

By: Lucio III

H.B. No. 3837

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of certain rainwater harvesting; providing administrative penalties; authorizing fees; requiring an occupational license; creating a criminal offense.

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

SECTION 1. Title 7, Agriculture Code, is amended by adding Chapter 202 to read as follows:

CHAPTER 202. RAINWATER HARVESTING

SUBCHAPTER A. POWERS AND DUTIES OF DEPARTMENT

Sec. 202.001. RULES. The department shall adopt rules that are reasonable and necessary for the performance of the department's duties under this chapter, including rules to establish:

- (1) licensing and other fees;
- (2) licenser renewal dates;
- (3) procedures for disciplinary actions; and
- (4) standards for the installation and maintenance of rainwater harvesting equipment by a license holder.

Sec. 202.002. LICENSING AND REGULATORY DUTIES. The department shall:

- (1) review and approve or reject each application for the issuance or renewal of a license;
- (2) issue each license; and
- (3) deny, suspend, or revoke a license or otherwise

1 discipline a license holder.

2 SUBCHAPTER B. RAINWATER HARVESTING LICENSE

3 Sec. 202.051. LICENSE REQUIRED. A person may not install or
4 maintain or offer to install or maintain, for compensation, a
5 rainwater harvesting system with a capacity of more than 500
6 gallons unless the person holds:

7 (1) a license under this chapter; or

8 (2) a master plumber or a journeyman plumber license
9 issued by the Texas State Board of Plumbing Examiners and holds a
10 water supply protection specialist endorsement issued by the board.

11 Sec. 202.052. ISSUANCE OF LICENSE. The department shall
12 issue a license to an applicant who:

13 (1) meets the eligibility requirements of Section
14 202.053;

15 (2) submits an application on a form prescribed by the
16 department; and

17 (3) pays the required application fee.

18 Sec. 202.053. ELIGIBILITY REQUIREMENTS. To be eligible for
19 a license under this chapter, an applicant must:

20 (1) successfully complete a rainwater harvesting
21 training program approved by the department; and

22 (2) pass an examination administered or approved by
23 the department.

24 Sec. 202.054. LICENSE TERM AND RENEWAL. (a) A license
25 issued under this chapter is valid for three years.

26 (b) A person who holds a license under this chapter may
27 renew the license by:

- 1 (1) paying the required renewal fee;
2 (2) submitting the appropriate form; and
3 (3) meeting any other requirement established by
4 department rule.

5 Sec. 202.055. CONTINUING EDUCATION REQUIREMENTS. The
6 department by rule shall adopt, monitor, and enforce a reporting
7 program for the continuing education of license holders. The
8 department shall adopt and administer rules that:

9 (1) establish the number of hours of continuing
10 education the department determines appropriate as a prerequisite
11 to the renewal of a license under this chapter; and

12 (2) adopt a process to assess a license holder's
13 participation in continuing education courses.

14 SUBCHAPTER C. PENALTIES AND ENFORCEMENT PROVISIONS

15 Sec. 202.101. LICENSE SUSPENSION OR REVOCATION. The
16 department may suspend or revoke a license if the license holder
17 violates this chapter or a rule adopted under this chapter.

18 Sec. 202.102. CRIMINAL PENALTY. (a) A person commits an
19 offense if the person violates Section 202.051.

20 (b) An offense under this section is a Class C misdemeanor.

21 SECTION 2. Section 12.020(c), Agriculture Code, is amended
22 to read as follows:

23 (c) The provisions of law subject to this section and the
24 applicable penalty amounts are as follows:

25	Provision	Amount of Penalty
26		
27	Chapters 13, 14A, 17, 18, 19, 41,	
28	46, 61, 72, 73, 74, 76, 94, 95, 101,	
29	102, 103, 125, 132,	

not more than \$5,000

1 ~~and~~ 134, and 202

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Subchapters A, B, and C, Chapter 71
Chapter 14
Chapter 1951, Occupations Code
Chapter 153, Natural Resources
Code

not more than \$5,000
not more than \$10,000
not more than \$5,000
not more than \$5,000.

10 SECTION 3. Not later than March 1, 2016, the Department of
11 Agriculture shall adopt rules necessary to implement Chapter 202,
12 Agriculture Code, as added by this Act.

13 SECTION 4. (a) Except as provided by Subsection (b) of this
14 section, this Act takes effect September 1, 2015.

15 (b) Section 12.020(c), Agriculture Code, as amended by this
16 Act, and Sections 202.051 and 202.102, Agriculture Code, as added
17 by this Act, take effect September 1, 2016.