

By: Smith

H.B. No. 2465

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of plumbers.

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

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (1-a), (2), (3), (4), (6), (7), (9), (11), and (12) and adding Subdivisions (1-b) and (7-a) to read as follows:

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

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

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

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

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

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

(3) "Drain cleaner-restricted registrant" means a person who:

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

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

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

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

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

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

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

18 (D) has passed the required examination; and

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

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

1 (7) "Plumbing" means:

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

4 (i) supply, distribute, circulate, or
5 recirculate water, other liquid, or gas; [~~or~~]

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

8 (iii) harvest rainwater or reclaimed water
9 to supply a plumbing fixture or appliance or a multipurpose
10 residential fire protection system;

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

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

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

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

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

22 (ii) a disposal or septic terminal that
23 holds private or domestic sewage; or

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

27 (7-a) "Plumbing company" means a business:

1 (A) registered with the board that employs a
2 responsible master plumber; or

3 (B) owned by a responsible master plumber.

4 (9) "Residential utilities installer" means a person
5 who:

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

9 (B) has fulfilled the requirements of and is
10 registered with the board; and

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

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

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

19 (B) the installation, service, and repair of
20 plumbing associated with the treatment, use, and distribution use
21 of rainwater or reclaimed water to supply a plumbing fixture or
22 appliance.

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

1 rainwater or reclaimed water or the repair of systems for rainwater
2 or reclaimed water harvesting to supply a plumbing fixture or
3 appliance. The term includes:

4 (A) installing and servicing fixed or portable
5 water treatment equipment in a public or private water treatment
6 system; or

7 (B) making connections necessary to install a
8 water treatment system to the potable water system or the sanitary
9 drainage system.

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

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

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

16 (A) is regularly employed as or acting as a
17 maintenance person or maintenance engineer; and

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

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

22 (3) plumbing if the person is:

23 (A) employed by a political subdivision to engage
24 in plumbing only within the geographic boundaries of the political
25 subdivision; or

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

27 (i) [~~(A)~~] lay, maintain, or operate its

1 service mains or lines to the point of measurement; and

2 (ii) [~~(B)~~] install, change, adjust,
3 repair, remove, or renovate appurtenances, equipment, or
4 appliances;

5 (4) appliance installation and service work, other
6 than installation and service work on water heaters, that involves
7 connecting appliances to existing openings with a code-approved
8 appliance connector if the person performs the work as an appliance
9 dealer or an employee of an appliance dealer; or

10 (5) water treatment installations, exchanges,
11 services, or repairs, other than the treatment of rainwater or
12 reclaimed water to supply a plumbing fixture or appliance.

13 SECTION 3. Section [1301.151\(a\)](#), Occupations Code, is
14 amended to read as follows:

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

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

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

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

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

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

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

7 (7) two members who represent the public.

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

10 (a) The board shall employ one or more plumbing examiners.
11 A plumbing examiner serves at the will of the board. A plumbing
12 examiner must:

13 (1) hold a license as a plumber issued under this
14 chapter;

15 (2) be knowledgeable of this chapter and municipal
16 ordinances relating to plumbing; and

17 (3) be qualified by experience and training in
18 plumbing practice.

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

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

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

26 (2) be knowledgeable of this chapter and municipal
27 ordinances relating to plumbing; and

1 (3) be qualified by experience and training in
2 plumbing practice or inspections.

3 SECTION 6. Section 1301.204, Occupations Code, is amended
4 to read as follows:

5 Sec. 1301.204. CAREER LADDER PROGRAM; PERFORMANCE
6 EVALUATIONS. (a) The executive director [~~presiding officer of the~~
7 ~~board or the presiding officer's designee~~] shall develop an
8 intra-agency career ladder program. The program must require
9 intra-agency posting of each nonentry level position at least 10
10 days before the date of any public posting.

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

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

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

20 (1) the Uniform Plumbing Code, as published by the
21 International Association of Plumbing and Mechanical Officials;
22 [~~and~~]

23 (2) the International Plumbing Code, as published by
24 the International Code Council;

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

1 and

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

4 (b) If a code described by ~~[The board by rule may adopt later~~
5 ~~editions of the plumbing codes listed in]~~ Subsection (a) is amended
6 after January 1, 2015, the requirements and standards of the
7 amended code shall be used in place of the January 1, 2015, edition
8 if the amended code is adopted by the board by rule after the board
9 determines that use of the amended code is:

10 (1) in the public interest; and

11 (2) consistent with the purposes of this chapter.

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

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

16 (1) the ~~[The]~~ enforcement committee or an employee
17 designated by the enforcement committee may investigate the ~~[an]~~
18 alleged violation; and

19 (2) the ~~[of this chapter or a board rule that is~~
20 ~~reported to the board.~~

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

25 SECTION 9. Section 1301.354, Occupations Code, is amended
26 by adding Subsection (b-2) and amending Subsection (c) to read as
27 follows:

1 (b-2) The required training under Subsection (b) must
2 include not more than 10 hours per day of hands-on training.

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

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

10 (2) provided by a person approved by the board and
11 based on course materials approved by the board.

12 SECTION 10. Section [1301.3565](#), Occupations Code, is amended
13 by amending Subsections (a-1), (b), and (f) and adding Subsection
14 (g) to read as follows:

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

18 (1) is licensed under this chapter as a master
19 plumber[+] and

20 [~~(2)~~] holds an endorsement issued under this section;
21 or

22 (2) is a licensed engineer who designs fire sprinklers
23 or plumbing systems.

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 that includes not more
5 than 10 hours per day of hands-on training, is approved by the
6 board, and [~~that~~] provides the training necessary for the proper
7 design and installation of a multipurpose residential fire
8 protection sprinkler system as required by the applicable codes and
9 standards recognized by the state; and

10 (5) passes an examination required by the board.

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

15 (g) A certified fire inspector may inspect or review plans
16 only for the sprinkler portion of a multipurpose residential fire
17 sprinkler installation, repair, or replacement if the certified
18 fire inspector:

19 (1) meets or exceeds the NFPA 1031 Standard for
20 Professional Qualifications for Fire Inspector and Plan Examiner;
21 and

22 (2) is employed or appointed by a political
23 subdivision or this state.

24 SECTION 11. Sections 1301.357(b) and (e), Occupations Code,
25 are amended to read as follows:

26 (b) The board shall issue an endorsement as a water supply
27 protection specialist to a person who:

1 (1) is licensed under this chapter as a master plumber
2 or journeyman plumber;

3 (2) applies to the board on a form prescribed by the
4 board;

5 (3) pays a fee set by the board;

6 (4) presents evidence satisfactory to the board of
7 successful completion of a certification program that includes not
8 more than 10 hours per day of hands-on training and is approved by
9 the board for water supply protection specialists; and

10 (5) passes an examination required by the board.

11 (e) A person is not required to hold a water supply
12 protection specialist endorsement if the person is employed by[+

13 ~~[(1)] a political subdivision[+ or~~

14 ~~[(2) an electric utility as defined by Section 31.002,~~
15 ~~Utilities Code].~~

16 SECTION 12. Section 1301.3576, Occupations Code, is amended
17 to read as follows:

18 Sec. 1301.3576. CERTIFICATE OF INSURANCE AND TRAINING FOR
19 RESPONSIBLE MASTER PLUMBER. Before a master plumber works as a
20 responsible master plumber, the master plumber 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 that includes not more
25 than 10 hours per day of hands-on training and is approved or
26 administered by the board regarding the laws and rules applicable
27 to the operation of a plumbing business in this state.

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

3 (b) A person who holds a license or endorsement under this
4 chapter must complete at least six hours of hands-on continuing
5 professional education each year the person holds the license or
6 endorsement to renew the person's license or endorsement. The
7 course must include training in:

8 (1) this chapter and board rules;

9 (2) board-approved plumbing codes; and

10 (3) [~~Three of the six hours must be in the subjects of]~~
11 health protection, energy conservation, and water conservation.

12 (e) A person may complete the continuing professional
13 education requirement of this section through a correspondence
14 course book or test book as approved by the board.

15 SECTION 14. Section 1301.405(a), Occupations Code, is
16 amended to read as follows:

17 (a) To renew the certificate of registration, a person who
18 holds a certificate of registration under this chapter as a drain
19 cleaner, drain cleaner-restricted registrant, or residential
20 utilities installer must annually complete at least six hours of
21 approved hands-on training that includes training in:

22 (1) this chapter and board rules;

23 (2) board-approved plumbing codes; and

24 (3) health protection, energy conservation [~~training~~
25 ~~in health and safety requirements, board-approved plumbing codes~~],
26 and water conservation.

27 SECTION 15. Subchapter H, Chapter 1301, Occupations Code,

1 is amended by adding Section 1301.406 to read as follows:

2 Sec. 1301.406. MANDATORY TRAINING FOR PLUMBER'S
3 APPRENTICE. (a) To renew the certificate of registration, a person
4 who holds a certificate of registration under this chapter as a
5 plumber's apprentice must annually complete at least six hours of
6 approved hands-on 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, and water
10 conservation.

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

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

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

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

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

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

24 (a) A person is subject to disciplinary action under Section
25 1301.451 if the person violates this chapter, an order issued by the
26 board, or a board rule. A violation of this chapter includes:

27 (1) obtaining a license, endorsement, or registration

1 through error or fraud;

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

5 (3) making a misrepresentation of services provided or
6 to be provided;

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

9 (5) employing a person who does not hold a license or
10 endorsement or who is not registered to engage in an activity for
11 which a license, endorsement, or registration is required under
12 this chapter.

13 SECTION 17. Sections 1301.551(a) and (c), Occupations Code,
14 are amended to read as follows:

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

20 (c) A municipality that adopts an ordinance or bylaw under
21 this section shall provide by ordinance or bylaw that a person must
22 obtain a permit before the person performs plumbing, other than the
23 repairing of leaks, the replacement of lavatory, bar, or kitchen
24 faucets, the replacement of ballcocks or water control valves, the
25 replacement of garbage disposals, or the replacement of water
26 closets or urinals. A replacement must comply with current code
27 requirements. The municipality may prescribe the terms on which

1 the permit is issued.

2 SECTION 18. The change in law made by this Act to Section
3 1301.151(a), Occupations Code, does not affect the entitlement of a
4 member serving on the Texas State Board of Plumbing Examiners
5 immediately before the effective date of this Act to continue to
6 serve as a member of the board for the remainder of the member's
7 term. The change in law applies only to a member appointed on or
8 after the effective date of this Act.

9 SECTION 19. (a) The changes in law made by this Act apply
10 only to an application for a certificate of registration as a drain
11 cleaner, drain cleaner-restricted registrant, or residential
12 utilities installer submitted on or after the effective date of
13 this Act. An application for a certificate of registration
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 (b) A person who holds a certificate of registration as a
18 drain cleaner, drain cleaner-restricted registrant, or residential
19 utilities installer issued before the effective date of this Act
20 may continue to renew that certificate of registration without
21 complying with the changes in law made by this Act relating to the
22 work requirement under the supervision of a responsible master
23 plumber.

24 (c) The changes in law made by this Act apply only to an
25 application for a license as a journeyman plumber submitted on or
26 after the effective date of this Act. An application for a license
27 submitted before the effective date of this Act is governed by the

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

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

8 SECTION 20. (a) Section [1301.354\(b-2\)](#), Occupations Code,
9 as added by this Act, applies only to an application for an
10 examination for a journeyman plumber or tradesman plumber-limited
11 license submitted on or after the effective date of this Act. An
12 application for an examination submitted before the effective date
13 of this Act is governed by the law in effect on the date the
14 application was submitted, and the former law is continued in
15 effect for that purpose.

16 (b) Section [1301.3565\(b\)](#), Occupations Code, as amended by
17 this Act, applies only to an application for an endorsement as a
18 multipurpose residential fire protection sprinkler specialist
19 submitted on or after the effective date of this Act. An
20 application for an endorsement submitted before the effective date
21 of this Act is governed by the law in effect on the date the
22 application was submitted, and the former law is continued in
23 effect for that purpose.

24 (c) Section [1301.357\(b\)](#), Occupations Code, as amended by
25 this Act, applies only to an application for an endorsement as a
26 water supply protection specialist submitted on or after the
27 effective date of this Act. An application for an endorsement

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 (d) Section 1301.3576, Occupations Code, as amended by this
5 Act, applies only to a responsible master plumber training program
6 completed on or after the effective date of this Act. A training
7 program completed before the effective date of this Act is governed
8 by the law in effect on the date the program was completed, and the
9 former law is continued in effect for that purpose.

10 (e) Section 1301.404(b), Occupations Code, as amended by
11 this Act, applies only to the renewal of a license or endorsement
12 that expires on or after the effective date of this Act. A license
13 or endorsement that expired before the effective date of this Act is
14 governed by the law in effect on the date the license or endorsement
15 expired, and the former law is continued in effect for that purpose.

16 (f) Section 1301.405(a), Occupations Code, as amended by
17 this Act, applies only to the renewal of a certificate of
18 registration as a drain cleaner, drain cleaner-restricted
19 registrant, or residential utilities installer that expires on or
20 after the effective date of this Act. A certificate of registration
21 that expired before the effective date of this Act is governed by
22 the law in effect on the date the certificate of registration
23 expired, and the former law is continued in effect for that purpose.

24 (g) Section 1301.406, Occupations Code, as added by this
25 Act, applies only to the renewal of a certificate of registration as
26 a plumber's apprentice that expires on or after the effective date
27 of this Act. A certificate of registration that expired before the

1 effective date of this Act is governed by the law in effect on the
2 date the certificate of registration expired, and the former law is
3 continued in effect for that purpose.

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

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