

By: _____ .B. No. _____

Substitute the following for ____B. No. _____:

By: _____ C.S.____B. No. _____

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), (7), (9), (11),
7 and (12) 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) "Plumbing" means:

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

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

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

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

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

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

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

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

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

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

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

1 (7-a) "Plumbing company" means a business that:

2 (A) is registered with the board;

3 (B) employs a responsible master plumber; or

4 (B) is owned by a responsible master plumber.

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

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

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

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

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

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

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

24 (12) "Water treatment" means a business conducted
25 under contract that requires ability, experience, and skill in
26 analyzing water to determine how to treat influent and effluent
27 water to change or purify the water or to add or remove minerals,

1 chemicals, or bacteria. The term does not include treatment of
2 rainwater or reclaimed water or the repair of systems for rainwater
3 or reclaimed water harvesting to supply a plumbing fixture or
4 appliance. The term includes:

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

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

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

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

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

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

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

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

23 (3) plumbing if the person is:

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

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

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

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

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

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

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

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

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

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

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

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

1 or master plumber;

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

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

8 (7) two members who represent the public.

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

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

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

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

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

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

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

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

27 (2) be knowledgeable of this chapter and municipal

1 ordinances relating to plumbing; and

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

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

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

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

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

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

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

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

26 (3) the NFPA 13D Standard for the Installation of
27 Sprinkler Systems in One- and Two-family Dwellings and Manufactured

1 Homes, as published by the National Fire Protection Association;
2 and

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

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

11 (1) in the public interest; and

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

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

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

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

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

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

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

1 follows:

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

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

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

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

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

16 (b-1) Before a person may take the examination under
17 Subsection (b), the person must complete training in a
18 board-approved training program in the area of medical gas piping
19 installation. The required training under this subsection must
20 include not more than 10 hours per day of classroom or hands-on
21 training.

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

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

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

3 ~~[(2)]~~ holds an endorsement issued under this section;
4 or

5 (2) is a licensed engineer who designs fire sprinklers
6 or plumbing systems.

7 (b) The board shall issue an endorsement as a multipurpose
8 residential fire protection sprinkler specialist to a person who:

9 (1) holds the license described by Subsection (a);

10 (2) applies to the board on a form prescribed by the
11 board;

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

13 (4) presents evidence satisfactory to the board of
14 successful completion of a training program that includes not more
15 than 10 hours per day of classroom or hands-on training, is approved
16 by the board, and [that] provides the training necessary for the
17 proper design and installation of a multipurpose residential fire
18 protection sprinkler system as required by the applicable codes and
19 standards recognized by the state; and

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

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

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

1 fire inspector:

2 (1) meets or exceeds the NFPA 1031 Standard for
3 Professional Qualifications for Fire Inspector and Plan Examiner;
4 and

5 (2) is employed or appointed by a political
6 subdivision or this state.

7 SECTION 12. Sections 1301.357(b) and (e), Occupations Code,
8 are amended to read as follows:

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

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

13 (2) applies to the board on a form prescribed by the
14 board;

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

16 (4) presents evidence satisfactory to the board of
17 successful completion of a certification program that includes not
18 more than 10 hours per day of classroom or hands-on training and is
19 approved by the board for water supply protection specialists; and

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

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

23 [~~1~~] a political subdivision[~~, or~~

24 [~~2~~] ~~an electric utility as defined by Section 31.002,~~
25 ~~Utilities Code].~~

26 SECTION 13. Section 1301.3576, Occupations Code, is amended
27 to read as follows:

1 Sec. 1301.3576. CERTIFICATE OF INSURANCE AND TRAINING FOR
2 RESPONSIBLE MASTER PLUMBER. Before a master plumber works as a
3 responsible master plumber, the master plumber must:

4 (1) provide the board with a certificate of insurance
5 that meets the requirements of Section 1301.552; and

6 (2) present evidence satisfactory to the board of
7 successful completion of a training program that includes not more
8 than 10 hours per day of classroom or hands-on training and is
9 approved or administered by the board regarding the laws and rules
10 applicable to the operation of a plumbing business in this state.

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

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

18 (1) this chapter and board rules;

19 (2) board-approved plumbing codes; and

20 (3) [~~Three of the six hours must be in the subjects of~~

21 health protection, energy conservation, and water conservation.

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

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

27 (a) To renew the certificate of registration, a person who

1 holds a certificate of registration under this chapter as a drain
2 cleaner, drain cleaner-restricted registrant, or residential
3 utilities installer must annually complete at least six hours of
4 approved classroom training that includes training in:

- 5 (1) this chapter and board rules;
- 6 (2) board-approved plumbing codes; and
- 7 (3) health protection, energy conservation [~~training~~
8 ~~in health and safety requirements, board-approved plumbing codes~~],
9 and water conservation.

10 SECTION 16. Subchapter H, Chapter 1301, Occupations Code,
11 is amended by adding Section 1301.406 to read as follows:

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

- 19 (1) this chapter and board rules;
- 20 (2) board-approved plumbing codes; and
- 21 (3) health protection, energy conservation, and water
22 conservation.

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

- 25 (1) by a person approved by the board; and
- 26 (2) according to criteria adopted by the board.

27 (c) A plumber's apprentice who is enrolled and in good

1 standing in a training program approved by the United States
2 Department of Labor, Office of Apprenticeship, is exempt from
3 Subsections (a) and (b).

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

7 SECTION 17. Section 1301.452(a), Occupations Code, is
8 amended to read as follows:

9 (a) A person is subject to disciplinary action under Section
10 1301.451 if the person violates this chapter, an order issued by the
11 board, or a board rule. A violation of this chapter includes:

12 (1) obtaining a license, endorsement, or registration
13 through error or fraud;

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

17 (3) making a misrepresentation of services provided or
18 to be provided;

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

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

25 SECTION 18. Sections 1301.551(a) and (c), Occupations Code,
26 are amended to read as follows:

27 (a) A municipality with more than 5,000 inhabitants shall

1 regulate by ordinance or bylaw the material, construction,
2 alteration, and inspection of any pipe, faucet, tank, valve, water
3 heater, or other fixture by or through which a supply of water, gas,
4 medical gas, medical vacuum, or sewage is used or carried.

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

14 SECTION 19. The change in law made by this Act to Section
15 1301.151(a), Occupations Code, does not affect the entitlement of a
16 member serving on the Texas State Board of Plumbing Examiners
17 immediately before the effective date of this Act to continue to
18 serve as a member of the board for the remainder of the member's
19 term. The change in law applies only to a member appointed on or
20 after the effective date of this Act.

21 SECTION 20. (a) The changes in law made by this Act apply
22 only to an application for a certificate of registration as a drain
23 cleaner, drain cleaner-restricted registrant, or residential
24 utilities installer submitted on or after the effective date of
25 this Act. An application for a certificate of registration
26 submitted before the effective date of this Act is governed by the
27 law in effect on the date the application was submitted, and the

1 former law is continued in effect for that purpose.

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

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

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

20 SECTION 21. (a) Section 1301.354(b-2), Occupations Code,
21 as added by this Act, applies only to an application for an
22 examination for a journeyman plumber or tradesman plumber-limited
23 license submitted on or after the effective date of this Act. An
24 application for an examination submitted before the effective date
25 of this Act is governed by the law in effect on the date the
26 application was submitted, and the former law is continued in
27 effect for that purpose.

1 (b) Section 1301.356(b-1), Occupations Code, as added by
2 this Act, applies only to an application for an endorsement to
3 perform medical gas piping installation submitted on or after the
4 effective date of this Act. An application for an endorsement
5 submitted before the effective date of this Act is governed by the
6 law in effect on the date the application was submitted, and the
7 former law is continued in effect for that purpose.

8 (c) Section 1301.3565(b), Occupations Code, as amended by
9 this Act, applies only to an application for an endorsement as a
10 multipurpose residential fire protection sprinkler specialist
11 submitted on or after the effective date of this Act. An
12 application for an endorsement 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 (d) Section 1301.357(b), Occupations Code, as amended by
17 this Act, applies only to an application for an endorsement as a
18 water supply protection specialist submitted on or after the
19 effective date of this Act. An application for an endorsement
20 submitted before the effective date of this Act is governed by the
21 law in effect on the date the application was submitted, and the
22 former law is continued in effect for that purpose.

23 (e) Section 1301.3576, Occupations Code, as amended by this
24 Act, applies only to a responsible master plumber training program
25 completed on or after the effective date of this Act. A training
26 program completed before the effective date of this Act is governed
27 by the law in effect on the date the program was completed, and the

1 former law is continued in effect for that purpose.

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

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

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

23 SECTION 22. As soon as practicable after the effective date
24 of this Act, the Texas State Board of Plumbing Examiners shall adopt
25 rules necessary to implement Chapter 1301, Occupations Code, as
26 amended by this Act.

27 SECTION 23. This Act takes effect September 1, 2015.