

By: Lambert

H.B. No. 1670

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of the regulation of plumbing to the Texas Department of Licensing and Regulation, following recommendations of the Sunset Advisory Commission; requiring an occupational license; authorizing a fee.

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

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (1), (1-a), (1-b), (2), (3), (4), (5), (6), (8), (9), (10), and (11) and adding Subdivisions (1-c) and (7-a) to read as follows:

(1) "Advisory board" ["Board"] means the Texas ~~[State Board of]~~ Plumbing Advisory Board established under Subchapter C [Examiners].

(1-a) "Commission" means the Texas Commission of Licensing and Regulation.

(1-b) "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-c) "Department" means the Texas Department of Licensing and Regulation.

(2) ~~[(1-b)]~~ "Executive director" means the executive director of the department ~~[Texas State Board of Plumbing Examiners]~~.

1 (3) "Drain cleaning" [~~(2) "Drain cleaner"~~] means [a
2 person who]:

3 (A) installing [~~has completed at least 4,000~~
4 ~~hours working under the supervision of a responsible master plumber~~
5 ~~as a drain cleaner-restricted registrant,~~

6 [~~(B) has fulfilled the requirements of and is~~
7 ~~registered with the board, and~~

8 [~~(C) installs~~] cleanouts and removing [~~removes~~]
9 and resetting [~~resets~~] p-traps to eliminate obstructions in
10 building drains and sewers under the supervision of a [~~responsible~~]
11 master plumber; or

12 (B) clearing [~~-~~

13 [~~(3) "Drain cleaner-restricted registrant" means a~~
14 ~~person who:~~

15 [~~(A) has worked as a plumber's apprentice under~~
16 ~~the supervision of a responsible master plumber,~~

17 [~~(B) has fulfilled the requirements of and is~~
18 ~~registered with the board, and~~

19 [~~(C) clears~~] obstructions in sewer and drain
20 lines through any code-approved existing opening under the
21 supervision of a [~~responsible~~] master plumber.

22 (4) "Journeyman plumber" means a person licensed under
23 this chapter who:

24 (A) has met the qualifications for registration
25 as a plumber's apprentice or for licensing as a tradesman
26 plumber-limited license holder;

27 (B) has completed at least 8,000 hours working

1 under the supervision of a [~~responsible~~] master plumber;

2 (C) installs, changes, repairs, services, or
3 renovates plumbing or supervises any of those activities under the
4 supervision of a [~~responsible~~] master plumber;

5 (D) has passed the required examination; and

6 (E) has fulfilled the other requirements of the
7 commission [~~board~~].

8 (5) "Master plumber" means a person licensed under
9 this chapter who:

10 (A) is skilled in the design, planning, and
11 superintending of plumbing and in the practical installation,
12 repair, and servicing of plumbing;

13 (B) has worked as a journeyman plumber:

14 (i) for at least four years; or

15 (ii) for at least one year and has
16 successfully completed a training program approved by the United
17 States Department of Labor Office of Apprenticeship or another
18 nationally recognized apprentice training program accepted by the
19 commission [~~board~~];

20 (C) performs or supervises plumbing work;

21 (D) has passed the required examination; and

22 (E) has fulfilled the other requirements of the
23 commission [~~board~~].

24 (6) "Plumber's apprentice" means a person other than a
25 master plumber, journeyman plumber, or tradesman plumber-limited
26 license holder who:

27 (A) [~~7~~] as the person's principal occupation,

1 learns about and assists in the installation of plumbing, including
2 drain cleaning and residential utilities installation;

3 (B) has fulfilled the requirements of the
4 commission and is registered by the department; [~~board,~~] and

5 (C) works under the supervision of a
6 [~~responsible~~] master plumber [~~and the direct supervision of a~~
7 ~~licensed plumber~~].

8 (7-a) "Plumbing contractor" means a person licensed as
9 a plumbing contractor under this chapter who:

10 (A) is a master plumber, or employs a master
11 plumber, for the purpose of offering and performing plumbing work
12 that will be performed or supervised by the master plumber;

13 (B) is authorized to obtain permits for plumbing
14 work;

15 (C) assumes responsibility for plumbing work
16 performed for compensation paid to the person; and

17 (D) has submitted a certificate of insurance as
18 required by Section 1301.3576.

19 (8) "Plumbing inspector" means a person who:

20 (A) is employed by a political subdivision or
21 state agency, or contracts as an independent contractor with a
22 political subdivision or state agency, to inspect plumbing in
23 connection with health and safety laws, including ordinances, and
24 plumbing and gas codes;

25 (B) has passed the required examination; and

26 (C) has fulfilled the other requirements of the
27 commission [~~board~~].

(9) "Residential utilities installation"

~~["Residential utilities installer"]~~ means constructing and installing ~~[a person who:~~

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

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

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

(10) "Tradesman plumber-limited license holder" means a person who:

(A) has completed at least 4,000 hours working under the ~~[direct]~~ supervision of a ~~[journeyman or]~~ master plumber as a plumber's apprentice;

(B) has passed the required examination;

(C) constructs and installs plumbing for one-family or two-family dwellings under general ~~[the]~~ supervision ~~[of a responsible master plumber]; and~~

(D) has fulfilled the other requirements of the commission ~~[board]~~.

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the department ~~[board]~~ to engage in:

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

1 (B) the installation, service, and repair of
2 plumbing associated with the treatment, use, and distribution use
3 of rainwater to supply a plumbing fixture or appliance.

4 SECTION 2. Sections 1301.056 and 1301.057, Occupations
5 Code, are amended to read as follows:

6 Sec. 1301.056. LAWN IRRIGATION SYSTEMS. A person licensed
7 by the department under this chapter [~~board~~] is not required to be
8 licensed by another board or agency to install or work on a lawn
9 irrigation system.

10 Sec. 1301.057. SELF-HELP PROJECT. (a) A person is not
11 required to be licensed under this chapter to perform plumbing,
12 limited to the provision of a residential potable water supply or
13 residential sanitary sewer connection, for a project that:

14 (1) is in a county a part of which is within 50 miles of
15 an international border; and

16 (2) is performed by an organization that:

17 (A) is certified by the Texas [~~Natural Resource~~
18 ~~Conservation~~] Commission on Environmental Quality to provide
19 self-help project assistance; and

20 (B) provides the department [~~board~~] with the
21 following information before the 30th day before the date the
22 project begins:

23 (i) the exact location of the project;

24 (ii) the intended duration of the project;

25 and

26 (iii) other information the department
27 [~~board~~] requires.

1 (b) The department [~~board~~] may require under Subsection
2 (a)(2)(B)(iii) that the organization provide a post-construction
3 report signed by a plumbing inspector stating that the plumbing is
4 safe.

5 (c) The department [~~board~~] may provide training to an
6 organization that provides self-help project assistance under this
7 section.

8 SECTION 3. The heading to Subchapter C, Chapter 1301,
9 Occupations Code, is amended to read as follows:

10 SUBCHAPTER C. TEXAS [~~STATE BOARD OF~~] PLUMBING ADVISORY BOARD
11 [~~EXAMINERS~~]

12 SECTION 4. Section 1301.151, Occupations Code, is amended
13 to read as follows:

14 Sec. 1301.151. TEXAS [~~STATE BOARD OF~~] PLUMBING ADVISORY
15 BOARD [~~EXAMINERS~~] MEMBERSHIP. (a) The Texas [~~State Board of~~]
16 Plumbing Advisory Board [~~Examiners~~] consists of nine members
17 appointed by the presiding officer of the commission, with
18 commission approval, [~~governor with the advice and consent of the~~
19 ~~senate~~] as follows:

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

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

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

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

1 ~~years' experience as a licensed journeyman plumber or master~~
2 ~~plumber];~~

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

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

9 (7) one member who is a licensed plumber; and

10 (8) one member ~~[two members]~~ who represents
11 ~~[represent]~~ the public.

12 (b) Each member of the advisory board must be a United
13 States citizen.

14 (c) Appointments to the advisory board shall be made without
15 regard to the race, color, disability, sex, religion, age, or
16 national origin of the appointee.

17 (d) Chapter 2110, Government Code, does not apply to the
18 composition or duration of the advisory board or to the appointment
19 of the advisory board's presiding officer.

20 SECTION 5. Section 1301.152, Occupations Code, is amended
21 to read as follows:

22 Sec. 1301.152. ELIGIBILITY OF PUBLIC MEMBER ~~[MEMBERS]~~. A
23 person is not eligible for appointment as a public member of the
24 advisory board if the person or the person's spouse:

25 (1) is licensed by an occupational regulatory agency
26 in the building construction industry;

27 (2) is employed by or participates in the management

1 of an agency or business entity related to the building
2 construction industry; or

3 (3) has, other than as a consumer, a financial
4 interest in a business entity related to the building construction
5 industry.

6 SECTION 6. Section 1301.154, Occupations Code, is amended
7 to read as follows:

8 Sec. 1301.154. TERMS. Advisory board [~~Board~~] members serve
9 staggered six-year terms.

10 SECTION 7. Section 1301.157, Occupations Code, is amended
11 to read as follows:

12 Sec. 1301.157. OFFICER [~~OFFICERS~~]. [~~(a)~~] The presiding
13 officer of the commission [~~governor~~] shall designate a member of
14 the advisory board as the presiding officer of the board to serve in
15 that capacity at the pleasure of the presiding officer of the
16 commission [~~governor~~].

17 [~~(b) The board shall elect a secretary from its membership.~~]

18 SECTION 8. Section 1301.158, Occupations Code, is amended
19 to read as follows:

20 Sec. 1301.158. COMPENSATION [~~PER DIEM; REIMBURSEMENT~~]. An
21 advisory [~~(a) A~~] board member may not receive compensation [~~a fixed~~
22 ~~salary~~] for service on the advisory board.

23 [~~(b) A board member is entitled to receive a per diem as set~~
24 ~~by the General Appropriations Act for each day the member engages in~~
25 ~~the business of the board.~~]

26 [~~(c) A board member may not receive reimbursement for travel~~
27 ~~expenses, including expenses for meals and lodging, other than~~]

1 ~~transportation expenses. A member is entitled to reimbursement for~~
2 ~~transportation expenses as provided by the General Appropriations~~
3 ~~Act.]~~

4 SECTION 9. Subchapter C, Chapter 1301, Occupations Code, is
5 amended by adding Section 1301.160 to read as follows:

6 Sec. 1301.160. DUTIES OF ADVISORY BOARD. The advisory
7 board shall provide advice and recommendations to the department on
8 technical matters relevant to the administration and enforcement of
9 this chapter, including examinations, licensing qualifications,
10 plumbing code requirements, and continuing education requirements.

11 SECTION 10. The heading to Subchapter D, Chapter 1301,
12 Occupations Code, is amended to read as follows:

13 SUBCHAPTER D. DEPARTMENT [~~EXECUTIVE DIRECTOR AND OTHER BOARD~~]
14 PERSONNEL

15 SECTION 11. Section 1301.202, Occupations Code, is amended
16 to read as follows:

17 Sec. 1301.202. CERTAIN PLUMBING EXAMINERS [~~EXAMINER~~]. (a)
18 If an examination required for the issuance of a license,
19 endorsement, or certificate of registration under this chapter
20 contains a practical component, the department [~~The board~~] shall
21 employ or contract with one or more plumbing examiners to
22 administer that portion of the examination. [~~A plumbing examiner~~
23 ~~serves at the will of the board.~~] A plumbing examiner must:

24 (1) hold a license as a plumber issued under this
25 chapter; and

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].~~

3 (b) A plumbing examiner shall:

4 (1) examine the fitness and qualifications of a person
5 applying to the department ~~[board]~~ for a license as a master
6 plumber, journeyman plumber, tradesman plumber-limited license
7 holder, or plumbing inspector; and

8 (2) promptly certify the result of the examination to
9 the department ~~[board]~~.

10 SECTION 12. Section 1301.203, Occupations Code, is amended
11 to read as follows:

12 Sec. 1301.203. FIELD REPRESENTATIVE; INSPECTIONS. (a) The
13 department ~~[board]~~ may employ a field representative to assist the
14 department ~~[board]~~ in enforcing this chapter and rules adopted
15 under this chapter. A field representative must [+

16 ~~[(1) hold a license as a plumber under this chapter,~~

17 ~~[(2)]~~ be knowledgeable of this chapter and municipal
18 ordinances relating to plumbing[+, and

19 ~~[(3) be qualified by experience and training in~~
20 ~~plumbing practice].~~

21 (b) A field representative may:

22 (1) conduct on-site license checks to determine
23 compliance with this chapter;

24 (2) investigate consumer complaints [~~filed under~~
25 Section 1301.303]; and

26 (3) assist municipal plumbing inspectors in enforcing
27 this chapter[+]

1 ~~[(4) issue citations as provided by Section 1301.502,~~

2 ~~and~~

3 ~~[(5) in the performance of the field representative's~~

4 ~~other duties under this chapter, check the license, registration,~~

5 ~~or endorsement of a person regulated by the Texas Department of~~

6 ~~Licensing and Regulation in accordance with the memorandum of~~

7 ~~understanding adopted under Section 1301.259 and report any~~

8 ~~noncompliance to that agency].~~

9 SECTION 13. The heading to Subchapter E, Chapter 1301,
10 Occupations Code, is amended to read as follows:

11 SUBCHAPTER E. ~~[BOARD]~~ POWERS AND DUTIES

12 SECTION 14. Sections 1301.251 and 1301.253, Occupations
13 Code, are amended to read as follows:

14 Sec. 1301.251. GENERAL DUTIES ~~[OF BOARD]~~. The executive
15 director or commission, as appropriate, [board] shall:

16 (1) administer this chapter; and

17 (2) adopt and enforce rules necessary to administer
18 this chapter, including requirements for the issuance and renewal
19 of a license, endorsement, or certificate of registration under
20 this chapter~~, and~~

21 ~~[(3) keep a record of each proceeding conducted before~~
22 ~~and action taken by the board].~~

23 Sec. 1301.253. FEES. The commission ~~[board]~~ shall set fees
24 under this chapter in amounts that are reasonable and necessary to
25 cover the cost of administering this chapter.

26 SECTION 15. Sections 1301.255(a), (b), (c), and (d),
27 Occupations Code, are amended to read as follows:

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

3 (1) the Uniform Plumbing Code, as published by the
4 International Association of Plumbing and Mechanical Officials;
5 and

6 (2) the International Plumbing Code, as published by
7 the International Code Council.

8 (b) The commission [~~board~~] by rule may adopt later editions
9 of the plumbing codes listed in Subsection (a).

10 (c) Plumbing installed in an area not otherwise subject to
11 regulation under this chapter by a person licensed under this
12 chapter must be installed in accordance with a plumbing code
13 adopted by the commission [~~board~~] under Subsection (a) or (b).

14 (d) In adopting a code for the design, installation, and
15 maintenance of a plumbing system under this section, a municipality
16 or an owner of a public water system may amend any provisions of the
17 code to conform to local concerns that do not substantially vary
18 from commission [~~board~~] rules or other rules of this state.

19 SECTION 16. Section 1301.262, Occupations Code, is amended
20 to read as follows:

21 Sec. 1301.262. CODES [~~PLUMBING INSPECTOR CODE~~] OF CONDUCT.

22 (a) The commission [~~board~~] by rule shall establish a code of
23 conduct for licensed plumbing inspectors. The code of conduct
24 shall require a plumbing inspector to enforce this chapter and
25 commission [~~board~~] rules in a consistent manner across job sites.

26 (b) The commission by rule may establish standards of
27 conduct for a holder of a license, endorsement, or certificate of

1 registration issued under this chapter.

2 SECTION 17. Subchapter E, Chapter 1301, Occupations Code,
3 is amended by adding Section 1301.263 to read as follows:

4 Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT. (a)
5 The department shall recognize, prepare, administer, or arrange for
6 the administration of an examination required by this chapter.

7 (b) The department shall determine the minimum requirements
8 and passing score for an examination required by this chapter.

9 (c) If an examination required by this chapter contains a
10 practical component, the practical component must be administered
11 by a plumbing examiner as provided by Section 1301.202.

12 SECTION 18. The heading to Subchapter F, Chapter 1301,
13 Occupations Code, is amended to read as follows:

14 SUBCHAPTER F. PRACTICE BY LICENSE HOLDER [~~CONSUMER INTEREST~~
15 ~~INFORMATION AND COMPLAINT PROCEDURES~~]

16 SECTION 19. Section 1301.302, Occupations Code, is amended
17 to read as follows:

18 Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. A
19 written proposal, invoice, or contract relating to plumbing
20 services performed by or under the direction of a plumber licensed
21 under this chapter must contain the name and license number of the
22 plumbing contractor [~~responsible master plumber~~] and the name,
23 mailing address, and telephone number of the department [~~board~~].
24 The person who performed the services shall give the customer an
25 invoice or completed contract document on completion of the job,
26 regardless of whether the person charged a fee for performing the
27 services.

1 SECTION 20. Subchapter F, Chapter 1301, Occupations Code,
2 is amended by adding Section 1301.305 to read as follows:

3 Sec. 1301.305. SUPERVISION RULES; RESPONSIBILITY FOR
4 PLUMBING WORK. (a) The commission by rule shall:

5 (1) require that, for each task involved in plumbing,
6 a master plumber:

7 (A) perform the task; or

8 (B) provide general or direct supervision of a
9 less experienced plumber who performs the task;

10 (2) require that each plumber's apprentice and
11 tradesman plumber-limited license holder perform plumbing under
12 the direct or general supervision of a more experienced plumber;

13 (3) specify the plumbing tasks that a plumber's
14 apprentice or tradesman plumber-limited license holder must
15 perform under direct supervision and the plumbing tasks a plumber's
16 apprentice or tradesman plumber-limited license holder must
17 perform under general supervision;

18 (4) specify the amount of classroom training meeting
19 the requirements of Subsection (b), practical plumbing experience,
20 or a combination of that training and experience necessary to:

21 (A) exempt a plumber from the direct supervision
22 requirements under this section; and

23 (B) permit the plumber to perform the plumbing
24 under general supervision;

25 (5) require a plumber, other than a master plumber, to
26 document the plumber's:

27 (A) classroom training that meets the

1 requirements of Subsection (b); and

2 (B) practical plumbing experience; and

3 (6) require the plumbing contractor, and supervising
4 plumber, if any, to assume responsibility for plumbing performed,
5 including the quality of the plumbing and the supervision of less
6 experienced plumbers.

7 (b) Notwithstanding the minimum requirements for a
8 continuing education program or instructor established under this
9 chapter, the commission by rule shall establish minimum
10 requirements for classroom training, other than a continuing
11 education program under this chapter, that, if successfully
12 completed and documented by a plumber, the department shall credit
13 toward:

14 (1) the necessary classroom training required to:

15 (A) exempt the plumber from the direct
16 supervision requirements under this section; and

17 (B) permit the plumber to perform specified
18 plumbing tasks under general supervision;

19 (2) the continuing education required under this
20 chapter to renew a license, endorsement, or certificate of
21 registration, as applicable to the plumber; and

22 (3) the eligibility requirements for a license under
23 this chapter, as applicable to the plumber.

24 SECTION 21. Sections 1301.351(a), (a-1), and (c),
25 Occupations Code, are amended to read as follows:

26 (a) A person [~~other than a responsible master plumber,~~] may
27 not perform or offer to perform [~~engage in~~] plumbing for

1 compensation unless:

2 (1) the person holds:

3 (A) a plumbing contractor license; and

4 (B) the proper license, endorsement, or
5 certificate of registration [~~, or endorsement~~] required by this
6 chapter to perform or supervise the performance of plumbing; [and]

7 (2) the person:

8 (A) is employed by a plumbing contractor;

9 (B) performs or supervises the plumbing on behalf
10 of the plumbing contractor; and

11 (C) holds the proper license, endorsement, or
12 certificate of registration required by this chapter; or

13 (3) the person offers to perform plumbing and
14 contracts with a plumbing contractor for the performance of the
15 plumbing [~~the person's work is supervised and controlled by a~~
16 ~~person licensed under this chapter~~].

17 (a-1) A person may not act as a plumbing contractor
18 [~~responsible master plumber~~] unless the person holds the
19 appropriate license and meets the applicable requirements [~~for a~~
20 ~~responsible master plumber~~] under this chapter.

21 (c) A plumbing contractor [~~license holder~~] who is
22 supervising and controlling [~~under Subsection (a)(2)~~] the work of a
23 person engaged in the business of plumbing in the construction of a
24 new one-family or two-family dwelling in an unincorporated area of
25 the state must have training and management responsibility for, and
26 shall review and inspect, the person's work. The plumbing
27 contractor [~~license holder~~] is not required to provide continuous

1 or uninterrupted on-the-job oversight of the person's work.

2 SECTION 22. Subchapter G, Chapter 1301, Occupations Code,
3 is amended by adding Section 1301.3515 to read as follows:

4 Sec. 1301.3515. CRIMINAL HISTORY RECORD INFORMATION FOR
5 LICENSE ISSUANCE. (a) The department shall require that an
6 applicant for a license submit a complete and legible set of
7 fingerprints, on a form prescribed by the executive director, to
8 the department or to the Department of Public Safety for the purpose
9 of obtaining criminal history record information from the
10 Department of Public Safety and the Federal Bureau of
11 Investigation.

12 (b) The department may not issue a license to a person who
13 does not comply with the requirement of Subsection (a).

14 (c) The department shall conduct a criminal history record
15 information check of each applicant for a license using
16 information:

17 (1) provided by the individual under this section; and

18 (2) made available to the department by the Department
19 of Public Safety, the Federal Bureau of Investigation, and any
20 other criminal justice agency under Chapter 411, Government Code.

21 (d) The department may:

22 (1) enter into an agreement with the Department of
23 Public Safety to administer a criminal history record information
24 check required under this section; and

25 (2) authorize the Department of Public Safety to
26 collect from each applicant the costs incurred by the Department of
27 Public Safety in conducting the criminal history record information

1 check.

2 SECTION 23. Section 1301.352, Occupations Code, is amended
3 to read as follows:

4 Sec. 1301.352. EXAMINATION REQUIRED. The department
5 [~~board~~] shall issue a license or endorsement as a master plumber,
6 journeyman plumber, plumbing inspector, tradesman plumber-limited
7 license holder, medical gas piping installation endorsement
8 holder, water supply protection specialist, or multipurpose
9 residential fire protection sprinkler specialist to a person who
10 demonstrates the fitness, competence, and qualifications to
11 receive the license or endorsement by passing a uniform, reasonable
12 examination.

13 SECTION 24. Section 1301.3522, Occupations Code, is amended
14 to read as follows:

15 Sec. 1301.3522. EXAMINATION REVIEW COURSE. (a) The
16 department [~~board~~] shall develop a review course in English and
17 Spanish to assist license applicants in preparation for each
18 license examination offered by the department [~~board~~]. If the
19 department [~~board~~] provides the review course, the department
20 [~~board~~] may charge a fee to an applicant who applies to take the
21 review course.

22 (b) The department [~~board~~] may provide the review course
23 training materials to private course providers for a fee determined
24 by the commission [~~board~~].

25 SECTION 25. Section 1301.353, Occupations Code, is amended
26 to read as follows:

27 Sec. 1301.353. INSPECTOR CONFLICTS PROHIBITED. The

1 department [~~board~~] may not issue a plumbing inspector license to a
2 person who has a financial or advisory interest in a plumbing
3 company.

4 SECTION 26. Sections 1301.354(b), (b-1), (c), (c-1), and
5 (d), Occupations Code, are amended to read as follows:

6 (b) A person who has worked as a plumber's apprentice for a
7 period established by law or commission [~~board~~] rule may apply to
8 take an examination for a license as a journeyman plumber or
9 tradesman plumber-limited license holder. Before the applicant may
10 take the examination, the applicant must complete classroom
11 training provided by a department-approved [~~board-approved~~]
12 instructor in a department-approved [~~board-approved~~] training
13 program in the areas of health and safety, applicable plumbing
14 codes, and water conservation for at least:

15 (1) 24 hours if the applicant is applying to take a
16 tradesman plumber-limited license holder examination; or

17 (2) 48 hours if the applicant is applying to take a
18 journeyman plumber examination.

19 (b-1) At the applicant's request, the department [~~board~~]
20 may credit an applicant under Subsection (b) with a number of hours
21 determined by commission [~~board~~] rule against the number of hours
22 of work experience required to take an examination if the applicant
23 has received an associate of applied science degree from a plumbing
24 technology program that:

25 (1) includes a combination of classroom and on-the-job
26 training; and

27 (2) is approved by the department [~~board~~] and the

1 Texas Higher Education Coordinating Board.

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

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

9 (2) provided by a person approved by the department
10 [~~board~~] and based on course materials approved by the department
11 [~~board~~].

12 (c-1) At the applicant's request, the department [~~board~~]
13 may credit an applicant under Subsection (b) with up to 250 hours of
14 the work experience required before taking an examination if the
15 applicant has completed a coherent sequence of courses in the
16 construction trade that are offered through a career and technical
17 education program that is approved by the State Board of Education.

18 (d) Notwithstanding the classroom training required by
19 Subsection (b), a plumber's apprentice may apply for and take an
20 examination for a license as a journeyman plumber or tradesman
21 plumber-limited license holder if the apprentice has received an
22 associate of applied science degree from a plumbing technology
23 program that:

24 (1) includes a combination of classroom and on-the-job
25 training; and

26 (2) is approved by the department [~~board~~] and the
27 Texas Higher Education Coordinating Board.

1 SECTION 27. Section 1301.3541, Occupations Code, is amended
2 to read as follows:

3 Sec. 1301.3541. APPRENTICE REGISTRATION REQUIREMENTS. The
4 commission [~~board~~] by rule may adopt registration requirements for
5 plumber's apprentices, including training and education
6 requirements.

7 SECTION 28. Sections 1301.356(d) and (e), Occupations Code,
8 are amended to read as follows:

9 (d) An endorsement under this section coincides with rules
10 adopted by the executive commissioner of the Health and Human
11 Services Commission [~~Texas Department of Health~~].

12 (e) A plumbing inspector who meets the requirements of the
13 commission [~~board~~] may hold a medical gas endorsement and inspect
14 medical gas piping installations.

15 SECTION 29. Sections 1301.3565(b) and (f), Occupations
16 Code, are amended to read as follows:

17 (b) The department [~~board~~] shall issue an endorsement as a
18 multipurpose residential fire protection sprinkler specialist to a
19 person who:

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

21 (2) applies to the department [~~board~~] on a form
22 prescribed by the department [~~board~~];

23 (3) pays a fee set by the commission [~~board~~];

24 (4) presents evidence satisfactory to the department
25 [~~board~~] of successful completion of a training program approved by
26 the department [~~board~~] that provides the training necessary for the
27 proper design and installation of a multipurpose residential fire

1 protection sprinkler system as required by the applicable codes and
2 standards recognized by the state; and

3 (5) passes an examination required by the department
4 [~~board~~].

5 (f) A plumbing inspector who meets the requirements of the
6 commission [~~board~~] may inspect a multipurpose residential fire
7 protection sprinkler installation.

8 SECTION 30. Section 1301.357(b), Occupations Code, is
9 amended to read as follows:

10 (b) The department [~~board~~] shall issue an endorsement as a
11 water supply protection specialist to a person who:

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

14 (2) applies to the department [~~board~~] on a form
15 prescribed by the department [~~board~~];

16 (3) pays a fee set by the commission [~~board~~];

17 (4) presents evidence satisfactory to the department
18 [~~board~~] of successful completion of a certification program
19 approved by the department [~~board~~] for water supply protection
20 specialists; and

21 (5) passes an examination required by the department
22 [~~board~~].

23 SECTION 31. Section 1301.3575, Occupations Code, is amended
24 to read as follows:

25 Sec. 1301.3575. REGISTRATION OF PLUMBER'S APPRENTICES
26 [~~CERTAIN PERSONS~~]. The department [~~board~~] shall register a person
27 who complies with this chapter as a [~~drain cleaner, drain~~

1 ~~cleaner-restricted registrant, residential utilities installer,~~
2 ~~or]~~ plumber's apprentice.

3 SECTION 32. Section 1301.3576, Occupations Code, is amended
4 to read as follows:

5 Sec. 1301.3576. CERTIFICATE OF INSURANCE [~~AND TRAINING~~] FOR
6 PLUMBING CONTRACTOR [~~RESPONSIBLE MASTER PLUMBER~~]. Before a
7 plumbing contractor offers or performs plumbing [~~master plumber~~
8 ~~works as a responsible master plumber~~], the plumbing contractor
9 [~~master plumber~~] must~~+~~

10 [~~(1)~~] provide the department [~~board~~] with a
11 certificate of insurance that meets the requirements of Section
12 1301.552 [~~and~~

13 [~~(2) present evidence satisfactory to the board of~~
14 ~~successful completion of a training program approved or~~
15 ~~administered by the board regarding the laws and rules applicable~~
16 ~~to the operation of a plumbing business in this state].~~

17 SECTION 33. Subchapter G, Chapter 1301, Occupations Code,
18 is amended by adding Sections 1301.3581 and 1301.360 to read as
19 follows:

20 Sec. 1301.3581. RECIPROCITY. (a) The commission or
21 department may waive any prerequisite to obtaining a license,
22 endorsement, or certificate of registration issued under this
23 chapter for an applicant who holds a similar license, endorsement,
24 or certificate issued by another jurisdiction.

25 (b) The commission may make an agreement, subject to the
26 approval of the governor, with another state to allow for licensing
27 by reciprocity if the other state has requirements for a license,

1 endorsement, or certificate substantially equivalent to those of
2 this state.

3 (c) An applicant under this section must:

4 (1) apply in the same manner and form as any other
5 applicant under this chapter; and

6 (2) provide the department with documents and other
7 evidence that substantiate the applicant's qualifications.

8 (d) An applicant for a license, endorsement, or certificate
9 of registration issued under this section may not be required to
10 undergo an examination to obtain the license, endorsement, or
11 certificate if the applicant has held an equivalent license,
12 endorsement, or certificate in another jurisdiction for at least
13 two years. The department in accordance with commission rules may
14 determine whether a license, endorsement, or certificate issued by
15 another jurisdiction is equivalent to a license, endorsement, or
16 certificate issued under this chapter.

17 Sec. 1301.360. TEMPORARY LICENSE. (a) The department may
18 issue a temporary license, endorsement, or certificate of
19 registration to an applicant as provided by Section 51.407.

20 (b) Notwithstanding Section 51.407, a temporary license
21 issued under this section expires on the 30th day after the date of
22 issuance and may not be renewed.

23 SECTION 34. Section 1301.401, Occupations Code, is amended
24 to read as follows:

25 Sec. 1301.401. [~~ANNUAL~~] RENEWAL REQUIRED. (a) A license or
26 certificate of registration under this chapter is valid for one or
27 two years as determined by commission rule [~~year~~]. On payment of

1 the required fee, a license may be renewed [~~annually~~].

2 (b) The commission [~~board~~] by rule shall establish the
3 requirements for renewing a license, endorsement, or certificate of
4 registration under this chapter and may adopt a system under which
5 licenses, endorsements, and certificates of registration
6 [~~registrations~~] expire on various dates during the year.

7 (c) An endorsement issued under Section 1301.356,
8 1301.3565, or 1301.357 expires on the date the master plumber or
9 journeyman plumber license of the endorsement holder expires. Any
10 continuing education requirement established by rule and
11 applicable to an endorsement issued under this chapter must be
12 completed before the endorsement holder may renew the endorsement.

13 SECTION 35. Sections 1301.404(a), (c), (d), (e), and (f),
14 Occupations Code, are amended to read as follows:

15 (a) The commission by rule [~~board~~] shall establish:

16 (1) minimum curriculum standards for [~~recognize,~~
17 ~~approve, and administer~~] continuing education programs and courses
18 for persons who hold a license [~~licenses~~] or endorsement issued
19 [~~endorsements~~] under this chapter; and

20 (2) minimum qualifications for an instructor of the
21 continuing education programs and courses described by Subdivision
22 (1).

23 (c) The department shall approve:

24 (1) a program or course that meets the minimum
25 curriculum standards established by the commission under
26 Subsection (a); and

27 (2) an instructor who meets the minimum qualifications

1 established by the commission under Subsection (a) [~~board by rule~~
2 ~~shall adopt the criteria for the continuing professional~~
3 ~~education~~].

4 (d) A person may receive credit for participating in a
5 continuing professional education program or course only if the
6 program or course is approved by the department [~~provided:~~

7 [~~(1) by an individual, business, or association~~
8 ~~approved by the board; and~~

9 [~~(2) according to criteria adopted by the board~~].

10 (e) A person may complete the continuing professional
11 education requirement of this section through a correspondence
12 course as approved by the department [~~board~~].

13 (f) The commission [~~board~~] by rule may exempt certain
14 persons from the requirements of this section if the commission
15 [~~board~~] determines that the exemption is in the public interest.

16 SECTION 36. Section 1301.405, Occupations Code, is amended
17 to read as follows:

18 Sec. 1301.405. [~~MANDATORY~~] TRAINING FOR PLUMBER'S
19 APPRENTICE [~~DRAIN CLEANER, DRAIN CLEANER-RESTRICTED REGISTRANT,~~
20 ~~AND RESIDENTIAL UTILITIES INSTALLER~~]. The commission by rule may
21 establish continuing education requirements for persons [~~(a) To~~
22 ~~renew the certificate of registration, a person~~] who hold [~~holds~~] a
23 certificate of registration under this chapter as a plumber's
24 apprentice [~~drain cleaner, drain cleaner-restricted registrant, or~~
25 ~~residential utilities installer must annually complete at least six~~
26 ~~hours of approved training that includes training in health and~~
27 ~~safety requirements, board-approved plumbing codes, and water~~

1 ~~conservation].~~

2 ~~[(b) A person may receive credit for participating in a~~
3 ~~training program only if the program is provided.~~

4 ~~[(1) by a person approved by the board; and~~

5 ~~[(2) according to criteria adopted by the board.~~

6 ~~[(c) 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 37. Sections 1301.406(a) and (c), Occupations Code,
10 are amended to read as follows:

11 (a) On approval by the department ~~[board]~~, a person who
12 holds an unexpired license under this chapter and whose license has
13 been held continuously for at least 35 consecutive years may
14 transfer the license number on the date of the person's retirement
15 or death to another person who:

16 (1) is related within the second degree by
17 consanguinity to the transferor; and

18 (2) holds a license issued under this chapter that is
19 the same type of license as the license held by the transferor.

20 (c) The department ~~[board]~~ shall transfer a license number
21 to a person who submits an application and presents evidence
22 satisfactory to the department ~~[board]~~ that:

23 (1) the person meets the requirements under
24 Subsections (a)(1) and (a)(2); and

25 (2) the transferor is retired or dead.

26 SECTION 38. The heading to Subchapter I, Chapter 1301,
27 Occupations Code, is amended to read as follows:

SUBCHAPTER I. DISCIPLINARY ACTION [~~PROCEDURES~~]

SECTION 39. Section 1301.452, Occupations Code, is amended to read as follows:

Sec. 1301.452. GROUNDS FOR DISCIPLINARY ACTION. The commission, department, or executive director may enforce this chapter, a rule adopted under this chapter, or an order of the commission or executive director as provided by Chapter 51 [~~(a) A person is subject to disciplinary action under Section 1301.451 if the person violates this chapter, an order issued by the board, or a board rule~~]. A violation of this chapter includes:

(1) attempting to obtain or obtaining a license, endorsement, or registration through [~~error or~~] fraud;

(2) wilfully, negligently, or arbitrarily violating a municipal rule or ordinance that regulates sanitation, drainage, or plumbing;

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

(4) making a false promise with the intent to induce a person to contract for a service; [~~or~~]

(5) employing a person who does not hold a license or endorsement or who is not registered to engage in an activity for which a license, endorsement, or certificate of registration is required under this chapter;

(6) performing plumbing without holding the proper license, endorsement, or certificate of registration required by this chapter;

(7) offering to perform or performing plumbing for

1 compensation without holding a plumbing contractor license or
2 acting on behalf of a plumbing contractor, or contracting with a
3 plumbing contractor to perform the offered plumbing;

4 (8) performing plumbing in violation of a plumbing
5 code adopted under Section 1301.255; or

6 (9) failing to supervise plumbing as required by this
7 chapter or commission rule.

8 ~~[(b) Retesting procedures may be used to determine whether~~
9 ~~grounds exist for suspension or revocation of a license,~~
10 ~~endorsement, or registration due to incompetence or a wilful~~
11 ~~violation by a person licensed under this chapter.]~~

12 SECTION 40. Section 1301.501(b), Occupations Code, is
13 amended to read as follows:

14 (b) The commission ~~[board]~~ shall adopt rules under this
15 section that include a list describing the types of plumbing to
16 which this section applies.

17 SECTION 41. Section 1301.502(a), Occupations Code, is
18 amended to read as follows:

19 (a) A ~~[field representative,~~] water district plumbing
20 inspector~~[r]~~ or, within the jurisdiction of the municipality,
21 municipal plumbing inspector may issue a citation to a person who
22 engages in conduct described by Section 1301.508.

23 SECTION 42. Sections 1301.507 and 1301.5071, Occupations
24 Code, are amended to read as follows:

25 Sec. 1301.507. CIVIL PENALTY. A person who violates this
26 chapter or a rule, permit, or order of the commission issued under
27 this chapter ~~[board]~~ is subject to a civil penalty of not less than

1 \$50 or more than \$1,000 for each act of violation and for each day of
2 violation after notice is provided to the person.

3 Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE;
4 RESTITUTION. (a) The commission [~~board~~] by rule shall establish
5 procedures under which an informal settlement conference is
6 conducted to resolve a complaint against a person licensed under
7 this chapter.

8 (b) Subject to Subsection (c), the executive director
9 [~~board~~] may order a person licensed under this chapter to pay
10 restitution to a person as provided in an agreement resulting from
11 an informal settlement conference instead of or in addition to
12 assessing an administrative penalty [~~under Subchapter N~~].

13 (c) The amount of restitution ordered as provided by an
14 agreement resulting from an informal settlement conference may not
15 exceed the amount the person paid to the license holder for a
16 service regulated by this chapter. The executive director [~~board~~]
17 may not require payment of other damages or estimate harm in a
18 restitution order.

19 SECTION 43. Section [1301.551\(g\)](#), Occupations Code, is
20 amended to read as follows:

21 (g) A [~~responsible master plumber~~] plumbing contractor[~~7~~]
22 or other person who is required to obtain a permit under this
23 section is not required to pay a plumbing registration fee or
24 administrative fee in a municipality or any other political
25 subdivision.

26 SECTION 44. Section [1301.552](#), Occupations Code, is amended
27 to read as follows:

1 Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT
2 IN POLITICAL SUBDIVISION. A political subdivision that requires a
3 plumbing contractor [~~responsible master plumber~~] or an agent of a
4 plumbing contractor [~~responsible master plumber~~] to obtain a permit
5 before performing plumbing in the political subdivision shall
6 verify through the department's [~~board's~~] Internet website, or by
7 contacting the department [~~board~~] by telephone, that the plumbing
8 contractor [~~responsible master plumber~~] has on file with the
9 department [~~board~~] a certificate of insurance. The certificate of
10 insurance must:

11 (1) be written by an insurer authorized to engage in
12 the business of insurance in this state or an eligible surplus lines
13 insurer under Chapter 981 [~~, as defined by Section 981.002~~],
14 Insurance Code;

15 (2) provide for commercial general liability
16 insurance for the plumbing contractor [~~responsible master plumber~~]
17 for a claim for property damage or bodily injury, regardless of
18 whether the claim arises from negligence or on a contract; and

19 (3) provide coverage of not less than \$300,000 for all
20 claims arising in a one-year period.

21 SECTION 45. Sections 1301.652(a) and (b), Occupations Code,
22 are amended to read as follows:

23 (a) The department [~~board~~] and the Texas Workforce
24 Commission shall, through the local workforce development boards,
25 coordinate efforts to educate the public about the plumbing
26 profession and the resources available to employers for the
27 recruitment and training of plumbers, including providing:

1 (1) each local workforce development board with:

2 (A) information about the licensing requirements
3 for the plumbing profession; and

4 (B) available statistical data regarding
5 plumbing; and

6 (2) a link to each agency's Internet site and to the
7 Internet sites of other local workforce development boards.

8 (b) The department [~~board~~] may, during public and industry
9 awareness seminars, raise awareness of the career ladder in the
10 plumbing industry and the opportunities that plumbing
11 apprenticeships offer.

12 SECTION 46. Section [132.002](#)(a), Education Code, is amended
13 to read as follows:

14 (a) The following schools or educational institutions may
15 be exempted from this chapter by the commission under Subsection
16 (d):

17 (1) a school or educational institution supported by
18 taxation from either a local or state source;

19 (2) a nonprofit school owned, controlled, operated,
20 and conducted by a bona fide religious, denominational,
21 eleemosynary, or similar public institution exempt from property
22 taxation under the laws of this state;

23 (3) a school or training program that offers
24 instruction of purely avocational or recreational subjects as
25 determined by the commission;

26 (4) a course or courses of instruction or study
27 sponsored by an employer for the training and preparation of its own

1 employees, and for which no tuition fee is charged to the student;

2 (5) a course or courses of study or instruction
3 sponsored by a recognized trade, business, or professional
4 organization for the instruction of the members of the organization
5 with a closed membership;

6 (6) a private college or university that awards a
7 recognized baccalaureate, or higher degree, and that maintains and
8 operates educational programs for which a majority of the credits
9 given are transferable to a college, junior college, or university
10 supported entirely or partly by taxation from either a local or
11 state source;

12 (7) a school or course that is otherwise regulated and
13 approved under and pursuant to any other law or rulemaking process
14 of this state or approved for continuing education credit by an
15 organization that accredits courses for the maintenance of a
16 license, except as provided by Subsection (c);

17 (8) an aviation school or instructor approved by and
18 under the supervision of the Federal Aviation Administration;

19 (9) a school that offers intensive review of a
20 student's acquired education, training, or experience to prepare
21 the student for an examination, other than a high school
22 equivalency examination, that the student by law may not take
23 unless the student has completed or substantially completed a
24 particular degree program, or that the student is required to take
25 as a precondition for enrollment in or admission to a particular
26 degree program;

27 (10) a private school offering primary or secondary

1 education, which may include a kindergarten or prekindergarten
2 program, and that satisfies the compulsory attendance requirements
3 of Section 25.085 pursuant to Section 25.086(a)(1);

4 (11) a course or courses of instruction by bona fide
5 electrical trade associations for the purpose of preparing students
6 for electrical tests required for licensing and for the purpose of
7 providing continuing education to students for the renewal of
8 electrical licenses;

9 (12) a nonprofit arts organization that has as its
10 primary purpose the provision of instruction in the dramatic arts
11 and the communications media to persons younger than 19 years of
12 age;

13 (13) a course or training program conducted by a
14 nonprofit association of air conditioning and refrigeration
15 contractors approved by the Air Conditioning and Refrigeration
16 Contractors Advisory Board to provide instruction for technical,
17 business, or license examination preparation programs relating to
18 air conditioning and refrigeration contracting, as that term is
19 defined by Chapter 1302, Occupations Code;

20 (14) a course of instruction by a plumbing trade
21 association to prepare students for a plumbing test or program
22 required for licensing, registration [~~certification~~], or
23 endorsement or to provide continuing education approved by the
24 Texas Department of Licensing and Regulation [~~State Board of~~
25 ~~Plumbing Examiners~~]; and

26 (15) a course of instruction in the use of
27 technological hardware or software if the course is offered to a

1 purchaser of the hardware or software or to the purchaser's
2 employee by a person who manufactures and sells, or develops and
3 sells, the hardware or software, and if the seller is not primarily
4 in the business of providing courses of instruction in the use of
5 the hardware or software, as determined by the commission.

6 SECTION 47. Section 411.122(d), Government Code, is amended
7 to read as follows:

8 (d) The following state agencies are subject to this
9 section:

10 (1) Texas Appraiser Licensing and Certification
11 Board;

12 (2) Texas Board of Architectural Examiners;

13 (3) Texas Board of Chiropractic Examiners;

14 (4) State Board of Dental Examiners;

15 (5) Texas Board of Professional Engineers;

16 (6) Texas Funeral Service Commission;

17 (7) Texas Board of Professional Geoscientists;

18 (8) Health and Human Services Commission [~~Department~~
19 ~~of State Health Services~~], except as provided by Section 411.110,
20 and agencies attached to the commission [~~department~~], including:

21 (A) Texas State Board of Examiners of Marriage
22 and Family Therapists;

23 (B) Texas State Board of Examiners of
24 Professional Counselors; and

25 (C) Texas State Board of Social Worker Examiners;

26 (9) Texas Board of Professional Land Surveying;

27 (10) Texas Department of Licensing and Regulation,

1 except as provided by Section [411.093](#);

2 (11) Texas Commission on Environmental Quality;

3 (12) Texas Board of Occupational Therapy Examiners;

4 (13) Texas Optometry Board;

5 (14) Texas State Board of Pharmacy;

6 (15) Texas Board of Physical Therapy Examiners;

7 (16) [~~Texas State Board of Plumbing Examiners,~~

8 [~~(17) Texas State Board of Podiatric Medical~~

9 ~~Examiners,~~

10 [~~(18)~~] Texas State Board of Examiners of
11 Psychologists;

12 (17) [~~(19)~~] Texas Real Estate Commission;

13 (18) [~~(20)~~] Texas Department of Transportation;

14 (19) [~~(21)~~] State Board of Veterinary Medical
15 Examiners;

16 (20) [~~(22)~~] Texas Department of Housing and Community
17 Affairs;

18 (21) [~~(23)~~] secretary of state;

19 (22) [~~(24)~~] state fire marshal;

20 (23) [~~(25)~~] Texas Education Agency;

21 (24) [~~(26)~~] Department of Agriculture; and

22 (25) [~~(27)~~] Texas Department of Motor Vehicles.

23 SECTION 48. Section [2054.352](#)(a), Government Code, is
24 amended to read as follows:

25 (a) The following licensing entities shall participate in
26 the system established under Section [2054.353](#):

27 (1) Texas Board of Chiropractic Examiners;

- 1 (2) Judicial Branch Certification Commission;
- 2 (3) State Board of Dental Examiners;
- 3 (4) Texas Funeral Service Commission;
- 4 (5) Texas Board of Professional Land Surveying;
- 5 (6) Texas Medical Board;
- 6 (7) Texas Board of Nursing;
- 7 (8) Texas Optometry Board;
- 8 (9) Department of Agriculture, for licenses issued
- 9 under Chapter 1951, Occupations Code;
- 10 (10) Texas State Board of Pharmacy;
- 11 (11) Executive Council of Physical Therapy and
- 12 Occupational Therapy Examiners;
- 13 (12) ~~[Texas State Board of Plumbing Examiners;~~
- 14 ~~[(13) Texas State Board of Podiatric Medical~~
- 15 ~~Examiners;~~
- 16 ~~[(14)]~~ Texas State Board of Examiners of
- 17 Psychologists;
- 18 (13) ~~[(15)]~~ State Board of Veterinary Medical
- 19 Examiners;
- 20 (14) ~~[(16)]~~ Texas Real Estate Commission;
- 21 (15) ~~[(17)]~~ Texas Appraiser Licensing and
- 22 Certification Board;
- 23 (16) ~~[(18)]~~ Texas Department of Licensing and
- 24 Regulation;
- 25 (17) ~~[(19)]~~ Texas State Board of Public Accountancy;
- 26 (18) ~~[(20)]~~ State Board for Educator Certification;
- 27 (19) ~~[(21)]~~ Texas Board of Professional Engineers;

1 (20) Health and Human Services Commission

2 [~~(22) Department of State Health Services~~];

3 (21) [~~(23)~~] Texas Board of Architectural Examiners;

4 (22) [~~(24)~~] Texas Racing Commission;

5 (23) [~~(25)~~] Texas Commission on Law Enforcement; and

6 (24) [~~(26)~~] Texas Private Security Board.

7 SECTION 49. Sections 341.034(d) and (e), Health and Safety
8 Code, are amended to read as follows:

9 (d) A person who inspects homes and businesses to identify
10 potential or actual cross-connections or other contaminant hazards
11 in public water systems must hold a license issued by the commission
12 under Chapter 37, Water Code, unless the person is licensed by the
13 Texas Department of Licensing and Regulation [~~State Board of~~
14 ~~Plumbing Examiners~~] as a plumbing inspector or water supply
15 protection specialist.

16 (e) Unless the person is licensed by the Texas Department of
17 Licensing and Regulation to perform plumbing [~~State Board of~~
18 ~~Plumbing Examiners~~], a person must hold a license issued by the
19 commission under Chapter 37, Water Code, if, under a contract, the
20 person:

21 (1) installs, exchanges, connects, maintains, or
22 services potable water treatment equipment and appliances in public
23 or private water systems; or

24 (2) analyzes water to determine how to treat influent
25 or effluent water, alter or purify water, or add or remove a
26 mineral, chemical, or bacterial content or substance as part of the
27 complete installation, exchange, connection, maintenance, or

1 service of potable water treatment equipment and appliances.

2 SECTION 50. Section 341.042(b-2), Health and Safety Code,
3 is amended to read as follows:

4 (b-2) A person who installs and maintains rainwater
5 harvesting systems that are connected to a public water supply
6 system and are used for potable purposes must be licensed by the
7 Texas Department of Licensing and Regulation [~~State Board of~~
8 ~~Plumbing Examiners~~] as a master plumber or journeyman plumber and
9 hold an endorsement issued by the department [~~board~~] as a water
10 supply protection specialist.

11 SECTION 51. Section 341.068(b), Health and Safety Code, is
12 amended to read as follows:

13 (b) The executive commissioner shall adopt rules to
14 implement Subsection (a), including a rule that in providing
15 sufficient restrooms a ratio of not less than 2:1 women's-to-men's
16 restrooms or other minimum standards established in consultation
17 with the Texas Department of Licensing and Regulation [~~State Board~~
18 ~~of Plumbing Examiners~~] shall be maintained if the use of the
19 restrooms is designated by gender. The rules shall apply to
20 facilities where the public congregates and on which construction
21 is started on or after January 1, 1994, or on which structural
22 alterations, repairs, or improvements exceeding 50 percent of the
23 entire facility are undertaken on or after January 1, 1994.

24 SECTION 52. Section 372.003(d), Health and Safety Code, is
25 amended to read as follows:

26 (d) Rules adopted or amended under this section shall be
27 developed by the commission in conjunction with a technical

1 advisory panel of designated representatives of the Texas Water
2 Development Board and the Texas [~~State Board of~~] Plumbing Advisory
3 Board established under Subchapter C, Chapter 1301, Occupations
4 Code [~~Examiners~~].

5 SECTION 53. Sections 372.0035(f) and (h), Health and Safety
6 Code, are amended to read as follows:

7 (f) If a person licensed under Chapter 1301, Occupations
8 Code, violates this section, the Texas Department of Licensing and
9 Regulation [~~State Board of Plumbing Examiners~~] may discipline the
10 person [~~under Subchapter I of that chapter~~] as if a violation of
11 this section were a violation of Chapter 1301, Occupations Code
12 [~~that chapter~~].

13 (h) Within [~~A field representative of the Texas State Board~~
14 ~~of Plumbing Examiners or, within~~] the jurisdiction of a
15 municipality, a municipal plumbing inspector may issue a citation
16 to a person who violates this section.

17 SECTION 54. Section 233.154(a), Local Government Code, is
18 amended to read as follows:

19 (a) A person who builds new residential construction
20 described by Section 233.153 shall have the construction inspected
21 to ensure building code compliance in accordance with this section
22 as follows:

23 (1) for new residential construction on a vacant lot,
24 a minimum of three inspections must be performed during the
25 construction project to ensure code compliance, as applicable, at
26 the following stages of construction:

27 (A) the foundation stage, before the placement of

1 concrete;

2 (B) the framing and mechanical systems stage,
3 before covering with drywall or other interior wall covering; and

4 (C) on completion of construction of the
5 residence;

6 (2) for new residential construction of an addition to
7 an existing residence as described by Section 233.151(a)(2), the
8 inspections under Subdivision (1) must be performed as necessary
9 based on the scope of work of the construction project; and

10 (3) for new residential construction on a vacant lot
11 and for construction of an addition to an existing residence, the
12 builder:

13 (A) is responsible for contracting to perform the
14 inspections required by this subsection with:

15 (i) a licensed engineer;

16 (ii) a registered architect;

17 (iii) a professional inspector licensed by
18 the Texas Real Estate Commission;

19 (iv) a plumbing inspector employed by a
20 municipality and licensed by the Texas Department of Licensing and
21 Regulation [~~State Board of Plumbing Examiners~~];

22 (v) a building inspector employed by a
23 political subdivision; or

24 (vi) an individual certified as a
25 residential combination inspector by the International Code
26 Council; and

27 (B) may use the same inspector for all the

1 required inspections or a different inspector for each required
2 inspection.

3 SECTION 55. Section 113.081(d), Natural Resources Code, is
4 amended to read as follows:

5 (d) The commission by rule may exempt from Section
6 113.082(a)(4) [~~of this code~~] journeymen or master plumbers licensed
7 by the Texas Department of Licensing and Regulation [~~State Board of~~
8 ~~Plumbing Examiners~~].

9 SECTION 56. Section 113.087(o), Natural Resources Code, is
10 amended to read as follows:

11 (o) The commission by rule may exempt from any provision of
12 this section:

13 (1) a journeyman or master plumber licensed by the
14 Texas Department of Licensing and Regulation [~~State Board of~~
15 ~~Plumbing Examiners~~];

16 (2) a person licensed under Chapter 1302, Occupations
17 Code; or

18 (3) company representatives, operations supervisors,
19 or employees of a testing laboratory that was registered under
20 former Section 113.135 prior to the effective date of this
21 subsection.

22 SECTION 57. Section 113.097(j), Natural Resources Code, is
23 amended to read as follows:

24 (j) The commission by rule may exempt from the insurance
25 requirements of this section or adopt a reasonable alternative to
26 those requirements for:

27 (1) a master or journeyman plumber licensed by the

1 Texas Department of Licensing and Regulation [~~State Board of~~
2 ~~Plumbing Examiners~~]; or

3 (2) a person licensed under Chapter 1302, Occupations
4 Code.

5 SECTION 58. Section 1903.002(b), Occupations Code, is
6 amended to read as follows:

7 (b) The licensing requirements of this chapter do not apply
8 to a person who is:

9 (1) licensed, endorsed, or registered by the Texas
10 Department of Licensing and Regulation to perform plumbing [~~Texas~~
11 ~~State Board of Plumbing Examiners~~]; or

12 (2) a licensed engineer, registered architect, or
13 registered landscape architect to the extent the person's acts are
14 incidental to the pursuit of the person's profession.

15 SECTION 59. The following provisions of the Occupations
16 Code are repealed:

17 (1) Sections 51.351(c) and (d);

18 (2) Section 1301.002(9-a);

19 (3) Section 1301.003;

20 (4) Section 1301.153;

21 (5) Section 1301.155;

22 (6) Section 1301.156;

23 (7) Section 1301.159;

24 (8) Section 1301.201;

25 (9) Section 1301.204;

26 (10) Section 1301.205;

27 (11) Section 1301.207;

- 1 (12) Section 1301.208;
- 2 (13) Section 1301.252;
- 3 (14) Section 1301.254;
- 4 (15) Section 1301.256;
- 5 (16) Section 1301.258, as added by Chapter 1276 (H.B.
6 3507), Acts of the 78th Legislature, Regular Session, 2003;
- 7 (17) Section 1301.258, as added by Chapter 819 (S.B.
8 282), Acts of the 78th Legislature, Regular Session, 2003;
- 9 (18) Section 1301.259;
- 10 (19) Section 1301.260;
- 11 (20) Section 1301.261;
- 12 (21) Section 1301.301;
- 13 (22) Section 1301.3015;
- 14 (23) Section 1301.303;
- 15 (24) Section 1301.304;
- 16 (25) Section 1301.351(a-2);
- 17 (26) Section 1301.3521;
- 18 (27) Section 1301.355;
- 19 (28) Section 1301.356(c);
- 20 (29) Section 1301.3565(c);
- 21 (30) Section 1301.357(c);
- 22 (31) Section 1301.358;
- 23 (32) Section 1301.3585;
- 24 (33) Section 1301.402;
- 25 (34) Section 1301.403;
- 26 (35) Section 1301.451;
- 27 (36) Section 1301.4521;

- 1 (37) Section 1301.4522;
- 2 (38) Section 1301.453;
- 3 (39) Section 1301.454;
- 4 (40) Section 1301.502(b);
- 5 (41) Section 1301.504;
- 6 (42) Section 1301.5045;
- 7 (43) Section 1301.505;
- 8 (44) Section 1301.506; and
- 9 (45) Subchapter N, Chapter 1301.

10 SECTION 60. (a) The Texas State Board of Plumbing Examiners
11 is abolished but continues in existence until September 1, 2020,
12 for the sole purpose of transferring obligations, property, rights,
13 powers, and duties to the Texas Department of Licensing and
14 Regulation. The Texas Department of Licensing and Regulation
15 assumes all of the obligations, property, rights, powers, and
16 duties of the Texas State Board of Plumbing Examiners as they exist
17 immediately before the effective date of this Act. All unexpended
18 funds appropriated to the Texas State Board of Plumbing Examiners
19 are transferred to the Texas Department of Licensing and
20 Regulation.

21 (b) The Texas State Board of Plumbing Examiners and the
22 Texas Department of Licensing and Regulation shall, in consultation
23 with appropriate state entities, ensure that the transfer of the
24 obligations, property, rights, powers, and duties of the Texas
25 State Board of Plumbing Examiners to the Texas Department of
26 Licensing and Regulation is completed not later than September 1,
27 2020.

1 (c) All rules of the Texas State Board of Plumbing Examiners
2 are continued in effect as rules of the Texas Department of
3 Licensing and Regulation until superseded by a rule of the Texas
4 Department of Licensing and Regulation. A license, endorsement, or
5 certificate of registration issued by the Texas State Board of
6 Plumbing Examiners is continued in effect as provided by the law in
7 effect immediately before the effective date of this Act. An
8 application for a license, endorsement, or certificate of
9 registration pending on the effective date of this Act is continued
10 without change in status after the effective date of this Act. A
11 complaint, investigation, contested case, or other proceeding
12 pending on the effective date of this Act is continued without
13 change in status after the effective date of this Act.

14 (d) Unless the context indicates otherwise, a reference to
15 the Texas State Board of Plumbing Examiners in a law or
16 administrative rule means the Texas Department of Licensing and
17 Regulation.

18 SECTION 61. Notwithstanding any other provision of this
19 Act:

20 (1) the authorization of a person holding a
21 designation on September 1, 2019, to act as a responsible master
22 plumber continues in effect until September 1, 2020;

23 (2) a person is not required to hold a plumbing
24 contractor license to perform or offer to perform plumbing for
25 compensation until September 1, 2020; and

26 (3) a person holding a designation to act as a
27 responsible master plumber on September 1, 2019, may apply at no

1 cost to the person for a plumbing contractor license until
2 September 1, 2020, and after September 1, 2020, if the person
3 applies for a plumbing contractor license, the person shall pay any
4 fee required by law for the plumbing contractor license.

5 SECTION 62. (a) Not later than December 1, 2019, the
6 presiding officer of the Texas Commission of Licensing and
7 Regulation shall appoint members to the Texas Plumbing Advisory
8 Board in accordance with Section 1301.151, Occupations Code, as
9 amended by this Act. A member whose term expired under Section 60
10 of this Act is eligible for appointment to the advisory board.

11 (b) The members of the Texas State Board of Plumbing
12 Examiners whose terms expire under Section 60 of this Act shall
13 continue to provide advice to the Texas Department of Licensing and
14 Regulation until a majority of the members of the advisory board are
15 appointed under Subsection (a) of this section and qualified.

16 SECTION 63. (a) Not later than:

17 (1) September 1, 2021, the Texas Department of
18 Licensing and Regulation shall obtain criminal history record
19 information using a person's name, date of birth, and other
20 alphanumeric identifiers on each person who:

21 (A) on September 1, 2019, holds a license issued
22 under Chapter 1301, Occupations Code; and

23 (B) did not undergo a criminal history record
24 information check based on the person's name or fingerprints on
25 submission of the person's initial license application; and

26 (2) September 1, 2023, the Texas Department of
27 Licensing and Regulation shall obtain criminal history record

1 information using a person's fingerprints on each person who:

2 (A) on September 1, 2019, holds a license issued
3 under Chapter 1301, Occupations Code; and

4 (B) did not undergo a criminal history record
5 information check based on the person's fingerprints on submission
6 of the person's initial license application.

7 (b) The Texas Department of Licensing and Regulation may
8 suspend the license of a person who holds a license under Chapter
9 1301, Occupations Code, who does not comply with a request by the
10 department to provide information or fingerprints, in a form and
11 manner prescribed by the department, that would enable the
12 department to obtain criminal history record information as
13 required by this section.

14 SECTION 64. (a) A violation of a law that is repealed by
15 this Act is governed by the law in effect when the violation was
16 committed, and the former law is continued in effect for that
17 purpose.

18 (b) For purposes of this section, a violation was committed
19 before September 1, 2019, if any element of the violation occurred
20 before that date.

21 SECTION 65. To the extent of any conflict, this Act prevails
22 over another Act of the 86th Legislature, Regular Session, 2019,
23 relating to nonsubstantive additions to and corrections in enacted
24 codes.

25 SECTION 66. This Act takes effect September 1, 2019.