Code Council;

18 (3) the NFPA 13D Standard for the Installation of  
19 Sprinkler Systems in One- and Two-family Dwellings and Manufactured  
20 Homes, as published by the National Fire Protection Association;  
21 and

22 (4) the NFPA 99 Health Care Facilities Code, as  
23 published by the National Fire Protection Association.

24 (b) If a code described by [~~The board by rule may adopt later~~  
25 ~~editions of the plumbing codes listed in~~] Subsection (a) is  
26 replaced by a later edition after January 1, 2015, the requirements  
27 and standards of the new edition shall be used in place of the

1 January 1, 2015, edition if the new edition is adopted by the board  
2 by rule after the board determines that use of the new edition is:

- 3 (1) in the public interest; and  
4 (2) consistent with the purposes of this chapter.

5 SECTION 8. Sections 1301.304(a) and (b), Occupations Code,  
6 are amended to read as follows:

7 (a) On receiving a written and signed complaint alleging a  
8 violation of this chapter or a board rule:

9 (1) the [The] enforcement committee or an employee  
10 designated by the enforcement committee may investigate the [an]  
11 alleged violation; and

12 (2) the [of this chapter or a board rule that is  
13 reported to the board.

14 ~~[(b) The]~~ enforcement committee shall determine whether a  
15 person has committed the violation and shall recommend appropriate  
16 sanctions to the board or, if the enforcement committee determines  
17 that the complaint is without merit, dismissal of the complaint.

18 SECTION 9. Section 1301.354(c), Occupations Code, is  
19 amended to read as follows:

20 (c) At the applicant's request, the board may credit an  
21 applicant under Subsection (b) with up to 1,000 ~~[500]~~ hours of the  
22 work experience required before taking an examination if the  
23 applicant has completed the classroom portion of a training  
24 program:

25 (1) approved by the United States Department of Labor,  
26 Office of Apprenticeship; or

27 (2) provided by a person approved by the board and



1 based on course materials approved by the board.

2 SECTION 10. Section 1301.356, Occupations Code, is amended  
3 by adding Subsection (b-1) to read as follows:

4 (b-1) Before a person may take the examination under  
5 Subsection (b), the person must complete training in a  
6 board-approved training program in the area of medical gas piping  
7 installation.

8 SECTION 11. Section 1301.3565, Occupations Code, is amended  
9 by amending Subsections (a-1) and (f) and adding Subsection (g) to  
10 read as follows:

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

14 (1) is licensed under this chapter as a master  
15 plumber~~[+]~~ and

16 [~~(2)~~] holds an endorsement issued under this section;  
17 or

18 (2) is a licensed engineer who designs fire sprinklers  
19 or plumbing systems.

20 (f) A plumbing inspector who meets the requirements of the  
21 board shall ~~[may]~~ inspect or review the plans for a multipurpose  
22 residential fire protection sprinkler installation, repair, or  
23 replacement.

24 (g) A certified fire inspector may inspect or review plans  
25 only for the sprinkler portion of a multipurpose residential fire  
26 sprinkler installation, repair, or replacement if the certified  
27 fire inspector:

1           (1) meets or exceeds the NFPA 1031 Standard for  
2 Professional Qualifications for Fire Inspector and Plan Examiner;  
3 and  
4           (2) is employed or appointed by a political  
5 subdivision or this state.

6           SECTION 12. Section 1301.357(e), Occupations Code, is  
7 amended to read as follows:

8           (e) A person is not required to hold a water supply  
9 protection specialist endorsement if the person is employed by[+  
10           ~~[(1)] a political subdivision[+or~~  
11           ~~[(2) an electric utility as defined by Section 31.002,~~  
12 ~~Utilities Code].~~

13           SECTION 13. Sections 1301.404(b) and (e), Occupations Code,  
14 are amended to read as follows:

15           (b) A person who holds a license or endorsement under this  
16 chapter must complete at least six hours of approved classroom  
17 continuing professional education each year the person holds the  
18 license or endorsement to renew the person's license or  
19 endorsement. The course must include training in:

20           (1) this chapter and board rules;  
21           (2) board-approved plumbing codes; and  
22           (3) [Three of the six hours must be in the subjects of]  
23 health protection, energy conservation, and water conservation.

24           (e) A person may complete the continuing professional  
25 education requirement of this section through a correspondence  
26 course book and test book as approved by the board.

27           SECTION 14. Section 1301.405(a), Occupations Code, is

1 amended to read as follows:

2 (a) To renew the certificate of registration, a person who  
3 holds a certificate of registration under this chapter as a drain  
4 cleaner, drain cleaner-restricted registrant, or residential  
5 utilities installer must annually complete at least six hours of  
6 approved classroom training that includes training in:

7 (1) this chapter and board rules;

8 (2) board-approved plumbing codes; and

9 (3) health protection, energy conservation [~~training~~  
10 ~~in health and safety requirements, board-approved plumbing codes~~],  
11 and water conservation.

12 SECTION 15. Subchapter H, Chapter 1301, Occupations Code,  
13 is amended by adding Section 1301.406 to read as follows:

14 Sec. 1301.406. MANDATORY TRAINING FOR PLUMBER'S  
15 APPRENTICE. (a) To renew the certificate of registration for the  
16 third renewal and any subsequent renewals, a person who holds a  
17 certificate of registration under this chapter as a plumber's  
18 apprentice must complete during the year preceding the renewal date  
19 at least six hours of approved classroom training that includes  
20 training in:

21 (1) this chapter and board rules;

22 (2) board-approved plumbing codes; and

23 (3) health protection, energy conservation, and water  
24 conservation.

25 (b) A person may receive credit for participating in a  
26 training program only if the program is provided:

27 (1) by a person approved by the board; and

1           (2) according to criteria adopted by the board.

2           (c) A plumber's apprentice who is enrolled and in good  
3 standing in a training program approved by the United States  
4 Department of Labor, Office of Apprenticeship, is exempt from  
5 Subsections (a) and (b).

6           (d) The board by rule may exempt certain persons from the  
7 requirements of this section if the board determines that the  
8 exemption is in the public interest.

9           SECTION 16. Section 1301.452(a), Occupations Code, is  
10 amended to read as follows:

11           (a) A person is subject to disciplinary action under Section  
12 1301.451 if the person violates this chapter, an order issued by the  
13 board, or a board rule. A violation of this chapter includes:

14           (1) obtaining a license, endorsement, or registration  
15 through error or fraud;

16           (2) wilfully, negligently, or arbitrarily violating a  
17 municipal rule or ordinance that regulates sanitation, drainage, or  
18 plumbing, including falsifying a test for an inspection;

19           (3) making a misrepresentation of services provided or  
20 to be provided;

21           (4) making a false promise with the intent to induce a  
22 person to contract for a service; or

23           (5) employing a person who does not hold a license or  
24 endorsement or who is not registered to engage in an activity for  
25 which a license, endorsement, or registration is required under  
26 this chapter.

27           SECTION 17. Sections 1301.551(a) and (c), Occupations Code,

1 are amended to read as follows:

2 (a) A municipality with more than 5,000 inhabitants shall  
3 regulate by ordinance or bylaw the material, construction,  
4 alteration, and inspection of any pipe, faucet, tank, valve, water  
5 heater, or other fixture by or through which a supply of water, gas,  
6 medical gas, medical vacuum, or sewage is used or carried.

7 (c) A municipality that adopts an ordinance or bylaw under  
8 this section shall provide by ordinance or bylaw that a person must  
9 obtain a permit before the person performs plumbing, other than the  
10 repairing of leaks, the replacement of lavatory, bar, or kitchen  
11 faucets, the replacement of ballcocks or water control valves, the  
12 replacement of garbage disposals, or the replacement of water  
13 closets or urinals. A replacement must comply with current code  
14 requirements. The municipality may prescribe the terms on which  
15 the permit is issued.

16 SECTION 18. The change in law made by this Act to Section  
17 [1301.151\(a\)](#), Occupations Code, does not affect the entitlement of a  
18 member serving on the Texas State Board of Plumbing Examiners  
19 immediately before the effective date of this Act to continue to  
20 serve as a member of the board for the remainder of the member's  
21 term. The change in law applies only to a member appointed on or  
22 after the effective date of this Act.

23 SECTION 19. (a) The changes in law made by this Act apply  
24 only to an application for a certificate of registration as a drain  
25 cleaner, drain cleaner-restricted registrant, or residential  
26 utilities installer submitted on or after the effective date of  
27 this Act. An application for a certificate of registration

1 submitted before the effective date of this Act is governed by the  
2 law in effect on the date the application was submitted, and the  
3 former law is continued in effect for that purpose.

4 (b) A person who holds a certificate of registration as a  
5 drain cleaner, drain cleaner-restricted registrant, or residential  
6 utilities installer issued before the effective date of this Act  
7 may continue to renew that certificate of registration without  
8 complying with the changes in law made by this Act relating to the  
9 work requirement under the supervision of a responsible master  
10 plumber.

11 (c) The changes in law made by this Act apply only to an  
12 application for a license as a journeyman plumber submitted on or  
13 after the effective date of this Act. An application for a license  
14 submitted before the effective date of this Act is governed by the  
15 law in effect on the date the application was submitted, and the  
16 former law is continued in effect for that purpose.

17 (d) A person who holds a license as a journeyman plumber  
18 issued before the effective date of this Act may continue to renew  
19 that license without complying with the changes in law made by this  
20 Act relating to the work requirement under the supervision of a  
21 responsible master plumber.

22 SECTION 20. (a) Section [1301.356\(b-1\)](#), Occupations Code,  
23 as added by this Act, applies only to an application for an  
24 endorsement to perform medical gas piping installation submitted on  
25 or after the effective date of this Act. An application for an  
26 endorsement submitted before the effective date of this Act is  
27 governed by the law in effect on the date the application was

1 submitted, and the former law is continued in effect for that  
2 purpose.

3 (b) Section 1301.404(b), Occupations Code, as amended by  
4 this Act, applies only to the renewal of a license or endorsement  
5 that expires on or after the effective date of this Act. A license  
6 or endorsement that expired before the effective date of this Act is  
7 governed by the law in effect on the date the license or endorsement  
8 expired, and the former law is continued in effect for that purpose.

9 (c) Section 1301.405(a), Occupations Code, as amended by  
10 this Act, applies only to the renewal of a certificate of  
11 registration as a drain cleaner, drain cleaner-restricted  
12 registrant, or residential utilities installer that expires on or  
13 after the effective date of this Act. A certificate of registration  
14 that expired before the effective date of this Act is governed by  
15 the law in effect on the date the certificate of registration  
16 expired, and the former law is continued in effect for that purpose.

17 (d) Section 1301.406, Occupations Code, as added by this  
18 Act, applies only to the renewal of a certificate of registration as  
19 a plumber's apprentice that expires on or after the effective date  
20 of this Act. A certificate of registration that expired before the  
21 effective date of this Act is governed by the law in effect on the  
22 date the certificate of registration expired, and the former law is  
23 continued in effect for that purpose.

24 SECTION 21. As soon as practicable after the effective date  
25 of this Act, the Texas State Board of Plumbing Examiners shall adopt  
26 rules necessary to implement Chapter 1301, Occupations Code, as  
27 amended by this Act.

1 SECTION 22. This Act takes effect September 1, 2015.